

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.37339 of 2021

Bichitra Nanda Chhualsingh & Ors.

Petitioner(s)

Mr. P.K. Rath,
Advocate

-versus-

State of Odisha & Ors.

Opposite Party(s)

Mr. S. Mishra,
ASC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
13.12.2022**

Order No.

11.

1. This Writ Petition involves the following relief:-

“The petitioners, therefore, pray that your Lordships would be graciously pleased to admit this Writ Petition, call for the records and after hearing the parties allow the same, issue writ/writs in the nature of certiorari/ mandamus and/or any other further writ/direction and direct the Opposite Parties to consider the petitioners’ grievance and set-aside impugned order under Annexure-1 and further direct the opposite parties to provide a passage of 638’ in length with 30’ width over Plot No.348, Khata No.277, Village- Aiginia, Tahasil- Bhubaneswar, for ingress and egress of the residents.”

2. In the last occasion there was an expression/anxiety of the Petitioners for not having proper road passage to the land involved herein. This Court on 28.11.2022 on threadbare contest passed the following order:-

“1. Heard in part.

2. Mr. Mishra, learned Additional Standing Counsel stress reliance on the sketch map filed along with counter of opposite party no.2 to counter the claim of the petitioner. Counter is not available on record. Counter affidavit be brought on record.

3. On production of copy of counter by learned counsel appearing for the Municipality, it is observed, State may be justified in its action. Mr. Rath, learned counsel appearing for the petitioners is unable to meet to the response of the State Counsel for not supply of parallel copy of the sketch map provided with the counter. Mr. Mishra, learned State Counsel is directed to serve a copy of the sketch map appended to the counter affidavit on Mr. Rath, learned counsel at least two days hence.

4. Place this matter on 05.12.2022 for further hearing.

5. Interim order passed earlier shall continue till next listing of this case.”

3. Today the State-authorities after conducting a joint field inquiry have filed counter affidavit and in paragraph no.16 therein the State-authorities have made the following averments:-

“16. That the aforesaid filed enquiry report reveals that there is a conventional road to the extreme end of adjacent Plot No. 347 and 349 which is being used by the petitioners and the villagers for their ingress and egress to the pond and daily market and potato godown. The petitioners have highlighted that portion of the conventional road in the sketch map attached in their representation dated 14.10.2020 to connect both the ends of the existing passage over Plot No.347 and 349. The joint field enquiry report also reveals that there is unhindered access to the petitioner’s plot and hence, their prayer to use Plot no. 348 as road appears to be unwarranted. The joint enquiry report alongwith joint enquiry map and map showing the encroachment made by the petitioners are annexed at **Annexure A/1 (Series).**”

4. While finding a road passage to the land involved herein, there is also attachment of a map showing the road provision to the land in question. This Court recording the satisfaction of the Petitioner for the commitment of the State finds, there may not be any issue surviving.

5. In the circumstance, this Court finds, the difficulty of the Petitioners to have a road passage over the plot No.348 for their use is already shut out. This Court finds, for the assurance of the State-authorities and the commitment through the counter affidavit, no further order is necessary. The State Authorities shall be abided by their commitment.

6. The writ petition is, accordingly, disposed of with the above observation.

(Biswanath Rath)
Judge

Ayaskanta Jena

