

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.2427 of 2022

Khira Baral & Ors. *Petitioners*
Mr. Pramod Kumar Sahoo, Adv.
-versus-
State of Odisha and Ors. *Opposite Parties*
Mr. G.R. Mohapatra, ASC

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
07.12.2022

02. 1. This matter is taken up through hybrid arrangement.
2. Heard.
3. In this CRLMP, the Petitioners seek a direction from this Court to the Opposite Party No.2/ Inspector-In-Charge, Balanga Police Station, Balanga, District-Puri to implement the order of status quo dated 08.12.2021 passed by the learned Civil Judge (Junior Division), Nimapara in I.A. No.55 of 2021 arising out of C.S. No.81 of 2021.
4. Learned counsel for the Petitioners submits that the Petitioners had filed an application under Order-39, Rules-1 and 2 read with Section 151 of the C.P.C. for temporary injunction before the learned Civil Judge (Junior Division), Nimapara. After hearing the parties, learned Civil Judge (Junior Division), Nimapara vide

order dated 08.12.2021 passed in I.A. No.55 of 2021 arising out of C.S. No.81 of 2021 directed both the parties to maintain status quo over the suit schedule land till disposal of the original suit. Despite the aforesaid order of status quo, the Opposite Party Nos.3 to 9 intentionally digging earth from the suit schedule land and constructed concrete pillars for making building. Therefore, the Petitioner No.2 (Bhagabat Baral) lodged F.I.R. before the Opposite Party No.2/ Inspector-In-Charge, Balanga Police Station, Balanga, District-Puri. The F.I.R. being received, the police called the Opposite Party Nos.3 to 9 to Balanga Police Station. The Opposite Party No.7 (Banambara Pradhan) submitted an undertaking before the Police Station that he had not constructed building over the suit schedule property. But after seven days, the said Opposite Party Nos.3 to 9 again constructed building over the suit schedule property disobeying the order of status quo passed by the learned Civil Judge (Junior Division), Nimapara. Therefore, the Petitioners again lodged F.I.R. before the Opposite Party No.2/ Inspector-In-Charge, Balanga Police Station, Balanga, District-Puri. But the local police is not taking any legal action against the Opposite Party Nos.3 to 9. Hence, this CRLMP.

5. Learned counsel for the State, on the other hand, submits that C.S. No.81 of 2021 is pending now before the learned Civil Judge (Junior Division), Nimapara and vide order dated 08.12.2021 passed in I.A. No.55 of 2021 the learned Civil Judge (Junior Division), Nimapara directed both the parties to maintain status quo over the suit schedule land till disposal of the original suit. The Petitioners had been to Balanga Police Station and approached the Opposite Party No.2/ Inspector-In-Charge, Balanga Police Station, Balanga, District-Puri that the Opposite Parties Nos.3 to 9 were violating the order of status quo passed by the court. The Opposite Party No.2/ Inspector-In-Charge, Balanga Police Station, Balanga, District-Puri suggested them to approach the court by filing an appropriate petition and if the court passes direction on such petition, appropriate action will be taken against the Opposite Party Nos.3 to 9.

6. Considering the facts and submissions made by the learned counsel for the parties, the Petitioners are directed to approach the learned Civil Judge (Junior Division), Nimapara for redressal of their grievance by way of appropriate petition within a period of fifteen days from today. On such event, learned Civil Judge

(Junior Division), Nimapara shall dispose of the petition to be filed by the Petitioners in accordance with law.

7. Accordingly, this CRLMP is disposed of.

8. Urgent certified copy of this order be granted on proper application.

(Dr. S.K. Panigrahi)
Judge

B.Jhankar

