

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32135 OF 2022

Chitta Ranjan Mishra **Petitioner**
Mr. Rabi Naryan Behera, Advocate

-versus-

Regional Director, RBI, Bhubaneswar **Opp. Parties**
and others

Mr. Prabir Kumar Ray, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
14.12.2022

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. As submitted by Mr. Prakash Kumar Mishra, learned counsel, his appearance on behalf of the Indusind Bank Ltd., may be ignored.
 3. The Petitioner in this writ petition prays for a direction to release his vehicle bearing Registration No.OD-05-S-2242 (Bus), which is forcefully seized by the Indusind Bank.
 3. Mr. Ray, learned counsel for the Indusind Bank by filing counter affidavit submits that similar nature of application in W.P.(C) No.29000 of 2022 was filed by the Petitioner for self-same prayer, which was dismissed vide order dated 15th November, 2022, as the vehicle in question was already sold in a public auction on 21st October, 2022. Suppressing the said fact, this writ petition has been filed.
 4. Although a certificate is given with regard to disposal of W.P.(C) No.29000 of 2022, but no averments to that effect is

made to the writ petition. The subsequent application made by the Petitioner is nothing but a repetition of the averments and prayer made in the earlier writ petition. Hence, it is an abuse of process of Court. At this stage, Mr. Behera, learned counsel for the Petitioner prays for withdrawal of the writ petition.

5. The writ petition is allowed to be withdrawn subject to payment of cost of Rs.10,000/- (Rupees Ten Thousand) by the Petitioner for suppression of material facts and wasting judicial time of the Court. The Tahasildar, Cuttack Sadar is directed to recover the same from the Petitioner under the provisions of The Odisha Public Demands Recovery Act, 1962.

6. Registry is directed to send a copy of this order to the Tahasildar, Cuttack Sadar for proper action and a copy of this order also handed over to Mr. Baibaswata Panigrahi, learned Additional Standing Counsel for communication and compliance.

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

(K.R. Mohapatra)
Judge

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