

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC NO.39254 OF 2021

Ashok Kumar Swain

....

Petitioner

Mr.P.K.Behera, Adv.

-versus-

State of Odisha & ors.

....

Opposite Parties

Mr.S.Ghose, ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
3.1.2022

Order No.

01.

1. The Writ Petition involves the following prayer :-

“It is therefore prayed that your Lordship may please be admit this case after hearing both the parties order may kindly be passed :-

- a) As to why Opp.Party No.3 would not be directed to hear this show cause petition in the first instance before the disposal of the case, if she do not show cause or shows any sufficient cause the issue a writ of “Mandamus” in nature thereby directing the opp.party No.3 to hear the show cause petition in the first instance before the disposal of the case by the opp.party No.3 in question.
- b) To directing the opp.party No.3 for order passing the order of measurement of the breadth of the road before the disposal of the Encroachment case in question.
- c) And/or may pass such other order/order(s)/direction(s) as this Hon’ble Court may deem just and proper in the circumstances of this case..”

2. The Petitioner even though alleges that in the proceeding, vide Encroachment Case No.13 of 2021, the Petitioner appeared pursuant to the notice at Annexure-3, even after hearing is conducted, there is no communication of any order passed therein and the meantime, there has been attempt for eviction of the Petitioner.

3. This Court finds, there is a clear mismatch in the prayer portion of the Writ Petition and the submission of the Petitioner. In the circumstances, this Court finds, the Writ Petition is not entertainable at this stage and the same stands dismissed. If so advised, the Petitioner may file a better Petition.

M.K.Rout

