

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.34084 of 2022

Deepankar Swain

.....

Petitioner

Mr. N. Lenka, Advocate

Vs.

State of Odisha & Others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

15.12.2022

Order

No.

1.

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. The present Writ Petition has been filed with the following prayer:-

“The Petitioners therefore, prayed that this Hon’ble Court would graciously be pleased to admit the writ petition, issue Rule Nisi in the nature of writ of mandamus or any other writ(s) as deem fit and proper calling upon the Opp. Parties to show cause as to why the diversion of proposed construction of road from Guru Kelucharan Park to Patia Railway Station, in Bhubaneswar town, as per the map vide Annexure-5, from the eastern side to South Western corner of the proposed land use plan (final proposal) under Annexure-4 shall not be implemented/carried out and the modified proposal for taking the said road over the private land of the petitioner shall not be quashed and as to why they shall not be directed to construct the road in question as per original plan under Annexure-4 and/or to explore availability of Govt. and Private land lying fallow nearby the diverted road to avoid/minimize displacement;

And if the Opp. parties fail to show cause or show

insufficient cause the said Rule be made absolute;

And pass this writ/writs order/orders, this Hon'ble Court deem fit and proper in the facts and circumstances of the case."

4. In course of hearing, learned counsel for the Petitioner states that highlighting his grievances, the Petitioner has made a representation to Opposite Party No.3 vide Annexures-7 & 8 and the same may be directed to be considered within a stipulated time, to which learned Counsel for the State has no objection.

5. As agreed by learned counsel for the parties and after going through the records, this Court, without expressing any opinion on the merits of the case, disposes of the Writ Petition directing Opposite Party No.3 to consider the representation filed by the petitioner vide Annexures-7 & 8 and pass appropriate order in accordance with law within a period of four weeks from the date of production of certified copy of this order.

Issue urgent certified copy as per Rules.

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE

Sangita