

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41125 of 2021

Partha Sarathi Pahi

....

Petitioner(s)

Mr. P. Acharya,
Sr. Advocate

-versus-

***Odisha Mining Corporation Ltd. &
Ors..***

....

Opposite Parties

Mr. S. Ghose,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
11.03.2022**

Order No.

2.

1. In filing this writ petition the Petitioner has alleged that involving one accident on the road involved herein, the Opposite Party No.2 has taken a decision in changing the movement position; may be in a way to prevent any such accident taken place in the area, but without considering the prospect of the users of that road in the locality including that of the Petitioner, who has a business establishment in the locality.

2. Mr. Acharya, learned Sr. Advocate brings to the notice of this Court that the Petitioner's Establishment since engages large number of employees, by the illegal action of the Opposite Party No.2 there is even difficulty in the meantime to employees of the Petitioner's Establishment. Giving reference to the provision at Section 115 of the Motor Vehicle Act, 1988 read with Rule 173 of the Odisha Motor Vehicle Rules, 1993 it is also claimed that for the

statutory provision the Collector is the competent authority to take a decision in the matter. It is, in this view of the matter, Mr. Acharya, learned Sr. Advocate requested this Court for at least sending the writ petition to the Opposite Party No.4 to look into the grievance of the Petitioner as well as the inconvenience to the Petitioner's establishment, for taking a lawful decision on the obstruction already created involving the road involved.

3. Considering strength in the submission of Mr. Acharya, learned Sr. Advocate and finding that a business establishment in shape of a Petrol Pump already there with engagement of 15 employees, have started losing their livelihood and further looking to the damage in the prospect of running of such establishment for the unilateral decision further alleged to be illegal exercise of power by the Opposite Party No.2, this Court in disposal of the writ petition directs the Opposite Party No.4 to look into the grievance of the Petitioner through this writ petition and take a lawful decision in the matter as appropriate by completing the entire exercise within a period of two months from the date of communication of this order, but however, involving the Petitioner. Petitioner is directed to supply a copy of the writ petition with Annexures alongwith copy of the order of this Court to the Opposite Party No.4 at least within a period of one week and take the date of hearing of the proceeding.

4. The writ petition stands disposed of.

(Biswanath Rath)
Judge