IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8336 of 2005

CNR No.ODHC010012542005

Susanta Kumar Panda …. ***Petitioner***

Mr. S.R. Mohanty, Advocate

-versus-

…. ***Opp. Parties***

State of Odisha and others

Ms. Suman Pattanayak, AGA

CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

28.10.2026

(*Hybrid Mode*)

Order No.

04. **1**. The matter was presented before this Court on 30.06.2005 and is kept pending for the last 21 years.

2. The matter is prioritised and listed at the top of the day's list under the heading 'Old Matters'.

3. None had appeared for the petitioner when the matter was listed on 09.10.2026 and was taken up being prioritised and under the heading 'Old Matters'.

4. By order dated 05.07.2005 the Division Bench then having determination had passed the following order:

> "*Heard.*
> *Issue notice to the opposite parties by registered post with A/D making it returnable within six weeks.*
> *Petitioner shall file requisites by tomorrow.*
> *Meanwhile, notice dated 23.3.2005 under*

Annexure-6 and Order dated 24.6.2005 under Annexure-9 to the petition in respect of the shop of the petitioner shall not be implemented. Urgent certified copy of this order be granted on proper application."

5. Apparently the interim order is continuing for the last 21 years without the matter being listed. The agreement of the Petitioner was for operating the medicine shop in the campus of the District Headquarters Hospital, Phulbani in the district of Kandhamal for the period not exceeding ten years as indicated in Paragraph-11 of the agreement, which is reproduced herein:

"11. That the lessee is hereby given permission to open a 24-hour medicine and drug store for a period not exceeding ten years from the date of execution of this deed. No such permission will be given unless the lessee makes a deposit of the non-refundable fees as mentioned in the G.O. No.49197/H, Dt.06.12.96."

6. The period of ten years is over since 2007 as agreement is dated 01.08.1997 as is evident from the Page-14 of the Writ Petition. After the agreement period is over, 19 years have been passed.

7. It is submitted by Mr. Mohanty, learned counsel for the petitioner that as per his instruction nothing would survive for adjudication after 21 years and he files a memo of date which states thus:

"That it is most respectfully submitted that, as per the instruction of the petitioner, the case

has become infructuous due to its long pendency and certain developments which have occurred in the meantime. For such, the petitioner prays and seeks for withdrawal of the present case.

That the petitioner shall be ever grateful for such act of kindness."

The memo shall be taken on record. Scanned copy be updated.

8. The writ petition is disposed of.

(Mruganka Sekhar Sahoo)
Judge

Jyostna

Signature Not Verified
Digitally Signed
Signed by: JYOSTNARANI MAJHEE
Reason: Authentication
Location: OHC
Date: 31-Oct-2026 15:58:21