**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.15435 of 2005**

CNR No. ODHC010020922005

**Golaphula Mahakul** .... **Petitioner**

None

*-versus-*

**State of Orissa and others** .... **Opp. Parties**

Ms. Suman Pattnayak, AGA

**CORAM:**

**HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO**

**ORDER**

**28.10.2026**

(*Hybrid Mode*)

**Order No.**

**4.** **1.** The Writ Petition being of the year 2005 is prioritised and listed at the top of the day's list under the heading 'Old Matters', none appears for the Petitioner when the matter is called.

**2.** The prayer made in the Writ Petition is thus:

> *"In this light of the above facts and circumstances, it is humbly prayed that your Lordship may graciously be pleased to quash the order dated 23.5.2005 vide Annexure-10"*

**3.** Annexure-10 is a letter issued by the Chief District Medical Officer, Kandhamal dated 22.03.2005 for shifting of the medicine shop. Copy of the agreement entered into by the Petitioner with the Opposite Parties-Authorities representing the

Governor of Odisha has been annexed to the Writ Petition marked as Annexure-4, is dated 13.12.1999. The lease period was for five years and over since 2004. The agreement clause reflecting the period of lease at Paragraph-11 (Page-16 of the Writ Petition) 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 five 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.15898/H, dt.24.4.98 and shall liable to deposit further amount in respect of ground rents/security deposit etc. as may be raised by the Government from time to time."*

**4.** Now 22 years have been passed after the lease period was over in 2004. The Division Bench earlier having determination by order dated 12.01.2006 had passed the following order:

> *"Issue notice to the opposite parties.*
>
> *Learned counsel for the petitioner is directed to serve three extra copies of the writ petition upon the learned Government Advocate by tomorrow.*
>
> *Meanwhile, notice dated 23.3.2005 under Annexure-10 and letter dated 24.6.2005 under Annexure-11 to the petitioner in respect of the shop of the petitioner shall not be implemented.*
>
> *This matter will be heard along with W.P.(C) No.8336 of 2005.*
>
> *Urgent certified copy of this order be granted on proper application."*

**5.** None appears for the Petitioner when the matter is called. None had appeared when the matter was listed on 09.10.2026 and the following was directed:

> *"**5.** To grant further opportunity to the Petitioner, the matter shall be listed under the same heading and priority on 15th October, 2026 indicating that the matter shall be finally heard and disposed of."*

**6.** Apparently after filing of the case the matter is kept pending for last 21 years. The Petitioner is not interested in prosecuting the matter. As indicated at Paragraph-3 above the period of lease was five years which is over since 2004, 22 years back.

**7.** Accordingly, the Writ Petition is dismissed being devoid of any merit and also for non-prosecution.

**8.** The learned Additional Government Advocate shall forward the copy of this order to the appropriate authority, who are the Opposite Parties.

**(Mruganka Sekhar Sahoo)**
**Judge**

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Signed by: AMIT KUMAR MOHANTY
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 29-Oct-2026 12:46:08