

(2021) 11 OHC CK 0126

In the Orissa High Court

Case No : Writ Petition (Civil) No. 22727 Of 2021

Gandhraba Behera And Others

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 18-11-2021

Acts Referred:

Citation : (2021) 11 OHC CK 0126

Hon'ble Judges : K. R. Mohapatra, J

Bench : Single Bench

Advocate : Biswaranjan Mohapatra, Dillip Kumar Mishra,

Final Decision : Disposed Of

Judgement

K.R.Mohapatra, J

1. This matter is taken up through hybrid mode.
2. The grievance of the Petitioners in this writ petition is with regard to inaction of the Tahasildar, Balipatna-Opposite Party No.4 and Block Development Officer, Balipatna-Opposite Party No.5 in taking steps to remove the poultry firm set up by Opposite Party Nos.7 to 9 encroaching upon the public road.
3. This Court vide order dated 25th August, 2021 directed learned State Counsel to take instruction in the matter. Again on 15th September, 2021, learned State Counsel prayed for some more time to take instruction in the matter. When the matter was taken up on 5th October, 2021, again similar prayer was made by learned State Counsel and as a last chance, the matter was directed to be listed on 15th November, 2021. Direction was also made to learned State Counsel to take instruction in the matter. In spite of the same, Mr. Mishra, learned Additional Government Advocate prays for some more time to take instruction in the matter.
4. In that view of the matter, this Court is constrained to direct the Tahasildar, Balipatna-Opposite Party No.4 and Block Development Officer, Balipatna-Opposite Party No.5 respectively to appear in person before this Court on 2nd

December, 2021 and assist the Court for disposal of the case. It is made clear that appearance of the Opposite Party Nos.4 and 5 shall not be treated as their official duty.

5. Registry is directed to communicate this order to the Tahasildar, Balipatna-Opposite Party No.4 and Block Development Officer, Balipatna-Opposite Party No.5 forthwith and also to intimate the Collector-cum-District Magistrate, Khurda-Opposite Party No.3 to take steps so that such situation can be avoided in future.

6. Put up this matter on 2nd December, 2021.

7. A free copy of this order be supplied to Mr. Mishra, learned Additional Government Advocate for the State for compliance.

Urgent certified copy of this order be granted on proper application.

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