
(2023) 05 OHC CK 0222

In the Orissa High Court

Case No : Writ Petition (C) No.10809 Of 2023

Pravat Kumar Padhi And Others

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 15-05-2023

Acts Referred:

Citation : (2023) 05 OHC CK 0222

Hon'ble Judges : Arindam Sinha, J;S.K. Mishra, J

Bench : Division Bench

Advocate : Suryakanta Dash, A. K. Sharma, Shivsankar Mohanty

Judgement

1. The writ petition has been listed under heading 'To Be Mentioned' at instance of petitioners, on having filed a memo seeking to withdraw the writ petition with liberty to file afresh. Mr. Dash, learned advocate appears on behalf of petitioners.
2. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State. Mr. Mohanty, learned advocate appears on behalf of applicant intervener (Konark Bar Association). Mr. Sharma and Mr. Mohanty oppose the prayer for withdrawal of the writ petition with liberty. They submit, petitioners, if to withdraw, must do so unconditionally. Mr. Dash submits, in that case he does not want to press the memo.
3. On query from Court Mr. Mohanty submits, his client did not have opportunity to resist making of order dated 6th February, 2023 by the First Division Bench, directing petitioners' representation to be examined by the Tahsildar and, inter alia, reasoned order be passed. He submits, the writ petition was listed under heading 'for order' and his clients, though had filed application for intervention, name of the learned advocate was not reflected in the list. On further query from Court he submits, his clients thereafter did not take steps for recall/modification of said order dated 6th February, 2023.
4. Aforesaid order dated 6th February, 2023, pursuant to which impugned order dated 31st March, 2023 was passed, also gave liberty to petitioners to seek

appropriate remedy in accordance with law. Petitioners are before us with the writ petition and they now want to press it. Mr. Dash submits, in event hearing is adjourned, there be order of status-quo as construction is going on in full swing.

5. We will consider prayer for interim intervention on adjourned date. The adjournment is being granted for notice of State and the intervener that submission has been made on behalf of petitioners regarding impugned order being without reasons.

6. List on 17th May, 2023 under heading 'Fresh Admission'.

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