
(2022) 06 OHC CK 0034

In the Orissa High Court

Case No : Writ Petition (C) No. 12997 Of 2022

Purna Chandra Padhi And Another

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 13-06-2022

Acts Referred:

Citation : (2022) 06 OHC CK 0034

Hon'ble Judges : Sashikanta Mishra, J

Bench : Single Bench

Advocate : S.B. Mohanty, P. Bharadwa

Final Decision : Disposed Of

Judgement

Sashikanta Mishra, J

1. This matter is taken up through hybrid mode.
2. Learned counsel for the petitioners is permitted to implead the Superintending Engineer Drainage Division, Puri as Opposite Party No.7 in the Court.
3. This is the second journey of the petitioners to this Court. Earlier, they had filed W.P.(C) No.13343 of 2021 which was disposed of by this Court on 29.10.2021 by passing, inter alia the following order:-

xxx xxx xxx xxx xxxx xxxx

"Taking into consideration the submissions of learned counsel for the parties and on perusal of the affidavits dated 29th July, 2021 and 22nd September, 2021 filed by the Tahasildar, Puri Sadar-Opposite Party No.6, this writ petition is disposed of with a direction to the Executive Engineer, Drainage Division, Puri-Opposite Party No.5 as well as Tahasildar, Puri Sadar-Opposite Party No.6 to see that there shall be no obstruction over the case land in future, which is a water channel. If any complaint is received by Opposite Party Nos.5 and 6 with regard to obstruction of the said water channel over the case land, immediate action for

its removal shall be taken by them.”

4. It is submitted that pursuant to such order both the petitioners and one Jagadananda Mishra and others submitted complaint regarding obstructions in the water channel because of construction of concrete bridge by one Nakula Das across Plot No.109 under Khata No.355 of Mouza-Bharatipur. It appears that basing on such complaint the R.I. of Biraharekrushnapur was instructed to inquire into the matter and after due inquiry he reported that in fact such a construction is in progress as also the chance of obstruction of water. Accordingly, the Tahasildar, Puri in his letter dated 06.06.2022 requested the Superintending Engineer to remove the obstruction for necessary compliance of the order passed by this Court.

5. Sri S.B. Mohanty, learned counsel appearing for the petitioner submits that despite clear instruction, the Superintending Engineer has not taken any steps on the ground that no police force is available to be deployed during removal of the obstruction.

6. Learned Additional Government Advocate fairly submits that on necessary requisition being made by the Superintending Engineer, the Tahasildar can take steps to deploy police force required for the purpose.

7. Considering the submissions as above and the materials on record, this Court deems it proper to dispose of the Writ Petition by directing the Superintending Engineer (Opposite Party No.7) to take steps to remove the obstruction over the water channel as per the letter of the Tahasildar as referred above. The Tahasildar, Puri is also directed to make arrangements for deployment of requisite police force for the purpose.

8. Issue urgent certified copy as per rules.

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