

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3054 of 2021

(Through Hybrid mode)

Badal Kumar Jogania and another

Petitioners

Mr. A. K. Budhia, Advocate

Mr. N. Lenka, Advocate

-versus-

State of Odisha and another

Opposite Parties

Mr. A. K. Sharma, AGA

Mr. A. K. Nath, Advocate

CORAM:

JUSTICE ARINDAM SINHA

JUSTICE SANJAY KUMAR MISHRA

ORDER

28.02.2023

I.A. no.4482 of 2022

Order No.

05.

1. We by our order dated 21st February, 2023 had directed petitioner no.1 to be present in Court on adjourned date. Mr. Budhia, learned advocate appears and submits, his client is applicant, who has been impersonated as petitioner no.1, by forging his signature. His client is present in Court. In the affidavit supporting the petition as well as in the Vakalatnama executed in favour of the learned advocates mentioned therein, the signatures have been forged.
2. Mr. Lenka, learned advocate appears and submits, his junior Mr. N. N. Goswami, also mentioned in the Vakalatnama, obtained

signatures of, inter alia, applicant.

3. We directed applicant to encircle the signatures appearing in the affidavit and Vakalatnama and also write his comment with signature and date. He has done so.

4. We proceed on basis that applicant was impersonated. He has filed I.A. no.4482 of 2022 with prayer for directing investigation and enquiry to find out the culprit and also for dismissing the writ petition. Petitioner no.2 was present and we are satisfied he is interested to prosecute the writ petition. In the circumstances, we are inclined to and direct that name of petitioner no.1 be struck out as obviously, applicant does not have any interest in the case. Petitioner no.2 will become sole petitioner. Consolidated cause title be filed and copies thereof served on Mr. Sharma, learned advocate, Additional Government Advocate appearing on behalf of State and Mr. Nath, learned advocate appearing for the Commissioner. Applicant's appearance is dispensed with. The I.A. is disposed of.

5. List the writ petition on 20th March, 2023, as prayed for by Mr. Lenka.

(Arindam Sinha)
Judge

(S. K. Mishra)
Judge