



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 267 of 2026

Sri Kaushik Chandra Sahu

.....

Petitioner

Mr. Gopinath Mishra, Advocate

-versus-

1. State of Odisha

2. Mangala Alati Welfare

Association represented through its

Secretary Sri Bipin Bihari Panda,

At-Balisahi, PO/PS-Puri Town,

District-Puri

.....

Opposite Parties

Mr. R.B. Dash, ASC

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

27.02.2026

Order No.

01.

(Through hybrid mode)

1. This CRLMP has been filed with a prayer *“to pass an order to the learned Court below to entertain the stay petition dated 21.01.2026 filed by the Petitioner along with the Criminal Revision No.02/50 of 2026 and allow the Petitioner to use his residential flat for living and sustenance of his family to secure ends of justice.”*
2. The Secretary, Mangala Alati Welfare Association, Puri-Petitioner has filed Criminal Misc. Case No.242 of 2024, under Section 133 of the Cr.P.C. in the Court of the learned Sub-Divisional Magistrate, Puri(in short ‘S.D.J.M., Puri’) against the Petitioner.
3. The allegations of the Opposite Party are that the Mangala Alati Complex Apartment is residential area approved by the P.K.D.A and there are 49 flats in the Complex. But the Petitioner-Sri



Kaushik Chandara Sahu, who is the owner of the flat No. B002, started a wholesale business of fancy bags inside the Complex. Big transport vehicles are frequently entering into the Complex carrying bags every day and 10 to 20 retailers are entering into the Complex for purchasing these bags, as a result of which peaceful living of other flat owners is hampered. In spite of several warning to the Petitioner to stop such type of nuisance inside the complex by the Association, he did not stop his business, on the other hand, he is threatening to the members of association and has lodged false cases against false party.

4. The Petitioner had filed an application challenging the maintainability of the proceeding before the learned S.D.J.M., Puri. This petition has been rejected. After rejection of this application, the Petitioner did not appear or participate in the hearing of the case. Enquiry report had been called for from the IIC, Town Police Station and thereafter hearing of the matter was taken up. By order dated 11.12.2025, the following order has been passed by the learned SDJM:-

“It is seen that in spite of repeated calls & several intimation, the 2nd party neither turned up nor taking any step to take part in hearing in this case. One Sri Krushna Chanda Panda, Madan Mohan Das and Niranjana Sabat adduced affidavit evidence on dt. 20.03.2025. Copy of



affidavit evidence was served upon the 2nd party member, but the 2nd party members could not be cross examined.

Heard the learned counsel for 1st party and learned APP.

I am convinced that the alleged obstruction of commercial goods by 2nd party is causing inconvenience for the 1st party as well as posing danger to the life and property of 1st party as well as for the general public.

I am also convinced that there exist public nuisance within the local limits of my jurisdiction. As such the 2nd party is directed not to allow movement of commercial vehicles into the residential complex and not to use it for business purpose. The IIC Town P.S is directed to keep close watch on the situation to avoid breach of peace.”

5. Mr. Gopinath Mishra, learned counsel for the Petitioner submits that without any authority, the proceeding had been initiated. He further submits that the Petitioner has challenged this order in Criminal Revision No. 05 of 2026 in the Court of the learned Sessions Judge, Puri and after admission on 04.02.2026, the matter has been transferred to the Court of the learned 2nd Additional Sessions Judge, Puri and re-numbered as Criminal Revision No. 02 of 2026. On the same day i.e. 04.02.2026, the case was registered and notice was issued to the Opposite Party No.2 through both ways and directed to be listed on 05.03.2026 awaiting S.R. and P.A. Although the Petitioner had filed an application for stay along with



the Revision, the same was not taken up. He prays that direction may be issued for taking it up and disposing it on 05.03.2026.

6. The prayer in the CRLMP is to direct learned Court below to entertain the stay petition dated 21.01.2026 filed along with Criminal Revision No. 02/50 of 2026 and allow the Petitioner to use his residential flat for living and sustenance of his family.

7. After hearing learned counsel for the Petitioner and perusing the CRLMP in the Annexures and the impugned, I am of the view that the prayer in the CRLMP is bereft of merit. I am also not satisfied that the stay petition should be taken up and disposed of before the Criminal Revision.

8. The CRLMP is therefore disposed of directing that if any stay petition is pending before the learned 2nd Additional Sessions Judge, Puri, the same may be taken up for disposal along with Criminal Revision, after hearing both sides.

9. Copy of this order be sent to the learned 2nd Additional Sessions Judge, Puri.

(Savitri Ratho)
Judge