

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13906 of 2023

Jamuna Behera & Ors.

.... Petitioner(s)

Mr. S.K. Dalai, Adv.

-versus-

State of Odisha & Ors.

.... Opposite Party(s)

Mr. U.K. Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

05.05.2023

Order No.

01. 1. Heard the submission of Mr. Dalai, learned counsel for Petitioners.
2. Through variety of documents including the observation at page 34 of the brief more particularly through point nos.1, 2 & 3 Mr. Dalai, learned counsel for Petitioner attempted to at least prima facie satisfy this Court that there appears a village pond, which is going to be affected for the construction of the G.P. building over the plot no.142, Khata No.213.
3. This Court finding a prima facie case to be examined directs for issuing notice to find an absolute resolution of the issue involved herein. This Court while directing the Opposite Parties to file their respective counter affidavits also directs the Collector, Puri to have an on spot inquiry over the disputed plot in question in the involvement of the elected ward members and submit the report before this Court on the next date of posting of the matter.
4. Issue notice on the question of admission.

5. Since Opposite Party Nos.1 to 5 will be represented by the learned State Counsel, let five extra copies of the brief be served on the learned State Counsel by Monday (8th May, 2023).

6. Notice be issued to Opposite Party No.6 by way of Speed Post / Registered Post with A.D. fixing a short returnable date. Requisites for issuance of notice shall also be filed within the time stipulated hereinabove.

7. List this matter on 20th July, 2023.

(Biswanath Rath)
Judge

I.A. No.6456 Of 2023

- 02.
1. Issue notice as above.
 2. Accept one set of process fee.
 3. As an interim measure, it is directed that there shall be no further construction of the G.P. building involved herein till the next date of listing of this matter.

(Biswanath Rath)
Judge