



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3010 of 2025

*Bishnu Prasad Swain*

..... *Petitioner(s)*

*Mr. Ajit Chandra Mohapatra, Adv.*

-Versus-

*Shyamananda Jena & Anr.*

..... *Opposite Party (s)*

*Mr. Purna Chandra Das, Adv.*

*(for O.P.2)*

**CORAM:**

**DR. JUSTICE SANJEEB K PANIGRAHI**

**ORDER**

**19.03.2026**

**Order No.**

03.

1. This matter is taken up through hybrid arrangement.
2. In filing this CRLMC, the Petitioner has challenged the order dated 20.01.2025 passed by the learned 3<sup>rd</sup> Additional Sessions Judge, Cuttack in Crl. Revn. No.110 of 2024 setting aside the order dated 25.07.2024 passed by the ADCP, EM, Cuttack.
3. Heard learned counsel for the parties.
4. Learned counsel for the Petitioner submits that the Opposite Party No.1 had filed the proceeding under Section 133 Cr.P.C. to demolish the construction of a garage standing over the Government Plot Nos. 55 and 56 before the ADCP-cum-Executive



Magistrate, U.P.D., Cuttack. The Executive Magistrate disposed of the said proceeding vide order dated 25.07.2024, directing the CMC to look into the matter as the issue is in connection with a wastewater drainage system under the jurisdiction of CMC.

5. Learned counsel for the Petitioner further contends that, challenging the order dated 25.07.2024 passed by the Executive Magistrate, the Opposite Party No.1 filed a revision before the learned Sessions Judge Cuttack in Crl. Revn No.110 of 2024 which was disposed of vide order dated 20.01.2025, directing the Cuttack Municipal Corporation to remove the obstruction of drainage over the Plot No.53 and 54 within one month.
6. Being aggrieved by the order dated 20.01.2025 passed by the learned 3<sup>rd</sup> Additional Sessions Judge, Cuttack, the Petitioner is constrained to approach this Court.
7. Learned counsel for the Opposite Party No.1 submits that originally, Plot No.55 was occupied by one Adikanda, who is the father of the Petitioner. Admittedly, the said land is a Government land. He further submits that the Petitioner has occupied the aforesaid land for the drainage of wastewater, and he has used a PVC pipe passing through Plot No.55.



8. Having heard learned counsel for both parties, this Court does not find any infirmity in the impugned order dated 20.01.2025 passed by the learned 3<sup>rd</sup> Additional Sessions Judge, Cuttack.
9. Accordingly, the CRLMC is dismissed.

*( Dr. Sanjeeb K Panigrahi )*  
*Judge*