



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34769 of 2022

Sasmita Sahoo

.... **Petitioner**
Mr. B. Routray, Sr. Advocate along with
Mr. J. Biswal, Advocate

-versus-

State of Odisha & Ors.

.... **Opposite Parties**

Mr. Saswat Das, AGA
along with Mr. A. Tripathy, AGA
Mr. J. Mohanty, Adv. along with Ms.S. Prusty,
Adv. for Intervenor
Mr. S. S. Das, Sr. Adv. appearing
on behalf of Ms. Pami Rath, Sr. Adv. for O.P.27

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
18.02.2026

W.P.(C) No.34769 of 2022

&

I.A. No.2657 of 2026

Order No.

- 58.** **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
- 2.** Objection to the I.A filed by the learned State Counsel along with objection to the affidavit dtd.03.02.2026 of Opposite Party No.27 in W.P.(C) No.7162 of 2023 so produced in Court with service of the same on the learned Senior Counsel appearing for Opposite Party No.27 be kept in record.
- 3.** Heard Mr. S.S. Das, learned Senior Counsel appearing on behalf of Ms. Pami Rath, learned Senior



Counsel appearing for Opposite Party No.27 in W.P.(C) No.7162 of 2023 in the present I.A.

4. Learned Senior Counsel appearing for the Petitioner contended that the I.A as well as affidavit filed by Opposite Party No.27 on 03.02.2026 be treated as not pressed.

5. Learned Addl. Government Advocate has no serious objection to such submission made by the learned Senior Counsel appearing on behalf of Ms. P. Rath, learned Senior Counsel appearing for Opposite Party No.27 in W.P.(C) No.7162 of 2023.

6. Considering the submission, while permitting Opposite Party No.27 to withdraw the affidavit dtd.03.02.2026 so filed by him to withdraw the unconditional apology tendered before this Court on 03.02.2026, this Court permits withdrawal of the I.A No.2657 of 2026.

7. Accordingly, the I.A stands dismissed as not pressed.

(Biraja Prasanna Satapathy)
Judge

I.A. No.2656 of 2026

59. 1. Heard Mr. S.S. Das, learned Senior Counsel appearing on behalf of Ms. Pami Rath, learned Senior



Counsel appearing for Opposite Party No.27 in W.P.(C) No.7162 of 2023 in the present I.A.

2. Learned Senior Counsel at the outset contended that objection affidavit filed by Opposite Party No.27 seeking withdrawal of the memo dtd.03.02.2026 be treated as not pressed.

3. However, learned Senior Counsel appearing for the Opposite Party No.27 in W.P.(C) No.7162 of 2023 contended that while disposing I.A No.2448 of 2024 vide order dtd.03.02.2026, this Court since held the conduct of Opposite Party No.27 as not just and proper and also held that learned Senior Counsel appearing for Opposite Party No.27 should have properly guided her client instead of creating all these mud slugging, basing on such finding of this Court in its order dtd.03.02.2026, Opposite Party No.27 in W.P.(C) No.7162 of 2023 is being harassed by the State Authorities and they are proposing to take disciplinary action against him.

4. It is also contended that finding of this Court in order dtd.03.02.2026 that learned Senior counsel appearing for the Opposite Party No.27 should have guided her client properly, was not required to be passed, as while taking up I.A. No.2448 of 2026 and D-CONTC No.4723 of 2026, learned Senior Counsel filed a memo on 03.02.2026 with a prayer to withdraw the so-called affidavit dtd.21.01.2026. Accordingly, it is contended that such a finding could not



have been given by this Court to the detrimental of the interest of the learned Senior Counsel.

4.1. It is accordingly contended that order dtd.03.02.2026 be modified by recalling / modifying the finding of this Court so given against Opposite Party No.27 in W.P.(C) No.7162 of 2023 and against the learned Senior Counsel appearing for the said Opposite Party No.27, so reflected in Para-8.2. to 8.4. of order dtd.03.02.2026.

5. Basing on the stand taken in the objection so filed in Court today, learned Addl. Government Advocate contended that the present Interim Application filed seeking modification / recall of order dtd.03.02.2026 is in substance a collateral attack on a reasoned judicial order. It seeks to question the propriety, correctness and veracity of the observations recorded by this Court in open proceedings after hearing all the parties. Such an attempt made with filing of the I.A. by Opposite Party No.27 strikes at the very foundation of judicial discipline and is directly against the majesty of law, the sanctity of judicial records and institutional integrity of this Court.

5.1. It is also contended that taking into account the nature of objection affidavit filed by Opposite Party No.27 on 21.01.2026, when State filed I.A. No.2448 of 2026 for appropriate order against Opposite Party No.27 as well as the learned Sr. Counsel appearing for the said Opposite Party in W.P.(C) No.7162 of 2023 and a Contempt Petition was also filed with a prayer to initiate criminal contempt



against Opposite Party No.27 and its counsel, on the intervention of a number of designated Senior Counsels of this Court, who were present on 03.02.2026, learned Senior Counsel appearing for Opposite Party No.27 not only filed the memo dtd.03.02.2026, but also the affidavit sworn by Opposite Party No.27, begging unconditional apology for filing such an objection affidavit on dtd.21.01.2026.

5.2. However, on the face of such memo and affidavit filed by Opposite Party No.27 and his counsel, submission was made by the learned State Counsel to pass appropriate order in I.A. No.2448 of 2026. On the face of the memo and the affidavit so filed by Opposite Party No.27 and his counsel, learned State Counsel never made a submission to withdraw I.A. No.2448 of 2026 or D-CONTC No.4723 of 2026. Instead this Court was requested to pass appropriate order taking into account the stand taken in I.A No.2448 of 2026 vis-à-vis the memo and the affidavit filed by Opposite Party No.27 and his counsel in W.P.(C) No.7162 of 2023.

5.3. It is contended that this Court taking into account the request made by a number of designated Senior Counsels, the memo and the affidavit filed by Opposite Party No.27 and his counsel while disposing the I.A, rightly made the observations against Opposite Party No.27 and his counsel in Para-8.2 to 8.4 of order dtd.03.02.2026.

5.4. It is contended that while accepting the memo and the undertaking and disposing the I.A as well as the Contempt Petition taking into account the memo and the affidavit,



this Court has rightly made the observations so indicated in Para-8.2. to 8.4. of order dtd. 03.02.2026 and it requires no modification and / or recall.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that after closure of the argument from all the sides, vide order dtd.29.01.2026 the matter was kept reserved for judgment. However, taking into account the nature of affidavit filed by Opposite Party No.27 on 21.01.2026 and the harassments caused to the learned Advocate General, when State filed I.A. No.2448 of 2026 and D-CONTC No. 4723 of 2026, learned Senior Counsel appearing for Opposite Party No.27 in W.P.(C) No.7162 of 2023 not only filed a memo with a prayer to withdraw affidavit dtd.21.01.2026 and not to treat the said affidavit as part of the record, but an affidavit was also filed by Opposite Party No.27, begging unconditional apology for making all such aspersion on the learned Advocate General in his affidavit dtd.21.01.2026.

6.1. However, on the face of such memo and objection filed by Opposite Party No.27 and his counsel, no submission was made by the learned State Counsel to withdraw either I.A. No.2448 of 2026 or D-CONTC No.4723 of 2026. Submission was made instead before this Court by the learned State Counsel to pass appropriate order taking into account the memo and affidavit filed by Opposite Party No.27 and his counsel.



6.2. This Court taking into account the request made by number of designated Senior Counsels of this Bar, the memo filed by the learned Senior Counsel appearing for Opposite Party No.27 and the affidavit filed by Opposite Party No.27 in begging unconditional apology, not only disposed of I.A. No.2448 of 2026 with certain direction so contained in Para-8.5. and 8.6. of order dtd.03.02.2026, but for the purpose of accepting such unconditional apology and the memo with disposal of I.A and the Contempt Petition, this Court thought it proper to give the observations so reflected in Para-8.2. to 8.4. of the order. It is the view of this Court that finding given in Para-8.2 to 8.4. of the order dtd.03.02.2026 are the observations made by this Court for the purpose of disposing the I.A and the D-CONTC and are not directions of any nature.

6.3. However, considering the submissions made by learned Senior Counsel appearing on behalf of Ms. Pami Rath, learned Senior Counsel, this Court is inclined to modify the observation given in Para-8.4. of the order dtd.03.02.2026 and is inclined to delete the observation starting from the word “and learned Senior Counsel appearing for Opposite Party No.27 should have guided her client properly, instead of creating all these mud slugging” from order dtd.03.02.2026.

6.4. This Court however is very much saddened and deeply anguished with filing of these interim applications by Opposite Party No.27 in W.P.(C) No.7162 of 2023, after the



matter was finally heard on 29.01.2026 and judgment was kept reserved. Because of filing of these applications, this Court is not in a position to deliver the judgment on the issue, which is very complex and involves question of law of paramount importance.

It is also the view of this Court that filing of affidavit dtd.21.01.2026 by Opposite Party No.27 was not at all a necessity and such an affidavit should have been withdrawn, when learned Advocate General recused himself from arguing the matter on 29.01.2026 and no such argument was ever advanced by the learned Advocate General on his appearance on 15.01.2026 on the merits of the case and that too on the request made by this Court.

6.5. However with the hope that good sense will prevail, this Court is inclined to dispose of the I.A with the aforesaid modification.

(Biraja Prasanna Satapathy)
Judge

Subrat