

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.42049 of 2023

Jahir Hussasin Khan

.... Petitioner

Mr. S.K. Nayak, Advocate

-Versus-

State of Odisha & Others

.... Opposite Parties

Mr. P.K. Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER
22.12.2023

Order No.

01.

1. Heard learned counsel for the petitioner.
2. Instant writ petition is filed by the petitioner challenging the impugned notice under Annexure-13 on the grounds stated therein.
3. Learned counsel for the petitioner submits that the proceeding in E.C. No.35 of 2023-24 is not maintainable since the dispute is sub-judice before the civil court in C.S. No. 716 of 2022, wherein, an interim order of status quo has been passed in I.A. No.270 of 2022 filed therein. It is claimed that in spite of such an order of status quo, OPLE proceeding was initiated with the issuance of the impugned notice under Annexure-13, hence, the writ petition.
4. In order to consider the plea of the petitioner and relief sought for, the response of the State is necessary and hence, therefore, Mr. Rout, learned AGA for the State is hereby requested to take instruction and reply back.

5. List the matter on 10th January, 2024 for final orders on receiving the response of the State.

(R.K.Pattanaik)
Judge

2.

I.A. No.20229 of 2023

1. Since, the proceeding in R.P. Case No.1074 of 2013 was interfered with and set aside by this Court vide Annexure-8 and the matter is pending before the civil court in C.S. No.716 of 2022 as against the contention that the OPLE proceeding to be not maintainable, this Court as an interim measure directs that there shall be no coercive action pursuant to Annexure-13 till the next date.

2. List on the date fixed.

3. Urgent copy of this order be issued as per the rules and in course of the day.

(R.K. Pattanaik)
Judge

Rojina

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 22-Dec-2023 17:12:10

