

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5494 of 2023

Gajendra Kabat ***Petitioner(s)***
Mr. S.S. Mohapatra, Advocate
-versus-

Debabrata Acharya & another ***Opposite Party(s)***

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

05.02.2024

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. The petitioner has moved an application under Section 133 Cr.P.C. against the Opposite Parties. The said application was turned down by the learned Sub-Divisional Magistrate, Baripada vide his order dated 26.05.2023. The petitioners moved the Revisional Court. While disposing of the Criminal Revision No.25 of 2023, the learned Court of 1st Additional District & Sessions Judge, Baripada passed the following order:

“The revision-petition filed by the petitioner is allowed against the O.Ps. on contest without any cost and the order passed by the learned S.D.M., Baripada passed on 26.05.2023 in C.M.C. No.34/2021 is hereby set aside and the O.Ps. are directed to increase the height of the gas pipe of their latrine tank up-to a height of at least 5 feet from the present pipe height in the interest of

justice not to cause inconvenience to the petitioner and to avoid the public nuisance.

Send back the LCR and case record of the C.M.C. No.34/2021 along with copy of this order to the court of learned S.D.M., Baripada forthwith.”

3. Learned counsel for the petitioners submits that the petitioner is aggrieved by the part of the order by which the Revisional Court has directed him to increase the height of the gas pipe of their latrine tank up-to a height of at least 5 feet from the present pipe height. He seeks indulgence of this Court.

4. Issue notice to the Opposite Parties by Registered Post/Speed Post with A.D., requisites for which shall be filed within three working days. The notice be made returnable within two weeks.

5. List this matter on 15.03.2024.

(S.S. Mishra)
Judge

Signature Not Verified

Digitally Signed
Signed by: ASISH KUMAR KAR
Designation: ADR-cum-Addl. Principal Secretary
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 05-Feb-2024 19:17:00