

9. 31.07.2020

This matter is taken up through Video Conferencing.

Heard learned counsel for the petitioner and learned Additional Standing Counsel for the opposite parties.

Referring to the plea taken in the Writ Petition, learned counsel for the petitioner requested this Court for allowing the Writ Petition thereby directing the opposite party no.3 to issue a fresh and corrected R.O.R. in favour of the petitioner.

In filing counter affidavit, Sri Behera, learned State Counsel seriously objected the claim of the petitioner and submitted that for the disputed question of fact involved therein, prayer of the petitioner cannot be accepted through a Writ Petition.

Considering the rival contentions of the parties and as this Court finds, the Writ Petition involves disputed question of fact and materials therein, this Court while declining to entertain the prayer of the petitioner involved herein dismisses this Writ Petition. It is, however, made clear that dismissal of the Writ Petition for having disputed question of fact shall not stand on the way of the petitioner to approach the competent forum.

.....
(Biswanath Rath, J.)