IN THE HIGH COURT OF ORISSA AT CUTTACK

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

Sasmita Sahoo and Others .... **Petitioners**

Mr. B. Routray, Sr. Advocate with
Mr. J. Biswal, Advocate

-versus-

State of Odisha and Others .... **Opp. Parties**

Mr. Saswat Das, AGA
Ms. P. Rath, Sr. Advocate along with Ms. S. Prusty, Advocate for Intervenor

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
03.02.2026

Order No

I.A. No.2448 of 2026

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

2. This matter was finally heard by this Court on 29.01.2026 and the judgment was kept reserved. But taking into account the interim application filed by the State and on being mentioned, the matter was listed in the Special List and taken up.

3. Heard Mr. Saswat Das, learned Addl. Govt. Advocate appearing for the State and Ms. P. Rath, learned Senior

Counsel appearing for the Opp. Party No.27 in the connected W.P.(C) No.7162 of 2023.

4. This interim application has been filed by the State *inter alia* with the following prayer:-

> *"It is therefore, humbly prayed that this Hon'ble Court may graciously be pleased to admit the Interlocutory Application and direct the said Opp. Party No.27 in W.P.(C) No.7162 of 2023 and his counsels to withdraw the Affidavit dt.21.01.2026 and to beg unconditional apology to the Hon'ble Court and also to the Learned Advocate General who is a constitutional functionary.*
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> *And for this act of kindness, the petitioner as in duty bound shall ever pray."*

5. Learned Addl. Govt. Advocate contended that in course of hearing of the matter before this Court on different dates starting from 28.10.2025, this Court taking into account the complexity of the issue felt it necessary that learned Advocate General is to address this Court and accordingly made a request to the learned Advocate General to appear before this Court on 15.01.2026, vide order dtd.13.01.2026.

5.1. It is contended that taking into account such request made by this Court on 13.01.2026, learned Advocate General when appeared before this Court along with learned Addl. Govt. Advocate, learned counsel appearing for Opp. Party No.27 in the connected W.P.(C) No.7162 of 2023, made serious allegations *inter alia* contending that since learned Advocate General was earlier appearing for the petitioners in some of the connected writ petitions, learned Advocate General should not argue the matter.

5.2. It is contended that on the face of such submission made by the learned counsel appearing for Opp. Party No.27 in W.P.(C) No.7162 of 2023, this Court vide order dated 15.01.2026 while fixing the matter to 29.01.2026, permitted learned Advocate General to argue on the issue involved as well as question of law governing the field.

5.3. It is contended that on the face of such order passed by this Court on 15.01.2026, Opp. Party No.27 filed an objection affidavit with regard to appearance of learned Advocate General in the present batch of Writ Petitions on 21.01.2026 and in the said affidavit, serious allegations were made against learned Advocate General and personal aspersions were also made against the learned Advocate General, even though he hold a constitutional post.

5.4. It is however contended that even though this Court vide order dated 15.01.2026 requested learned Advocate General to argue the matter on behalf of the State on 29.01.2026, but learned Advocate General think it proper not to appear before this Court on 29.01.2026, when the matter was finally heard. On being authorized by the learned Advocate General, learned Addl. Govt. Advocate argued the matter on behalf of State on 29.01.2026 and hearing was closed on the said date.

5.5. But in course of hearing of the matter, objection affidavit filed by Opp. Party No.27 on 21.01.2026 was

never brought to the notice of this Court by the learned counsel appearing for Opp. Party No.27.

5.6. It is further contended that even though the matter is sub-judice before this Court but the purported objection affidavit filed by Opp. Party No.27 on 21.01.2026 was made public by the learned counsels appearing for Opp. Party No.27 and Opp. Party No.27 himself. Because of such action taken by learned counsel for Opp. Party No.27 as well as Opp. Party No.27 himself, learned Advocate General was put into unnecessary botheration. Not only that taking a cue from the stand taken in the objection affidavit, learned Advocate General was asked by the Media people through WhatsApp message with regard to his appearance in the present batch of Writ Petitions on behalf of the State.

5.7. It is contended that since the matter is sub-judice before this Court, objection affidavit filed by Opp. Party No.27 on 21.01.2026 should not have been made public and no such affidavit was required to be filed by Opp. Party No.27 with the allegations made against learned Advocate General as learned Advocate General on the request made by this Court though appeared on 15.01.2026 but never made any submission on merit. Learned Advocate General also prayed to recuse himself from arguing the matter. It is accordingly contended that appropriate order be passed directing learned counsel appearing for Opp. Party No.27 in W.P.(C) No.7162 of

2023 to withdraw the objection affidavit dated 21.01.2026 and Opp. Party No.27 be also directed to beg un-conditional apology for filing such an affidavit and making it public during pendency of the Writ Petition before this Court.

6. At this point of time and on the intervention of a number of learned designated Senior Counsels from the Bar, a request was made to this Court for an amicable settlement of the issue. On the intervention of the learned Senior Counsels, Ms. P. Rath, learned Senior Counsel appearing for Opp. Party No.27, filed a memo contending *inter alia* that objection affidavit dated 21.01.2026 so field by Opp. Party No.27 be withdrawn and the same may not be made part of the record.

6.1. An affidavit was also filed by Opp. Party No.27 begging un-conditional apology for such filing of the objection affidavit and causing undue hardship to the office of learned Advocate General.

7. Considering the memo and the affidavit so filed by the learned counsel appearing for Opp. Party No.27 and the submission of so many learned Senior Counsels, learned Addl. Govt. Advocate on instruction fairly contended that this Court can pass appropriate order taking into account the memo and the affidavit so filed and the request of the learned Senior Counsels.

8. Having heard learned Addl. Govt. Advocate for the State, Ms. P. Rath, learned Senior Counsel appearing for Opp. Party No.27 in W.P.(C) No.7162 of 2023 and submission of number of learned Senior Counsels from the Bar, this Court permits Opp. Party No.27 to withdraw the objection affidavit dated 21.01.2026. While granting such permission, this Court also direct that objection affidavit dated 21.01.2026 so filed by Opp. Party No.27 will not be treated as part of the record and the same will be deleted from the website of the Registry.

8.1. However, this Court taking into account the stand taken in the I.A. that learned Advocate General is being put to unnecessary questions by the Media people with regard to contents of the affidavit dated 21.01.2026, restrain both the Print and Electronic Media from publishing any article of any nature with regard to the stand taken in the objection affidavit dated 21.01.2026.

8.2. Before parting with the I.A., this Court deprecates the action of Opp. Party No.27, in filing such an objection affidavit on 21.01.2026, and making it public and thereby causing unnecessary harassment to learned Advocate General, even though he is a government employee and working as Deputy Commissioner of Police, Special Crime Unit, Commissionerate Police, Bhubaneswar. This Court also is inclined to issue a word of caution to Opp. Party No.27, from committing such mistake in future.

8.3. This Court further wants to reiterate that on the request made by this Court on 13.01.2026, learned Advocate General appeared before this Court on 15.01.2026. However, taking into account the objection made by learned counsels appearing for Opp. Party No.27, learned Advocate General though expressed his intention to recuse himself from arguing the matter, but since complex question of law is involved, this Court requested learned Advocate General to argue the matter on the issue involved as well as on the question of law, by fixing the matter to 29.01.2026.

8.4. However, learned Advocate General never appeared on 29.01.2026 and on being authorized, Mr. Saswat Das, learned Addl. Govt. Advocate argued the matter on behalf of the State. Since learned Advocate General never argued the matter on merit on 15.01.2026 and never made any submission supporting the case of either of the partes, it is the view of this Court there was no occasion to file such an objection affidavit by Opp. Party No.27 on 21.01.2026 through his counsel and learned Sr. Counsel appearing for O.P. No.27 should have guided her client properly, instead of creating all these mud slagging.

The trust of the people upon this institution should not be believed by encouraging wild litigants to make scurrilous remarks against constitutional functionaries in defiance of the Courts' orders. Purity is the hallmark of

justice and justice is deeply rooted in the confidence of the people.

8.5. Be that as it may, taking into account the memo and the affidavit filed by Opp. Party No.27, while disposing the I.A., this Court permits learned Senior Counsel appearing for Opp. Party No.27 in W.P.(C) No.7162 of 2023 to withdraw the objection affidavit so filed by her on 21.01.2026. This Court further held that objection affidavit filed by Opp. Party No.27 dated 21.01.2026 will not be treated as part of the record. Registry is also directed to delete the contents of the objection affidavit from the website.

8.6 This Court also restrains the Print & Electronic Media from publishing any article or any nature with regard to the contents of the objection affidavit dated 21.01.2026.

The above order is passed to maintain the purity and sanctity of the judicial proceedings and to deter truant litigants from filing frivolous affidavits before this Court.

9. I.A. accordingly stands disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge