



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.779 of 2026

1. Dikeshwari Majhi **Petitioners**
2. Manoj Kumar Banjara
3. Kishanlal Sahoo
4. Ghuneswar Banjara
5. Pahelaj Satnami

Mr. S.K. Sarangi, Sr. Advocate

-versus-

1. State of Odisha, **Opposite Parties**
represented through its
Commissioner-Cum-
Secretary to the
Government of Odisha,
Panchayat Raj
Department
2. Director, Panchyat
Raj & Drinking Water
Department, Heads of
Department, Building,
Bhubaneswar
3. Collector, Nuapada
4. Premlal Naik
5. Sumitra Pandey
6. Kalabai
7. Hiralal Majhi
8. Janabai Rout
9. Chandu Naik
10. Bhagirathi Harijan
11. Rita Sahoo

Mr. S.K. Swain, AGA
Ms. S. Mohapatra, Advocate
(For Opposite Party No.4)



CORAM: JUSTICE V. NARASINGH
ORDER
16.01.2026

Order No.

- 03.** 1. Heard learned senior counsel for the Petitioners and learned counsel for the State.
2. In the present writ application order dated 29.12.2025 passed by the Government of Odisha, Panchayati Raj & D.W Department fixing Bhainsatal GP at Baloda Village is assailed.
3. When the matter was taken up for admission, it came to notice that Opposite Party No.4 has entered appearance by filing caveat and accordingly the matter was adjourned and copy thereof was served on the learned counsel for the Opposite Party No.4.
4. During the course of hearing, learned senior counsel for the Petitioners, Mr. Sarangi submitted that the impugned decision taken is not based on reason and is contrary to the settled position of law that while deciding Headquarter of Gram Panchayat all relevant factors including location, population, availability of land, ought to have weighed with the administration and the decision taken ex facie is contrary to the recommendation of the Collector, Nuapada.



5. Per contra, learned counsel for the Opposite Party No.4, Ms. Mohapatra, submitted that the decision taken does not merit any interference and since the executive has taken a decision after considering all relevant factors keeping in view the judgments cited, no further interference is called for.

6. It is apt to note here that the location of the Headquarter of Gram Panchayat has a chequered history and a number of writ petitions have been filed before this Court and the impugned order is stated to be passed in terms of the direction of this Court dated 07.10.2024 in W.P.(C) No.18030 of 2023.

7. Learned AGA, Mr. Swain, while supporting the submission of the learned counsel for the Opposite Party No.4, referring to the impugned at Annexure-3 submits that considering the tenor of the order taking into account all relevant factors, no interference is called for.

8. During the course of hearing the attention of this Court was drawn to the operative portion of the impugned order.

For convenience of reference the same is extracted hereunder:



"XXX XXX XXX

Whereas, the Collector, Nuapada, has furnished a comprehensive report in which he has enclosed the record of Khata No. 280/296 in which Bhaistala GP has ownership of two plots, i.e., Plot Nos. 710 and 711. having a total area of 0.820 acres. The said land is mutated vide Mutation Case No. 8341/2025

Order dtd. 13.06.2025. Apart from that, in Khata No. 283 in Abad Jogya Anabadi, two plots having 0.190 acres are available at Mouza Baioda. Now, therefore, keeping in view the report of the Collector, Nuapada and in order to comply with the directions of the Hon'ble High Court, Government has been pleased to fix the headquarters of the newly created Bhainsatal GP at Baloda Village.

This final decision has been taken after due consideration of all rival claims, scrutiny of the relevant documents, and basically availability of land in the name of GP, administrative convenience, and overall public interest.

XXX XXX XXX"

(Emphasized)



9. On a bare perusal of the impugned order, it is seen that what weighed with the Commissioner-cum- Secretary to the Government of Odisha, Panchayat Raj Department is that on scrutiny of the relevant documents *"basically availability of land in the name of the Gram Panchayat administrative convenience and overall public interest rejection has been taken....."*

10. On a bare perusal of the impugned order it is seen that there is no mention of the land in question in the name of Bhainsatal Gram Panchayat at Baloda Village, though by the impugned order decision has been taken to locate the Headquarter in Bhainsatal Gram Panchayat at Baloda Village. The Commission-cum-Secretary to the Government of Odisha, Panchayat Raj Department, has also referred to a comprehensive report of the Collector, Nuapada relating to the land. Such report is also on record but the land particulars mentioned in the impugned letter Annexure-3 does not match with the comprehensive report at Annexure-9 and the identification of suitable Government land for construction of Bhainsatal Gram Panchayat building at Annexure-8.



11. Hence, this Court calls upon the learned AGA to clarify the position regarding the availability of land in the name of the Bhainsatal Gram Panchayat at Baloda Village, which ex facie does not find place in the impugned letter.

12. Learned counsel for the State is called upon to file an affidavit to clarify the position by the next date.

13. It shall also be open for the Opposite Party No.4 to file her reply by way of counter affidavit, if any.

14. On the prayer of the learned counsel for the State, list this matter on 03.02.2026 at 2 P.M.

15. The reply, if any, shall be filed by 29.01.2026 and copy thereof be served on the learned counsel for the Petitioners.

16. Any action taken pursuant to Annexure-3 shall abide by the final adjudication and none of the parties shall claim any equity.

(V. NARASINGH)
Judge

Soumya