



IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.1900 OF 2026**

(An application under Articles 226 and 227 of the Constitution of India)

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***Baidhar Panigrahi***

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***Petitioner***

***-Versus-***

- 1. State of Odisha, represented through  
Additional Chief Secretary, Revenue  
and Disaster Management Department,  
Bhubaneswar***
  - 2. Collector-cum-District Magistrate,  
Bhadrak***
  - 3. Project Director, D.R.D.A., Bhadrak***
  - 4. Executive Engineer, R& B Divn., Bhadrak***
  - 5. Executive Engineer, R.W.S.S., Bhadrak***
  - 6. Executive Engineer, Rural Works, Bhadrak***
- ..... ***Opp. Parties***

**Advocates appeared:**

*For Petitioner* : Mr. Sukanta Kumar Nayak, Advocate  
*For Opp. Parties* : Mr. Swayambhu Mishra,  
Additional Standing Counsel

**CORAM:**

**MR. JUSTICE K.R. MOHAPATRA  
& MR. JUSTICE SANJAY KUMAR MISHRA**

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**Heard and disposed of on 23.06.2026**  
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## **JUDGMENT**

### **By the Bench;**

1. This matter is taken up through hybrid mode.
2. This writ petition has been filed with a grievance that a concrete road under the Pradhan Mantri Gram Sadak Yojana from Biripada to Unchastaria Canal via-Bireswar Mandir, Gohirani Gram Bhuhagudi Rasta has been constructed over some portions of the Stitiban land of the Petitioner pertaining to Plot Nos.80, 81 and 82 under Khata No.123/61 situated in Mouza: Gohirani under Bhadrak Tahasil in the district of Bhadrak (for brevity, 'the case land').
3. Mr. Nayak, learned counsel for the Petitioner submits that the case land has been recorded in the name of the Petitioner under Stitiban status. The Executive Engineer, R.W.S.S., Bhadrak (Opposite Party No.5) without informing the Petitioner or taking any consent, cut down valuable trees and has constructed the road under the Pradhan Mantri Gram Sadak Yojana over some portions of the case land. The objection raised by the Petitioner was not taken into consideration. Hence, this writ petition has been filed with a prayer to restrain the Collector, Bhadrak from making any further construction over the case land.
4. Taking note of the grievance of the Petitioner and submission of learned counsel, this Court vide order dated 22<sup>nd</sup> January, 2026 directed the Tahasildar, Bhadrak to demarcate the case land situated in Gohirani Mouza under



Bhadrak Tahasil in presence of the Petitioner and other boundary tenants. It was further directed that report shall be submitted to this Court within a period of three weeks from the said order. Accordingly, an affidavit has been filed by the Tahasildar, Bhadrak enclosing the demarcation report.

**4.1.** On perusal of the demarcation report, it appears that the demarcation was made on 16<sup>th</sup> February, 2026 in presence of the Petitioner, boundary tenants and other co-villagers along with the Government Officials. In the said report, the concerned Revenue Inspector indicated that no road has been constructed over plot Nos.80, 81 and 82 of the Petitioner. On the other hand, the road has been constructed over some portions of Plot Nos.83 and 86. It is also indicated in the said report that the Petitioner, being present at the time of demarcation, refused to sign on the report.

**4.2.** Mr. Nayak, learned counsel for the Petitioner strongly refutes the same and submits that the Petitioner has demarcated his land through a private Amin and the report reveals that the road has been constructed over some portions of Plot Nos.81 and 82.

**4.3.** Mr. Mishra, learned Additional Standing Counsel submits that this being a disputed question of fact, can only be effectively decided by receiving evidence from the parties.

**5.** In view of the submissions made by learned counsel for the parties, this Court is of the considered opinion that in view of the disputed question of fact, it is very difficult to adjudicate the issue involved in the present writ petition.



5.1. Hence, the writ petition is disposed of with an observation that the Petitioner, if so advised, may avail the remedy in common law forum.

5.2. It is made clear that we have neither expressed any opinion on the correctness of the demarcation report nor merits of the case of either of the parties to the present writ petition.

6. Interim order dated 22<sup>nd</sup> January, 2026 passed in I.A. No.101 of 2026 stands vacated.

Urgent certified copy of this judgment be granted on proper application.

***(K.R. Mohapatra)***  
***Judge***

***(S.K. Mishra)***  
***Judge***

*Orissa High Court, Cuttack,  
Dated 23<sup>rd</sup> June, 2026/Kanhu*

**Signature Not Verified**

Digitally Signed  
Signed by: KANHU BEHERA  
Designation: Junior Stenographer  
Reason: Authentication  
Location: High Court of Orissa, Cuttack.  
Date: 24-Jun-2026 17:10:12

