



2. The facts of the case, briefly stated, are that the land appertaining to Khata No.1432, Plot No. 3178 measuring Ac.10.75 dec. situated in Mouza Duttapur in District Jajpur stands recorded in the name of the State of Odisha under the kizam 'Gochara' meant for grazing purposes of cattle, goats and sheep of the villagers. The petitioners being residents of the said village claim that said land has been traditionally used for grazing purposes and any conversion thereof would adversely affect the rights of the villagers.

3. It is stated that pursuant to instructions communicated by the District Administration vide Letter No. 621 dated 20.02.2024, an area measuring Ac. 4.00 dec. out of the aforesaid land was proposed to be utilized for installation of a bronze statue of Late Bandhu Mohanty. Being aggrieved by such proposed utilization of Gochara land, the petitioners submitted representations on 14.09.2020 and 02.04.2025 before the authorities requesting not to divert the said land for any purpose other than grazing. As no action was taken on their representations, the petitioners approached this Court in W.P.(C) No. 13424 of 2025, which



was disposed of on 15.05.2025 with a direction to opposite party Nos. 2 and 3 to consider the grievance of the petitioners and pass a lawful order within a stipulated period. Pursuant thereto, opposite party No. 2 instituted Misc. Case No. 15 of 2025 and called for reports from the Tahasildar, Dasarathpur.

4. In course of enquiry, the Tahasildar obtained a report from the RI, Radagaon, who submitted that the land in question is recorded as 'Gochara' and furnished a trace map along with a statement indicating availability of Gochara land in the village. It was reported that there exists Ac. 8.06 dec. of surplus Gochara land in Mouza Duttapur. The Sub-Collector, Jajpur also submitted an enquiry report affirming the said position and stating that land measuring Ac. 4.00 dec. was identified out of the total Ac. 10.75 dec. for installation of the statue and that the same has already been installed over a portion thereof. The Collector, upon due consideration dismissed the Misc. case holding, inter alia, that the statue has been installed over surplus Gochara land and that no illegality has been committed. Said order is impugned in the present writ application.



5. Heard Mr. P. Bhutia, learned counsel for the petitioners and Mr. S.N. Patnaik, learned Additional Government Advocate for the State.

6. Mr. Bhutia would argue that land in question being recorded as 'Gochara' is reserved for a specific public purpose, i.e., grazing of cattle of the villagers and the same cannot be diverted for any other purpose without following due procedure of law. He submits that the proposed and subsequent utilization of a portion of such land for installation of a statue is completely unauthorized. He further argues that the concept of 'surplus Gochara land' as relied upon in the impugned order has no statutory basis and cannot be a ground to justify diversion of land meant for a specific communal purpose.

He further submits that the impugned order suffers from non-application of mind inasmuch as the Collector has mechanically relied upon the reports of subordinate officials without independently examining the legality of the action. According to him, the objections raised by the petitioners and the villagers have not been considered, and no reasoned finding has been recorded as to how the diversion of Gochara



land is permissible in law. He also submits that the installation of the statue having been carried out during the pendency of the consideration itself shows a pre-determined approach on the part of the authorities thereby vitiating the entire decision making process.

7. Per contra, Mr. Patnaik would argue that pursuant to the direction of this Court in the earlier writ petition a detailed enquiry was conducted by the competent authorities, including the Tahasildar, Dasarathpur and the Sub-Collector, Jajpur, and reports were obtained after field verification. He further submits that the RI, Radagaon, in his report along with trace map and calculation sheet (De-reservation Statement) has specifically indicated that Ac. 8.06 dec. of Gochara land is available as surplus in Mouza Duttapur. He argues that only a limited portion, i.e., Ac. 4.00 dec. out of the total Ac. 10.75 dec. was identified for installation of the statue and even the actual utilization is Ac 0.02 dec out of Ac. 4.00 dec. Thus, according to him, sufficient Gochara land continues to remain available for grazing purposes and no prejudice is caused to the villagers.



He submits that the identification of land was made pursuant to administrative instructions issued by the competent authority and after due verification by field Officers. He also argues that the petitioners despite being afforded opportunity did not appear before the authority during the proceeding and failed to substantiate their objections. In such circumstances, the authority was justified in proceeding on the basis of available records.

8. This Court having heard learned counsel for the parties at length and upon perusal of materials placed on record and the impugned order finds that pursuant to the direction of this Court in the earlier writ petition the competent authority initiated enquiry and called for reports from the Tahasildar, Dasarathpur as well as the Sub-Collector, Jajpur. The Tahasildar, on the basis of field enquiry conducted through the RI, Radagaon, submitted a report along with trace map and calculation sheet (de-reservation statement) indicating the availability of Gochara land in the village. Said report specifically records that Ac. 8.06 dec. of Gochara land remains surplus in Mouza Duttapur.



It further transpires from the record that only Ac.4.00 dec. out of the total Ac.10.75 dec. was identified for the purpose of installation of the statue pursuant to administrative instructions and the actual area utilized for such installation is merely Ac.0.02 dec.. Thus, even after such utilization, substantial extent of land continues to remain available for grazing purposes.

9. In the above factual background, this Court finds that the determination regarding availability of surplus Gochara land is based on field verification and supported by documentary materials such as the trace map and calculation sheet submitted by the RI and affirmed by the Sub-Collector. There is nothing on record to show that such findings are either perverse or unsupported by evidence. On the contrary, the materials clearly indicate that adequate Gochara land continues to exist for the use of the villagers and the essential character of the land has not been materially impaired.

10. So far as the contention of the petitioners regarding impermissibility of conversion of Gochara land is concerned, this Court finds that the utilization is minimal, based on



administrative assessment and does not result in deprivation of grazing rights. The concept of surplus availability, as reflected in the enquiry report, cannot be said to be arbitrary when it is founded upon objective assessment of land availability and requirement in the village.

11. Another significant aspect which emerges from the impugned order is that the petitioners did not appear before the authority despite repeated notice and failed to prosecute their case. The proceeding before the authority was initiated pursuant to their own representation and direction of this Court. Once opportunity of hearing was afforded, it was incumbent upon the petitioners to participate in the proceeding and substantiate their objections. Having failed to do so, the petitioners cannot now contend that their grievance was not properly considered. The authority, in such circumstances was justified in proceeding on the basis of available records and reports.

12. It is well settled that in exercise of jurisdiction under Article 226 and 227 of the Constitution of India, this Court does not sit in appeal over administrative orders. Unless the order under challenge is shown to be arbitrary, perverse or in



violation of statutory provisions, interference is not warranted. In the present case, no such infirmity is made out.

13. For the foregoing reasons, therefore, this Court finds no merit in the writ petition, which is dismissed.

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Sashikanta Mishra,
Judge

Orissa High Court, Cuttack
The 31st March, 2026/ A.K. Rana, P.A.