

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6960 of 2018

Brajamohan Jena and others **Petitioners**

Represented by Adv.–
Mr. B.S. Rayaguru, Advocate

-Versus-

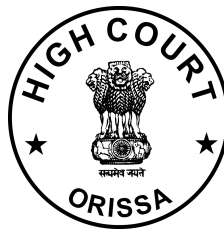
State of Odisha and others **Opposite Parties**

Represented by Adv.–
Ms. Suman Pattanayak, Addl. Government Advocate

CORAM:
HON' BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

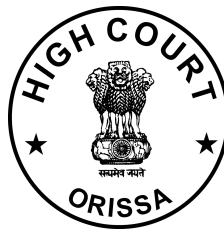
Order No. **ORDER**
12.11.2025

09. 1. The instant writ petition in the nature of Public Interest Litigation (PIL) is filed at the behest of the petitioners claiming themselves to be the villagers seeking a writ of mandamus upon the Government officials arrayed as opposite parties herein to make construction and/or establishment of a new Anganwadi Centre for the village Dhapaniki on Plot No.831 under Khata No.126 of Mouza-Dhapaniki instead of Plot No.546 under Khata No.95 of Mouza-Dhapaniki, Kisam-Gochar.



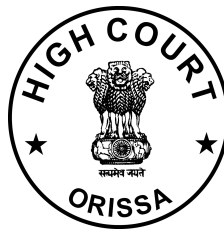
2. It is averred in the instant writ petition that the Anganwadi Centre of the village Dhapaniki under Dhuligarh Gram Panchayat is functioning in the primary school of the village and the approach was made to the authorities for establishment of a new Anganwadi Centre in the village. It is further averred that the selection committee selected a site for construction of Anganwadi Centre and the said proposal was duly approved and the land selected for the purpose of a new Anganwadi Centre was Plot No.546 comprising of an area of Ac.0.04 Decimal.

3. It is a specific case made out in the instant writ petition that the proposed Anganwadi Centre is merely two to three kilometers away from the village having no communication facilities except the pedestrian way as it is situated in a close proximity of sal jungle. According to the petitioners, there are available lands near the village and in terms of the guidelines issued by the Ministry of Rural Development, Government of India in convergence with the ICDS Scheme of Ministry of Women and Child Development Department, the Anganwadi Centre should be established not only to serve the objective of the pre-schooling, nutrition centre, semi-formal public health unit and community centre, but also to cater the other needs of the inhabitants of the village.



4. The sum and substance of the averments leads to construction of a new Anganwadi Centre at a different plot and not at the plot which is recorded as Gochar without de-reservation. Interestingly, an interim application was filed and was moved on 1st May, 2018 before the Bench and without recording any reasons, an interim order directing the *status quo* as on the date with regard to the construction of new Anganwadi Centre over the Plot No.546 was passed. The said interim order is allowed to continue and is operating as on date. The purpose and object of construction of the Anganwadi Centre is frustrated because of the intervening interim order passed in the instant proceeding without recording any reasons in support thereof. The Court should not pass any interim order without recording proper reasons as the reasons are regarded as an integral part of the adjudication process.

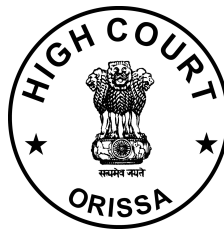
5. Be that as it may, we do not intend to delve deep into the aforesaid aspect and invited the attention of the counsels to address us on the merit. The State has filed the affidavit disclosing the facts emerging from the records available at their disposal which negates the stand of the petitioners that the proposed site of the newly constructed Anganwadi Centre is two to three kilometers away from the village. It is the specific stand of the Government that the said



Anganwadi Centre building is at the distance of 200 to 300 meter which is also connected with the concrete road and, therefore, the accessibility is not impeded and/or restricted in any sense.

6. The State Government has in fact accepted the contention of the petitioners that the proposed site where the new Anganwadi Centre is situated on a land recorded as Gochar Kisam. Immediately, a step for de-reservation of the said land has already been undertaken in order to eradicate the restrictions and/or prohibitions so created as the purpose of construction of the said Anganwadi Centre where eight numbers of pre-school children are attending regularly and the facilities required for the pregnant and nursing mothers are also extended. The said Anganwadi Centre is operational and if the reliefs, so sought for, is accepted, it would cause disruption in extending the benefits and will impede the adherence of the object and the purpose for which the same is constructed.

7. We do not find that the demolition of the Anganwadi Centre would enure to the benefit of the public at large as we do not find an absolute prohibition created in law in attempting to de-reserve the Gochar land. Since the initiation has already been done, we do not



think that any further direction is required to be passed in the instant PIL.

8. The writ petition is thus disposed of. The interim order passed earlier stands vacated.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

S.K. Guin/PA

Signature Not Verified

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Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 20-Nov-2025 13:53:35

