



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.15146 of 2025

Bipin Bihari Swain

....

Petitioner

Ms. A. Pal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Sanjay Rath, AGA

CORAM:

THE HON'BLE THE CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

25.03.2026

Order No.

02.

1. The instant Public Interest Litigation relates to the construction of a road and the removal of the encroachers therefrom.
2. In course of the pendency of the instant Public Interest Litigation and as the Government has taken policy of no tolerance in respect of an encroachment over the Government land, a proceeding was initiated by the competent authority, which culminated into an order of removal of the encroachers from the place where the road is required to be constructed. Some of the encroachers have approached this Court and the matter is sub judice therein.
3. We do not find any obstacle in disposing of the instant writ petition in the nature of Public Interest Litigation for the simple reason that the construction of road, which would cater to the needs of the larger section of the Society, is always regarded as a public purpose and, therefore, any impediment which is sought to be created, should not be encouraged. It is not a case where the roads are being constructed over the private land and the owner of the property has approached the Court ventilating her/his grievance, but



being constructed on the Government land and, therefore, it is the duty of the Government to complete the said work.

4. We are given to understand that the construction of the road commenced after the removal of the encroachments, but before it could gain great momentum, recently the obstructions have been created from certain quarters and the approach has already been made to the concerned Superintendent of Police for providing the adequate safety and the security.

5. We cannot shut our eyes to the reality that once the constructions are undertaken by the Government for the larger interest of the public, obstructions from miniscule quarters should not be encouraged. The law and order is within the domain of the State appearing from Entry-1 of the List-II of Seventh Schedule of the Constitution of India. We, therefore, direct the Superintendent of Police, Jagatsinghpur to render all assistance and provide all security, so that there is no commotion created by the quarters, while making construction of a road at the designated place and if necessary, the recourse to law should immediately be ensured in the event the obstruction persists.

6. With the aforesaid observations, the writ petition stands disposed of. As a result of disposal of the writ petition, all pending Interlocutory Application (s), if any, shall stand disposed of.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge