



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19633 of 2025

Jagabandhu Behera

..... Petitioner(s)

*Mr. Samir Kumar Mishra, Senior Advocate along
with Associates*

-Versus-

State of Odisha & Ors.

..... Opposite Party(s)

Ms. Gayatri Patra, ASC

CORAM:

DR. JUSTICE S.K. PANIGRAHI

ORDER

21.07.2025

Order No.

01. 1. This matter is taken up through a hybrid arrangement.
2. 2. The Petitioner, by filing this Writ Petition has made the following prayer:-

“It is, therefore prayed that this Hon’ble Court may graciously be pleased to admit this writ application, issue notice to the Opposite Parties, call for the relevant records and after hearing the counsel for the parties, this Hon’ble Court may be pleased to direct the Opp. Parties not to construct road/ second Box culvert at Ch.86.5000 km near Dhanapal, Kudimanda and Utarpal thereby blocking egress ingress of the petitioner to the premises/land appertaining to Plot No. 177 and 177/498 measuring an area of Ac.0.4600 decs and Ac.0.1200 decs under KhataNo.34 in Mouza- Dhanapal, P.S.-Baisignha,



under the Tahasil of Badasahi in the district of Mayurbhanj;"

3. Learned counsel for the Petitioner submits that the land appertaining to Plot Nos.177 and 177/498 under Khata No.34 in Mouza- Dhanapal, P.S.-Baisighna, under the Tahasil of Badasahi in the district of Mayurbhanj measuring an area of Ae.0.4600 decimal and Ae.0.1200 decimal is the ancestral property of the father of the present petitioner, named, Nanda Kishore Behera. After his death, the petitioner is in peaceful possession of the said case land. In the year 2022, the Petitioner applied for change of kism of the land appertaining to Plot No.177/498 from agricultural land to home stead land and same was allowed vide OLR Case No.572/2022. In the year 2024, the Opposite Party No.4/Superintendent Engineer, Mayurbhanj (R & B) proposed for construction of a culvert just 500 meters away from the land of the Petitioner and, accordingly, the culvert was constructed. However, the Opposite Party No.4 without any justifiable reason decided to construct a second Box culvert within 100 meters of the other culvert at Ch.86.5000 km near Dhanapal, Kudimanda and Utarpal. The Opposite Parties are proceeding with the construction of the culvert with road which, in fact will block egress and ingress to the premises of



the Petitioner. In fact, the opposite parties have already dug a portion of the road causing serious inconvenience to the Petitioner. The Petitioner and other affected persons represented to the Collector and Asst. Executive Engineer on 05.12.2024 and 06.02.2025 respectively pointing out that there is no necessity of second box culvert at a short distance and construction of such culvert would cause damage to the agricultural land and would cause serious inconvenience to them. But, the opposite parties without considering the grievance of the petitioner made in the representation are going ahead with the construction of second Box culvert and road and are blocking the access of the Petitioner to the public road.

4. Considering the facts and circumstances as presented by the learned counsel for the Petitioner, this Court directs the Collector, Mayurbhanj to dispose of the representation dated 05.12.2024 filed by the present Petitioner by passing a reasoned order within a period of 15 days.

5. It is further directed that till the representation filed by the Petitioner is taken up, no coercive action shall be taken against the Petitioner and the construction activity shall be stalled till the representation is disposed of.



6. This Writ Petition is, accordingly, disposed of.
7. Issue urgent certified copy in course of the day.

(Dr. S.K. Panigrahi)
Judge

Gitanjali

Signature Not Verified

Digitally Signed
Signed by: GITANJALI NAYAK
Reason: Authentication
Location: OHC
Date: 21-Jul-2025 17:57:02

