



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 27892 OF 2024

Pradeep Kumar Agarwal

.... ***Petitioner***

Ms. Sradha Das, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***

Mr. Swayambhu Mishra, A.S.C.

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SAVITRI RATHO

ORDER

09.10.2025

Order No.

06. 1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition prays for declaring the proposed demolition over the land in Mouza- Sauntapur, in the District of Bargarh under Khata No. 187/334 (old Khata No.187/18), Plot No. 103/795 (Old Plot No. 103/491) by Opposite Parties no. 2 to 4 as illegal.
3. It is submitted by Ms. Das, learned counsel for the Petitioner that the writ application has been filed when steps were taken to demolish the structure made by the Petitioner over the aforesaid land. Counter affidavit has been filed by the Opposite Parties No. 1, 2 and 4, wherein para-21 reads as under;-

“21. That in reply to the averments made in Para-17 of the Writ Petition, it is humbly submitted that, a team was constituted to verify the field to ascertain the genuineness of the claim of the petitioner. The team so constituted of this purpose



has verified the field in presence of the Sunil Kumar Agrawal (elder brother of petitioner) and submitted their report on 28.02.2025 from which it reveals that, there is no structure / house over acquired land of NH out of land in Plot No. 103/795. Hence, the Opp. Party No. 4 is not going to demolish buildings / structure of the petitioner said to have been constructed over the land acquired by N.H.”

4. The report dated 28th February, 2025 annexed to the said counter affidavit as Annexure-A/4, reveals that on joint demarcation, it was ascertained that out of Ac. 0.10 dec of Plot No. 103/795 of Mouza- Sauntapur in the District of Bargarh, an area of Ac. 0.02dec was acquired for construction of National Highway. On the said acquired land of 0.02 dec, no construction has been made. The residential house constructed on Plot No. 103/795 by Mr. Pradeep Kumar Agarwal- the Petitioner is beyond the land acquired by the National Highway Authority.

5. Thus, learned counsel for the Petitioner submits that the writ petition be disposed of in terms of the averment made in the counter affidavit and documents appended thereto.

6. Mr. Mishra, learned Additional Standing Counsel does not have any objection to the same.

7. In view of the submission made by learned counsel for the Parties and on perusal of the record, it appears that on a joint demarcation it was ascertained that the construction made by Mr. Pradeep Kumar Agarwal- the Petitioner was beyond the land acquired by the National Highway Authority for



expansion/construction of the National Highway. Thus, no cause of action survives for the Petitioner to pursue the Writ Petition.

8. The Writ Petition is disposed of accordingly.

(K.R. Mohapatra)
Judge

(Savitri Ratho)
Judge

Subhalaxmi