



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35798 of 2025

Raghunath Nayak

....

Petitioner

Represented by Adv.—
Ms. S. Sahoo, Advocate

-Versus-

Government of Odisha and others

....

Opposite Parties

Represented by Adv.—
Mr. Debasish Tripathy, A.G.A. for the State

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

Order No.

**ORDER
10.02.2026**

02. **W.P.(C) No.35798 of 2025**

1. Mr. Debasish Tripathy, learned Additional Government Advocate for the State-opposite parties submits that since there was no land suitable for the construction of the RI Office at village Notar, the said R.I. Office is being constructed in the near village i.e. Sankhei, which is 200 meters from the boundary of the village Notar. It is further stated that substantial construction has also come up and, therefore, there is no point in keeping the instant Public Interest Litigation (PIL) pending.



2. On the other hand, learned counsel for the petitioner submits that there is a suitable land indentified at village Notar, but the Government, without taking any steps as warranted, is illegally constructing the said R.I. Office in the distant village. According to the learned counsel for the petitioner, those constructions are illegal *per se* as no notification was ever issued in this regard.

3. Considering the rival stand of the parties before us, we feel it prudent to permit the State to disclose the stand as narrated hereinabove. Accordingly, such affidavit shall be filed within two weeks from date. Rejoinder, if any, may be filed within a week thereafter.

4. List this matter on 17th March, 2026.

I.A. No.21513 of 2025

5. The instant I.A. is taken up for consideration.

6. The petitioner has prayed for an interim order to the effect that the construction at the nearby village may be stopped until disposal of the instant PIL.

7. The Court while passing an interim order putting a fetter on the authorities to do certain thing or refrain from doing certain things, the



Court is guided by a three golden parameters viz., the existence of a *prima facie* case, the balance of convenience and inconvenience and the irreparable loss and injury that the petitioner would suffer. The *prima facie* case is always considered to be of such magnanimity that there is a possibility of a full-fledged trial to be gone into and there are materials which invite a thing as forbidden in law. We are not unmindful of the proposition that in absence of any interim order, if any act or a thing is done, which becomes irreversible by a passage of time, the Court must protect the parties during the currency of the litigation. The balance of convenience and inconvenience and irreparable loss and injury play a vital role in granting the interim order and it is a paramount duty of the Court to consider the same despite the existence of a *prima facie* case.

8. It appears from the stand of the State that the substantial construction has already come up and it will not be proper for the Court to stop such construction work which would cater the need of the villagers and will sub-serve the larger public interest. It further appears from the stand that the R.I. Office is being constructed within a close proximity of a distance i.e., 200 meters from the boundary of the village Notar and, therefore, there is no interruption in getting the benefits of such facilities being put for the benefit of the villagers.



9. We, thus, do not find any element warranting an interim order to be passed pending the instant PIL.

10. Accordingly, the I.A. stands dismissed.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

S.K. Guin/PA