



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 1228 of 2026

Bijaya Ketan Barik

....

Petitioner

Mr. Biswaranjan Mohapatra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Sanjay Rath, Additional Government Advocate

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

Order No.

**ORDER
06.05.2026**

02.

I.A. No.956 of 2026 and W.P.(C) No.1228 of 2026

1. The instant Public Interest Litigation (PIL) is taken out alleging that there has been a huge construction coming over a *Gochar* land without taking recourse to the procedures provided in the statute for de-reservation and/or conversion.

2. Mr. Biswaranjan Mohapatra, learned counsel appearing for the petitioner submits that no construction can be made over the *Gochar* land without taking recourse to the law and it is a duty of the Government or the concerned authorities to take immediate steps for stopping any construction thereat.



3. We are not unmindful of the proposition of law that once the land is earmarked for grazing of cattle unless the purpose is changed, it would remain as such. In recent times, several Public Interest Litigations started pouring in the docket of the Court alleging encroachment from various squatters over the *Gochar* land and the *mandamus* is issued upon the Government to take immediate steps.

4. In the instant case, it is submitted by Mr. Sanjay Rath, learned Additional Government Advocate that at the time of an inspection, certain encroachers were found at the said land and immediate proceedings have been initiated against them as provided in law. However, he further submits that a small portion of the said *Gochar* land is utilized for construction of an overhead water tank, which would cater the supply of water not only to the villagers but also to nearby vicinity and it is for larger purposes. It is further submitted that since the water supply is the essential thing of survival of human race, the same has been undertaken and simultaneously, a proceeding for de-reservation and/or conversion of such land has also been initiated, which is subjudice.

5. We are conscious that once a thing is done to cater the need of public at large, if the individual interest appears to have been



affected, the larger public interest would have edged over the individual interest. The land is predominantly used for grazing of cattle and if a portion is used for a larger public interest i.e., the supply of water to the villagers and the vicinity, we do not think that the interim order should be passed at this stage, which would have an impact on the seamless supply of water to the large sections of the society.

6. In view of the observations made hereinabove, the interim order is refused and the I.A. No.956 of 2026 is, thus, dismissed.

7. The State is directed to file an affidavit to the allegations made in the instant writ petition within two weeks from date. Rejoinder, if there be any, shall be filed within one week after the reopening of this Court following the Summer Vacation.

8. List this matter on 8th July, 2026.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Sisira