IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.31153 of 2025

Karamatali Khan and another ... ***Petitioners***

Mr. A.K. Budhia, Advocate

-Versus-

State of Odisha and others ... ***Opposite Parties***

Ms. Aishwarya Dash, Additional Standing Counsel

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

ORDER

Order No. **16.12.2025**

03. **1.** The instant writ petition in the nature of Public Interest Litigation (PIL) is taken out for a direction upon the authorities to construct the Damodarpur-2 Urdu Primary School on plot No.38 which belongs to Sikhya Bibhaga instead of plot No.27 being "Nayanjori" land.

2. It is alleged in the instant writ petition that the said school is a reputed educational institution in the State and established in 1971 to impart education to the students of the said locality. It is further averred that the said school is under the administrative control of the Government but it is not functioning properly due to lack of proper administration and management.

3. The sole grievance raised in the instant writ petition is that the said school established/constructed on plot No.27 is the "Nayanjori" land, but construction should be made on plot No.38, which is recorded in the name of the Education Department.

4. Though the counsel for the petitioners submits that the school should have its own land but an impression can be gathered from his submission that the petitioner intended to shift the said school to the said plot which is recorded in the name of the Education Department. The concern is also shown over the release of a grant for construction of a new building and allegation is made that the work is attempted to be done under the control of some political persons who have a vested interest.

5. Our attention is drawn to the Record of Right which indicates that the plot No.27 is recorded as a Government land allotted to the Department of Irrigation. Plot No.38 is allotted to the Education Department. Admittedly, the said school was constructed and is functioning at plot No.27 since 1971. Shifting of the school from the said plot to another plot shall not only impede the seamless imparting of education to the students but also may cause some inconvenience to the other inhabitants of the said locality. As the school is functioning since nearly last six decades, uprooting of the said institution should not readily be done as it attaches several values to the students who have excelled in their life and it shows their attachment to every brick of the said institution.

6. Had it been a case that the said school is run on a plot not recorded in the name of any department of the Government, the position would have been different. Since the Government decided to establish the said school over the land recorded in one of its Departments, it does not find fault in continuing with the present infrastructure as many students of the said school have acclimatize themselves with the surrounding.

7. The instruction received by the Additional Standing Counsel reveals that two rooms which had an Asbestos sheet roof were creating an inconvenience to the students and a decision was taken by the Government to make a concrete roof casting which in fact has been done. Since the Government is taking care of its own educational institution, we do not find any justification in the stand of the petitioner that it should be shifted to plot No.38 recorded in the name of the Education Department.

8. Accordingly, the writ petition is dismissed. No order as to cost.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Aswini

Signature Not Verified
Digitally Signed
Signed by: ASWINI KUMAR SETHY
Designation: Personal Assistant (Secretary in-charge)
Reason: Authentication
Location: ORISSA HIGH COURT, CUTTACK
Date: 17-Dec-2025 17:24:13