IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2651 of 2026
ODHC010039852026

Santosh Chakrabarty and others .... ***Petitioners***

Mr. Naresh Chandra Jena, Advocate

-versus-

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

Mr. Saswat Das, Additional Government Advocate

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

ORDER
29.10.2026

Order No.

01. **1.** The petitioners, in order to settle their personal scores against a particular entity, have approached this Court with the instant writ petition giving a colour of the Public Interest Litigation (PIL). The reliefs claimed in the instant proceedings relate to a complete embargo and/or a prohibition to be created on the said entity in carrying the goods (Ores) from the mines through the said road.

2. Interestingly, the road, which is nomenclatured by the petitioners as 'village road' cannot be said to be a private road but retains the character of public road. The road is constructed for easy

communication of the inhabitants of the adjoining localities and also for smooth commutation of the vehicles. We are not unaware that reasonable restriction can be put by the respective department based on the data collated on an extensive research and/or exercise and a handful person to settle their personal scores should not be encouraged to misuse and/or abuse the domain of the Public Interest Litigation.

3. The concept of the Public Interest Litigation originated through a plethora of the judgments rendered by the Apex Court and is, therefore, regarded as a Judge-made remedy. It is intended to serve the people at large by reminding the State or the Center of their solemn duty under the provisions of the Constitution of India. In the event, the action of the State or the Center offends the core fabric of the Fundamental Rights or reluctance is shown to ensure further obligation enshrined under the Directive Principles, the Court should nip such Public Interest Litigation in the bud and should not encourage the fanciful litigants to misuse and/or abuse the remedy of Public Interest Litigation.

4. There is no *iota* of piece of document produced in the instant writ petition issued by any Competent Authority restricting

and/or prohibiting the plying of the goods vehicles through the said road. A handful person or a busy body should not be permitted to approach the Court, either to gain more popularity amongst the villagers or to gain by virtue of such litigation behind the dark clouds or a curtain.

5. We do not think that it is a fit case which satisfies the ingredients of the Public Interest Litigation and, therefore, the same is hereby dismissed with cost of Rs.25,000/- (rupees Twenty Five Thousand) to be deposited with the Odisha State Legal Services Authority (OSLSA) within two weeks from date. In the event of the said deposit, the same shall be kept in an account earmarked for the juveniles. In default, it is open to the State to initiate a proceeding under the Orissa Public Demands Recovery Act, 1962 as land revenue and after realization, would deposit the same as directed hereinabove.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Signature Not Verified
Digitally Signed
Signed by: SUMANTA BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 02-Nov-2026 14:53:49

S. Behera