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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14438 of 2026
CNR No.ODHC010306092026

Binod Parichha and others .... ***Petitioners***

-versus-

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

Advocates appeared in this case:

For Petitioners : Mr. Arjuna Charana Behera, Advocate
Mr. Bharat Chandra Panda, Advocate

For Opposite Parties-State : Mr. Debashis Tripathy,
Additional Government Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE CHITTARANJAN DASH

J U D G M E N T

Date of Hearing and Judgment: 31st October, 2026

HARISH TANDON, CJ.

1. It is one of the classical examples where the litigants are misusing and/or abusing the process of law in approaching the Court when the essential reliefs claimed in an earlier litigation are denied and/or rejected and there is no reflection of such facts in the instant writ petition filed in the nature of Public Interest Litigation (PIL).

2. The petitioners initially filed a writ petition being W.P.(C) No.7763 of 2024 before this Court assailing a Notification dated 20th December, 2022 issued by the Tahasildar, Paralakhemundi inviting objections to lease out the Plot No.206 to an extent of Ac.34.031 decimals and Plot No.208 to an extent of Ac.3.660 decimals under Khata No.100 situated in Talasingh village in the district of Gajapati. The said writ petition came up for disposal on 22nd August, 2024 wherein the Court, after noticing that the land had already been leased out pursuant to the order dated 20th February, 2023 passed by the said Tahasildar, Paralakhemundi and the sanction order dated 1st March, 2023 passed by the Collector, Gajapati, the reliefs claimed in the said writ petition touching upon the said notification inviting the objection are not sustainable and ultimately disposed of with an observation that in the event, the petitioners felt aggrieved by such order, it is open to them to approach the Appellate Authority.

3. Despite such liberty having granted to assail the order granting a lease in favour of the company to establish a chemical fertilizer plant, the pleadings made in the instant writ petition do not reveal that the petitioners in fact have approached the Appellate Authority assailing the said order. Obviously, such facts would not be evident from the instant writ petition as the petitioners grossly

suppressed the filing of the earlier writ petition and its disposal on 22nd August, 2024.

4. The instant writ petition in the nature of Public Interest Litigation is taken out giving an illusory cause of action with a clever draftsmanship that setting up of the chemical fertilizer plant would create an impact on the lives of the inhabitants of the said locality. When a query was put to the appearing counsel for the petitioners on the contents of the said order dated 22nd August, 2024, a case is made out at the Bar without any pleadings in this regard that the cause of action pleaded in the instant Public Interest Litigation is different and distinct from the cause of action pleaded in the earlier writ petition.

5. We are unable to comprehend the meaning and the scope of expression 'cause of action' from the averments made in the instant writ petition. The cause of action is not defined in any statute but received its meaning from a plethora of judgments rendered by the Courts of the country and beyond it. The cause of action is neither a date nor a stray incident but is always considered as a bundle of facts, improved, will entitle the person to adjudication by the Court. The cause of action has to be discerned from the pleadings to be read in its entirety and segregation and picking up of one

sentence or segregating one sentence from another is always eschewed. The Court has to find out the cause of action upon reading the averments made in seriatim and, in the event, it does not disclose the cause of action, such frivolous litigation should be nipped in the bud as there is hardly any room for such litigations.

6. Once the Court finds that the petitioners are guilty of suppression of gross material facts, the person who does not approach the Court with clean hand should be dealt with stern hand and should be shown the doors of the Court immediately.

7. We are conscious of a distinction between 'suppression of facts' and 'suppression of material facts'. In former case, non-disclosure of the fact which does not have any intricate nexus with the cause of action does not invite the dismissal of the proceedings on the ground of suppression of fact but the fact which is material and pertinent and constitutes an integral part of the cause of action, if not disclosed, the Court shall dismiss the writ petition with some compensatory costs to be imposed upon such recalcitrant litigants.

8. A litigant should not be permitted to steal the march from the corridor of the Court by suppressing the material facts and

keeping the Court in dark on the real issues as wrongdoer should not be permitted to reap the benefit from its own wrong.

9. Since various remedies are provided under the statute as well as the Constitutional provision and if the recourse is taken to one of such forums and did not emerge successful therefrom, it is preposterous to suggest that the same person would invoke another forum and re-agitate the same grievance. It is a fundamental policy of this country that every litigation must attain its finality. Because of such public policy having adopted by the sovereign Government, the concept of *res judicata* has gained importance in this regard which forecloses and creates a complete embargo in re-determining and/or deciding an issue which was substantially and directly an issue in the earlier litigation having decided by the Court.

10. The genesis of Section 11 of the Code of Civil Procedure, 1908 is the fulcrum of such public policy and ubiquitously applied in every litigation filed before the Court. The said Section contains several explanations which constitute a part of the statute and Explanation-IV vividly reflects that if a point which was available to a litigant in an earlier round of litigation having not taken, it will be deemed that the said point was involved in the said litigation and the same cannot be agitated in the subsequent litigation.

11. The plea that the setting up of the chemical fertilizer plant would impact the lives of the inhabitants was available when the said notification inviting objections was assailed and the Court noticed that the orders have been passed by the Tahasildar subsequently received sanction from the Collector and the lease having executed in favour of the said company.

12. The moment those facts are the foundation of denial of the reliefs claimed by the petitioners in the earlier writ petition, it is not open to the petitioners to agitate the same by using another forum provided under the law. The matter can be viewed from another angle as the Courts of the country have frowned upon the forum shopping or the forum convenience. If multiple forums are provided and each of the forums are competent to address the issues so raised, the litigant should not be permitted to make a forum shopping when one of the forums on merit declined to grant the relief by passing a reasoned order. Once a forum out of many has been explored and/or exhausted, it impliedly forecloses the other forum for re-visitation, reconsideration and/or re-determination of the same issue already decided by one forum at an earlier point of time.

13. The facts revealed that the Government, after taking recourse to the statutory provisions, issued the notification inviting

objections from every quarters which was assailed before this Court and in course of the hearing, the Court noticed that after the hearing was concluded, the land is settled in favour of the said company upon receiving the sanction from the Collector and, in fact, the lease has also been executed by the Government. The moment such facts discerned, the petitioners cannot take a route of the Public Interest Litigation and take a plea which was very much available at the time of previous writ petition filed by them in this Court.

14. However, Mr. Debashis Tripathy, learned Additional Government Advocate (AGA) submits that the plot which is demised to the company after taking recourse to the provisions of the statute or in fact encroached by the petitioners. According to him, it is a calculated exercise to protect their unauthorized and illegal possession by way of encroachment and also preventing the authorities from taking steps for their removal therefrom.

15. In such scenario, it is evident that the petitioners are not interested in raising the issue relating to a large section of the public but wanted to settle their own personal scores. A busybody or a warfarer should not be permitted to misuse the extraordinary remedy provided in the nature of Public Interest Litigation. The moment the petitioners appear to have intentions to settle their personal issues

which eradicate the sense of a public issue, the Court should not show any indulgence to such unscrupulous litigants to misuse and/or abuse such extraordinary remedy.

16. From whatever angle we look at, not only the petitioners have not made out any case which warrants invocation of this extra remedy as the pleadings involve a public element but to settle their personal scores, but the petitioners are also guilty of gross suppression of material facts, which if disclosed, would act as an interdict in maintaining the instant litigation.

17. The instant writ petition sans merit and the same is hereby dismissed but in the circumstance with no order as to costs.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

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Signature Not Verified
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Signed by: SISIRA KUMAR BEHERA
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 06-Nov-2026 13:01:18