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**(2021) 11 OHC CK 0190**  
**In the Orissa High Court**  
**Case No : Writ Petition (C) No. 33235 Of 2021**

Pitambar Jena

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

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**Date of Decision :** 30-11-2021

**Acts Referred:**

**Citation :** (2021) 11 OHC CK 0190

**Hon'ble Judges :** Arindam Sinha, J

**Bench :** Single Bench

**Advocate :** Upendra Kumar Samal, Y.S.P. Babu

**Final Decision :** Disposed Of

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## Judgement

Arindam Sinha, J

1. Mr. Samal, learned advocate appears on behalf of petitioner and submits, there is construction of an Anganwadi Centre over plot no.617/766, which is road. As a consequence there is diversion of road over his client's plot nos.289 and 290 in Khata no.196. He points out, paragraph 7 in the counter filed by opposite party no.3 says his clients plot nos.289/290 of village-Manitri are no way affected by this construction since there is 30 ft. approximate revenue road in front of Anganwadi Centre site separating the center from petitioner's plots.

2. Mr. Babu, learned advocate, Additional Government Advocate appears on behalf of State relies on, inter alia, paragraphs 5 and 8 of the counter to submit, Anganwadi Center building is being constructed over a site where an old school building stood. It is in plot no.615.

3. Opposite party no.4 is directed to cause identification of the construction site, the road as well as petitioner's plots. Court understands that the construction is being made at plot no.615. The road is plot no.617/766 and petitioner's plots are 289 and 290.

4.As per the counter and submissions made on behalf of State, the Anganwadi

Centre is being constructed at plot no.615 without causing diversion of the road over petitioner's plots. In event opposite party no.4 in identifying as directed above, finds that construction is being made over the road and consequently road is being diverted over petitioner's plots (289 and 290), on his submission of report of identification to opposite party no.2, forthwith thereafter said opposite party no.2 (Collector) will remove the obstruction and restore petitioner's plot to him. In event restoration is to be made in compliance of directions made herein, the road over plot no.617/766 should also be restored.

5.Opposite party no.4 will cause identification within two weeks from date of communication of this order. In event restoration is to be made by opposite party no.2 on report of identification, it shall be done within three weeks thereafter.

6.The writ petition is disposed of.

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