IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26186 of 2026(PIL)

CNR No.ODHC010599762026

Biswanath Behera .... ***Petitioner***

Mr. Pritam Kumar Mohanty, Advocate

-Versus-

State of Odisha & Ors. .... ***Opp. Parties***

Mr. Debashis Tripathy, AGA

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

ORDER

Order No. **10.09.2026**

01. **1.** Heard learned counsel for the parties.

2. This is one of the classical examples where the remedy in the nature of a Public Interest Litigation (PIL) is misused and abused by a person for settling his personal score. The said observation is fortified by the facts emanating from the instant Writ Petition, which reveal that the Kalyan Mandap has been constructed by the authority on private land. Admittedly, the Petitioner is neither the owner nor

the occupier nor the settlee of the said land. The owner of the said land has not raised any objection, yet a third party having no right in respect of the said land is misusing the fiat of Public Interest Litigation.

3. The right to property is a constitutional right enshrined under Article 300-A of the Constitution of India. A person who is the owner of the property has every right to protect his property and also deal with the same. A third person who has no semblance of right, title and interest in respect of the said property cannot use the tool of Public Interest Litigation and invite the attention of the Court that the Kalyan Mandap cannot be constructed thereat.

4. Though the learned Additional Government Advocate submits that the said construction was made after obtaining no objection from the owner of the said land, yet, without taking into account the aforesaid fact, we find that the Petitioner has no *locus standi* to maintain the Public Interest Litigation in this regard. There is no infringement of any fundamental right guaranteed to the citizen, nor of the constitutional right emanating from Article 300-A of the Constitution of India. Therefore, a third party raising a concern which

impedes the right to property enjoyed by the rightful owner, such frivolous Public Interest Litigation deserves dismissal with exemplary costs.

5. The Petition is dismissed with costs of ₹50,000/-, to be deposited with the Odisha State Legal Services Authority within two weeks from the date of this order. In the event the said deposit is made, the same shall be kept in the account earmarked for Juveniles.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

AKPradhan/Priyanka

Signature Not Verified
Digitally Signed
Signed by: PRIYANKA BARIK
Designation: JUNIOR STENOGRAPHER
Reason: Authentication
Location: HIGH COURT OF ORISSA CUTTACK
Date: 11-Sep-2026 15:25:40