



IN THE HIGH COURT OF ORISSA AT CUTTACK

I.A. No.13540 of 2026

(Arising out of WP(C) No.33186 of 2025)

ODHC010838162025

(An application for intervention, filed under Chapter - VI, Rule - 27 of the Orissa High Court Rules)

M/s. Paltronics Allied

Industries Pvt. Ltd., Khurda

.....

Petitioner

- Versus -

State of Odisha & Others

.....

Opp. Parties

Advocate(s) appeared in this case: -

For Intervenor : Mr. B. Baug, Sr. Advocate with
Mr. G Sahoo, Advocate

For Opp. Parties : Mr. A.K Parija, Sr. Advocate with
Mr. S. Mishra, Advocate

Mr. S. Palit, Sr. Advocate with
Mr. A. Mohanty, Advocate
[For writ Petitioner]

Mrs. J Sahoo,
[Additional Standing Counsel-State]

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

21.08.2026

SASHIKANTA MISHRA, J.

The petitioner of the present intervention application seeks leave to intervene in the writ petition and for his impleadment as a party to the case.



2. Bereft of unnecessary facts, the case of the intervenor-petitioner is that the case land was recorded as Rakhit Khata with Kisam 'Jungle' in the Settlement ROR of 1973, which fact, according to him, was suppressed by the writ petitioner. It is stated that the ROR relied upon by the writ petitioner under Annexure-2 to the writ petition, showing the land as Stitiban with Kisam 'Patita', is a forged and manipulated one and is not available in the records of the Tahasil office. It is further stated that the registered lease deed dated 13.12.1979, relied by the writ petitioner, does not disclose the Kisam of the case land. According to the intervenor-petitioner, at that point of time, the land was recorded as Rakhit with Kisam 'Jungle' and therefore, the subsequent recording of the land as Stitiban with Kisam Patita, immediately after execution of the lease deed, raises a serious question as to the manner and circumstances in which such entry came to be made. It is also stated that the land being recorded as Jungle, its conversion to non-forest use could not have been effected only by invoking Section 8-A of the OLR Act and the provisions governing forest land were required to be complied with. The proposed intervenor



has further stated that he is a public-spirited person and has already approached this Court by filing W.P.(C)(PIL) No.20181 of 2026, bringing to the notice of the Court the illegalities committed by the authorities in respect of the case land. On such basis, he seeks his impleadment in the writ petition.

3. The writ petitioner has filed its written objection to the intervention application opposing the prayer for intervention and impleadment. It is stated that the intervenor-petitioner has no locus standi to intervene in the present writ petition and has failed to demonstrate any direct, personal or legal interest in the subject matter of the writ petition. It is also stated that the intervenor was not a party to the proceedings before the quasi-judicial authorities and, therefore, cannot claim to be an aggrieved person in respect of the order under challenge. The writ petitioner has also disputed the allegations regarding manipulation or fabrication of the ROR. It is further stated that the intervenor had earlier approached this Court in W.P.(C)(PIL) No.20181 of 2026 on substantially similar allegations, which was dismissed as withdrawn on 22.07.2026 without granting any liberty. The



writ petitioner has also opposed the intervention on the ground of delay, contending that the intervenor has sought to raise objections relating to a transaction and entries dating back more than four decades. It is also stated that the writ petition had already been heard at length and the judgment had been reserved on 15.07.2026, and therefore, the intervention application, filed at such a belated stage, is liable to be rejected.

4. Heard Mr. B. Baug learned Senior Counsel with G. Sahoo, learned counsel for the Petitioner of the I.A; Mrs. J Sahoo, learned Additional Standing Counsel for the State and Mr. A.K Parija, learned Senior Counsel along with Mr. S. Palit, learned Senior Counsel, assisted by Mr. S. Mishra and Mr. A. Mohanty, learned counsel for the writ Petitioner.

5. Mr. Baug, would argue that the intervenor has an interest in the subject matter of the writ petition, as the case land, according to the revenue record of 1973 was recorded under Rakhit Khata with Kisam 'Jungle'. He argues that the subsequent recording of the land as Stitiban with Kisam 'Patita' immediately after execution of the lease deed dated 13.12.1979 raises serious questions regarding the legality



and manner of such change. He also submits that the ROR relied by the writ petitioner is a manipulated and fabricated document and does not reflect the actual status of the land. He further submits that the conversion of the land under Section 8-A of the OLR Act could not have been validly effected if the land continued to retain the character of forest (jungle) land and the statutory requirements governing forest land were required to be complied with. On the question of locus standi to maintain the I.A., he submits that the proposed intervenor, being a public-spirited person and a resident of Bhubaneswar has approached this Court in the larger public interest for protection of the forest land and therefore, cannot be treated as a mere stranger to the proceeding. He relies on certain decisions of the Supreme Court wherein it has been recognized that it is the duty of citizens to protect the environment and forests. He therefore, submits that the intervenor has locus to intervene in the writ petition.

6. Mr. Parija and Mr. Palit, learned Senior Counsels, on the other hand, would submit that the intervenor is a stranger to the lis having neither any personal or legal



interest in the case land nor is an aggrieved person. They submit that the intervenor was not a party to the proceedings before the revenue authorities and his claim of being a public-spirited person does not, by itself, confer any right to intervene. They further submit that the PIL filed by the intervenor having been withdrawn without liberty to institute a fresh proceeding, he cannot seek to revive the same cause in the present writ petition. They submit that the intervenor is not a necessary nor a proper party. The intervention application, according to Mr. Parija and Mr. Palit, seeks to enlarge the scope of the writ petition by introducing a new case regarding the character of the land, validity of the lease and fraud and collusion, which cannot be permitted. They further submit that the ROR relied by the intervenor does not pertain to the case land under Khata No.474/5 and the allegations of manipulation and collusion are specifically denied by the State authorities. The lease was executed in 1979, prior to the enforcement of the Forest (Conservation) Act, 1980. They also submit that, as can be seen from the lease deed, the requisite statutory sanction had been obtained.



7. Mrs. Sahoo, learned State counsel would submit that the intervenor has no locus standi to intervene in the present writ petition, as he was neither a party to the proceedings before the Tahasildar nor before the appellate authority. She submits that the conversion of the subject land under Section 8-A of the OLR Act was found to be erroneous by the appellate authority and the same was accordingly set aside by order dated 22.07.2025 passed in OLR Appeal No.15 of 2024. She submits that the State authorities, after coming to know of the erroneous conversion, took corrective steps in accordance with law and have also initiated resumption proceedings. She further submits that the allegations of fraud, manipulation of the ROR and collusion between the writ petitioner and the State authorities were never raised before the revenue authorities. According to her, the ROR relied by the intervenor does not pertain to the case land and the allegations regarding character of the land are, therefore, misconceived.

8. Having heard learned counsel for the parties at length and having perused the materials placed on record, at the outset, it is necessary to keep in view the nature and scope



of the present writ petition. The writ petitioner has approached this Court challenging the order passed by the appellate authority in OLR Appeal No.15 of 2024/2025, whereby the order of conversion passed by the Tahasildar under Section 8-A of the OLR Act was interfered with. The dispute in the writ petition, therefore, mainly concerns the legality of the order passed by the appellate authority and the consequential action taken by the revenue authorities.

9. It is an admitted fact that the intervenor was not a party either to the original proceeding before the Tahasildar or in the appeal. He does not claim any title, possession, leasehold right or other proprietary interest in the subject land. His claim to locus is founded mainly on the ground that the land was recorded as 'Jungle' in the earlier ROR and being a public-spirited person and a resident of Bhubaneswar, he has an interest in protecting the forest land.

10. There can be no two opinions with the proposition that protection of forests and the environment is a constitutional imperative and in an appropriate case, a person having a



substantial and genuine interest may invoke the writ jurisdiction of this Court. The decision of the Supreme Court in the case of ***Jasbhai Motibhai Desai V. Roshan Kumar, Haji Bashir Ahmed***¹ recognizes that the rule of locus standi in proceedings under Article 226 is not inflexible and in exceptional circumstances, a stranger having a substantial and genuine interest in the subject matter may be permitted to invoke the jurisdiction of the Court. However, according to this Court, the above principle does not imply that every person claiming to be a public-spirited citizen acquires an indefeasible right to be impleaded in every proceeding concerning a subject matter which, according to him, involves a matter of public interest. The Court is required to examine the nature of the lis, the interest claimed by the applicant and whether his presence is necessary for a complete and effective adjudication of the controversy.

11. In the present case, the intervenor does not claim any independent right in the case land. He was not a party in the proceedings which resulted in the order under

¹ (1976) 1 SCC 671



challenge. The writ petition can effectively be adjudicated on the basis of the records of the proceedings and the pleadings of the parties thereto. The State, which was a party to the proceeding is already before this Court and has placed its stand. Thus, the presence of the intervenor is not necessary for an effective adjudication of the controversy raised in the writ petition.

12. The distinction between a necessary party and a proper party is well settled. A necessary party is one without whom no effective order can be passed, whereas a proper party is one whose presence is necessary for a complete and effective adjudication of the questions involved. The principles stated by the Supreme Court in cases of **Ramesh Hirachand Kundanmal V. Municipal Corporation of Greater Bombay**²; **Kasturi V. Iyyamperumal**³; **Mumbai International Airport (P) Ltd. V. Regency Convention Centre & Hotels (P) Ltd.**⁴; and **Vidur Impex & Traders (P) Ltd. V. Tosh Apartments (P) Ltd.**⁵ as relied by Mr. Palit, are apposite in this regard. Tested on the above principles,

² (1992) 2 SCC 524

³ (2005) 6 SCC 733

⁴ (2010) 7 SCC 417

⁵ (2012) 8 SCC 384



this Court finds that the intervenor does not satisfy either of the tests.

13. As regards the allegations made by the intervenor regarding manipulation of the ROR, alteration of the Kisam of the land, illegality in the lease and collusion between the writ petitioner and the State authorities are all matters which are disputed by the writ petitioner and the State. On the contrary, the conduct of the State, as borne out from the record, prima facie, repels the allegation of collusion. The conversion order passed by the Tahasildar under Section 8-A of the OLR Act was itself challenged by the State before the appellate authority and was thereafter set aside. Consequential steps, including initiation of resumption proceedings, have also been taken. Thus, the order which is alleged to have been obtained through collusion was subjected to scrutiny at the instance of the State and set aside. This Court therefore, finds no basis to doubt the bonafides of the State authorities merely on the basis of an unsubstantiated allegation of collusion.



14. Another important aspect is that the intervenor himself had earlier approached this Court by filing W.P.(C)(PIL) No.20181 of 2026 concerning the illegalities relating to the case land. The said writ petition was permitted to be withdrawn by order dated 22.07.2026. The order passed therein reads as follows:

“Learned counsel for the Petitioner submits a memo seeking permission to withdraw the Writ Petition. The Petitioner is permitted to withdraw the Writ Petition.

Accordingly, the Writ Petition is dismissed as withdrawn.”

15. The earlier proceeding was thus permitted to be withdrawn without any liberty to file any further proceeding on the same cause of action. In the case of **Sarguja Transport Service V. State Transport Appellate Tribunal**⁶, the Supreme Court considered whether the principle underlying Order XXIII Rule 1 of the Code of Civil Procedure should be extended to writ proceedings under Articles 226 and 227 of the Constitution. The Court held that the principle should be extended in the interest of administration of justice and on the ground of public policy. It was held that where a writ petition is withdrawn without

⁶ (1987) 1 SCC 5



permission to institute a fresh petition, the remedy under Article 226 should be deemed to have been abandoned by the petitioner in respect of the cause of action relied in the earlier writ petition. The observation of the Supreme Court is reproduced below-

*“8. The question for our consideration is whether it would or would not advance the cause of justice if the principle underlying Rule 1 of Order XXIII of the Code is adopted in respect of writ petitions filed under Articles 226/227 of the Constitution of India also. It is common knowledge that very often after a writ petition is heard for some time when the petitioner or his counsel finds that the court is not likely to pass an order admitting the petition, request is made by the petitioner or by his counsel to permit the petitioner to withdraw from the writ petition without seeking permission to institute a fresh writ petition. A court which is unwilling to admit the petition would not ordinarily grant liberty to file a fresh petition while it may just agree to permit the withdrawal of the petition. It is plain that when once a writ petition filed in a High Court is withdrawn by the petitioner himself he is precluded from filing an appeal against the order passed in the writ petition because he cannot be considered as a party aggrieved by the order passed by the High Court. He may as stated in *Daryao v. State of U.P.* [AIR 1961 SC 1457 : (1962) 1 SCR 574] in a case involving the question of enforcement of fundamental rights file a petition before the Supreme Court under Article 32 of the Constitution of India because in such a case there has been no decision on the merits by the High Court. The relevant observation of this Court in *Daryao* case [AIR 1961 SC 1457 : (1962) 1 SCR 574] is to be found at p. 593 and it is as follows:*

“If the petition is dismissed as withdrawn it cannot be a bar to a subsequent petition under Article 32, because in such a case there has been no decision on the merits by the court. We wish to make it clear that the conclusions thus reached by us are confined only to the point of res judicata which has been argued as a preliminary issue in these writ petitions and no other.”



9. The point for consideration is whether a petitioner after withdrawing a writ petition filed by him in the High Court under Article 226 of the Constitution of India without the permission to institute a fresh petition can file a fresh writ petition in the High Court under that article. On this point the decision in Daryao case [AIR 1961 SC 1457 : (1962) 1 SCR 574] is of no assistance. But we are of the view that the principle underlying Rule 1 of Order XXIII of the Code should be extended in the interests of administration of justice to cases of withdrawal of writ petition also, not on the ground of res judicata but on the ground of public policy as explained above. It would also discourage the litigant from indulging in bench-hunting tactics. In any event there is no justifiable reason in such a case to permit a petitioner to invoke the extraordinary jurisdiction of the High Court under Article 226 of the Constitution once again. While the withdrawal of a writ petition filed in a High Court without permission to file a fresh writ petition may not bar other remedies like a suit or a petition under Article 32 of the Constitution of India since such withdrawal does not amount to res judicata, the remedy under Article 226 of the Constitution of India should be deemed to have been abandoned by the petitioner in respect of the cause of action relied on in the writ petition when he withdraws it without such permission. In the instant case the High Court was right in holding that a fresh writ petition was not maintainable before it in respect of the same subject-matter since the earlier writ petition had been withdrawn without permission to file a fresh petition. We, however, make it clear that whatever we have stated in this order may not be considered as being applicable to a writ petition involving the personal liberty of an individual in which the petitioner prays for the issue of a writ in the nature of habeas corpus or seeks to enforce the fundamental right guaranteed under Article 21 of the Constitution since such a case stands on a different footing altogether. We, however leave this question open.”

16. The rationale behind the above principle is to prevent repeated invocation of the extraordinary jurisdiction of the High Court in respect of the same cause and to discourage a litigant from circumventing the consequences of withdrawal by adopting a different procedural route. Though the



present proceeding is not a fresh writ petition filed by the intervenor, the principle cannot be rendered meaningless merely by permitting him to enter into an existing writ petition and seek adjudication of substantially the same allegations which formed the basis of his earlier PIL.

17. In the present case, the earlier PIL was filed by the intervenor himself alleging illegalities concerning the case land. The present intervention application again seeks to raise the forest character of the land, manipulation of the revenue records and illegality and collusion in relation to the same subject matter. The intervenor cannot, having withdrawn his earlier proceeding without liberty, seek to revive substantially the same cause indirectly by way of an intervention application in another writ proceeding.

18. The principle is also consistent with the observations of the Supreme Court in the case of ***State of Orissa V. Laxmi Narayan Das***⁷, wherein the Court emphasized the consequences flowing from withdrawal of an earlier proceeding and the obligation of a litigant not to circumvent such consequence by seeking to agitate the

⁷ (2023) 15 SCC 273



same cause in another proceeding. The administration of justice requires finality not only to adjudications but also, in appropriate circumstances, to the abandonment of a particular remedy. The observation of the Supreme Court is reproduced below-

“The respondents had filed a civil suit in January 2003, claiming that the plaintiffs therein be declared owner of the land which is in their adverse possession since 1965. Part of property in dispute which was allotted to Reserve Bank of India on which staff quarters had been constructed long back. (Para 35)

After withdrawal of the aforesaid suit, the writ petition was filed to call upon the respondents to show cause as to how the land owned by the writ petitioners was allotted to Reserve Bank of India. That the writ petitioners be allotted land equivalent to the same in terms of the observation made in the order dated 1-3-1990 passed by the Settlement Officer. In fact, the real dispute started after the finalisation of the record-of-rights. (Para 36)

Applying the principles of constructive res judicata, the present writ petition filed by the respondents after withdrawal of the civil suit, was not maintainable, in the sense that it ought not to have been entertained. In case the respondents still wanted to justify filing of the writ petition, they should have at least disclosed complete facts and then justified filing of the writ petition. (Paras 37 and 38)

The writ petition also ought to be dismissed on the ground of concealment of material facts regarding filing and withdrawal of the civil suit claiming the same relief. Neither in the writ petition nor in the appeal against the order passed in the writ petition, the respondents disclosed the filing of civil suit and withdrawal thereof. It only transpired at the time of the hearing of the appeal. (Para 39)

The respondents writ petitioners deserve to be non-suited because they have not approached the court with clean hands. (Para 41)

In view of the settled position of law, the respondents writ petitioners waived off their right to challenge the record-of-rights which stood finalised way back in the year 1962 and till date there has been no challenge made to the



same. Indirectly relief was sought by filing appeal before the Settlement Officer, which was not maintainable: civil suit which was ultimately withdrawn and then filed the writ petition and thereafter writ appeal which is the subject-matter of the present proceedings. (Paras 42 to 50)”

19. It is also necessary to note that an intervention application cannot be permitted to enlarge the scope of the writ petition. The writ petitioner has challenged a particular order passed by the appellate authority. The intervenor seeks to introduce issues concerning the manipulation of the ROR, validity of the lease, forest character of the land and collusion between the writ petitioner and the State authorities. These allegations constitute a different line of controversy and are not necessary for determining the lis brought before this Court by the writ petitioner.

20. In view of the aforesaid discussion, this Court is of the considered view that the intervenor has failed to establish either a direct and substantial legal interest in the subject matter or such a genuine and substantial public interest as would warrant his impleadment in the present writ petition and that too, at a stage where it has already been heard and kept reserved for pronouncement of judgment.



- 21.** For the forgoing reasons therefore, this Court does not find any merit in the present application seeking intervention and impleadment.
- 22.** In the result, the I.A. 13540 of 2026 is dismissed.
- 23.** List W.P.(C) No.33186 of 2025 on 02.09.2026.

***(Sashikanta Mishra),
Judge***

*High Court of Orissa, Cuttack
21st August, 2026, Puspanjali Ghadai, Jr. Steno.*