



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 11756 of 2026
ODHC010280282026

Purushottam Hikaka and others ***Petitioners***

Mr. Anup Kumar Mohapatra, Advocate
-versus-

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

Mr. Saswat Das, Additional Government Advocate
Mr. Prasanna Kumar Parhi, Deputy Solicitor General of India

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

Order No.

ORDER
07.08.2026

02. **1.** The instant Public Interest Litigation (PIL) is at the behest of the petitioners alleging the atrocities of the Police happened in the wee hours of 10th March, 2026, when they attacked the tribal villagers and arrested 21 persons, including ten females and also ransacked their houses in excess of the powers provided under the statute. It is further alleged that several cases have been lodged against the villagers under the Unlawful Activities (Prevention) Act, 1967 and they are put into Bhawanipatna Jail.



2. The petition further proceeds that the random house raids by breaking the doors were done by the Police personnel, headed by the IICs of Kashipur and Karlaput Police Stations respectively, which is violative of the guidelines laid down in the case of ***D.K. Basu v. State of West Bengal***, reported in (1997) 1 SCC 416.

3. The petition further highlights the detention of a nineteen-year-old pregnant woman and three female persons having their infants without communicating the reason for such detention and they were also physically humiliated impinging upon not only the human rights but also the constitutional rights guaranteed under the Constitution of India. The petition also proceeds that the villagers were doing a peaceful protest for the decision of the Government in constructing a road which affects the rights of the villagers yet, such vandalism at the behest of the Police personnel cannot be tolerated and, therefore, the Court must interfere to protect the rights of the citizens of the country.

4. In the backdrop of the aforesaid facts, the following reliefs are claimed in the instant Public Interest Litigation:

That the petitioner therefore prays that the Hon'ble Court may kindly be pleased to admit the Public



Interest litigation, issue notice and after hearing the parties, may issue the following directions:

(1) Issue appropriate writs/order directing a judicial probe by a sitting/retired judge of the Hon'ble High Court or in the alternative constitute a Special Investigation Team (SIT) monitored by this Hon'ble Court for the investigation of the brutal attack of the Police on the tribal villagers on the midnight of 6th April, 2026 and also investigate the past incidents related to the protest since 2023 and

(2) Direct the authorities to pay appropriate compensation to the victims of the inhuman and brutal act of the opposite parties and for the loss of properties and

(3) Direct the authorities to take action against the police/authorities involved in this inhuman and brutal act and

(4) And any other order as deem fit be passed and for this act of kindness the petitioner as in duty bound shall ever pray."

5. Several newspaper clippings are also annexed to the instant writ petition to corroborate the fact that there has been a mass protest by the villagers for construction of the road and a recourse having



taken by the Police through *lathi* charge and calling upon them to come out of their houses at the wee hours.

6 Yesterday, when the matter was moved, we invited the attention of Mr. Saswat Das, learned Additional Government Advocate (AGA) appearing on behalf of the opposite parties-State as well as Mr. Prasanna Kumar Parhi, learned Deputy Solicitor General of India (DSGI) after perusing the allegations made in the instant Public Interest Litigation and seeking their response to the same.

7. Mr. Das, learned AGA submits that on the alleged day of occurrence, the Police personnel went to execute the non-bailable warrants issued by the competent Courts but in course of discharging such duties, the Police personnel were attacked, resulting into the injuries suffered by 58 Police personnel. It is further submitted that because of the mass resistance and the law being taken in the hands by the villagers, the Police have desisted from entering into the village for the time being and now, the situation in Kantamal village and the adjoining village is normal and peaceful. It is further highlighted that no road construction work is presently being undertaken at the site in Sagabari village under Sunger G.P., Kashipur block.



8. Though the averments have been made in the instant petition giving a colour of Police atrocities over the peaceful protesters, but the newspaper reports indicate that the protest was against a project approved by the Government without the concurrence and the consent of the villagers, though the Administration claims to have a Gram Sabha meeting at all the eight affected villages in the district on 8th December, 2023 in terms of the provisions contained in the Forest Rights Act, 2026 and there was an unanimous approval or a consent given for such mining project.

9. Further, the photographs published in the newspaper contain the version of both the sides and the reason for any action taken by the Police beyond the conceivable power or the limitation being put in the report needs to be gone into after affording an opportunity to the State to disclose the same. Equally, we cannot overlook the seriousness of the allegations and/or the statements made in the instant Public Interest Litigation attributable to the role of the Police Administration and the action having taken in this regard and, therefore, we feel that the Superintendent of Police of Rayagada along with the Deputy Superintendent of Police and the Sarpanchs of the two villages, namely, Kantamal and Sagabari shall



make a joint spot verification and shall submit a report to this Court on the next date.

10. Mr. Das, learned AGA appearing for the State is directed to file an affidavit within three weeks from date. The Police Administration is directed to ensure that no violence and/or commission shall take place at the adjacent villages and the petitioners shall also ensure that the villagers will not take the law in their own hands till the next date.

11. List this matter on 2nd September, 2026.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

S. Behera