



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23147 of 2026

Chanda Matari

....

Petitioner(s)

Mr. Ashutosh Kuanr, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Ms. Gayatri Patra, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order No.

01.

ORDER

28.07.2026

1. This matter is taken up through hybrid arrangement.
2. By filing the present Writ Petition, the Petitioner has prayed for the following reliefs:

“Under the facts, circumstances and contention it is humbly prayed that this Hon’ble Court may graciously be pleased to admit the Writ Application, issue notice to the opposite parties to show cause as to why:-

- i) The opposite parties shall not be directed not to evict the petitioner from over the case land i.e. an area of Ac.0.04 decs under Plot No-192, Khata No-161 of Mouza-, Tahasil-, P.S-, Dist- Sambalpur;*
- ii) the opposite parties shall not be directed to consider the application of the petitioner vide Annexure- and settle the land possessed by the*



petitioner in her favour for the purpose of homestead;

iii) the opposite parties shall not be directed to allot an alternative land to the petitioner for homestead purpose if the land possessed by him is required for any public purpose or found unfit for settlement;

And if the opposite parties failed to show cause or show insufficient/false cause may graciously be pleased to allow the Writ application by granting the reliefs prayed for;

And further be pleased to pass any other order(s), issue direction(s)/Writ(s) as this Hon'ble Court may deem Just and proper in the circumstances of the case."

3. Heard learned counsel for the parties.
4. After hearing learned counsel for the parties and on perusal of the materials available on record, this Court finds that the present Writ Petition is premature. Admittedly, no notice of eviction has yet been issued to the Petitioner nor has any proceeding for her eviction been initiated by issuance of the prescribed notice under the relevant provisions of the Odisha Prevention of Land Encroachment Act and the Rules framed thereunder. Since no adverse action has yet been taken against the Petitioner, no enforceable cause of action has arisen warranting interference by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.



5. Learned counsel for the Petitioner submits that the Petitioner belongs to the Scheduled Caste category and has been in occupation of a small extent of Government land for residential purposes. It is further submitted that although the Petitioner has submitted an application seeking settlement of the land in her favour, the same has not been filed in the prescribed format under the provisions of the Odisha Prevention of Land Encroachment Act and the Rules framed thereunder nor has it been accompanied by all the requisite documents.

6. Considering the aforesaid submission and having regard to the fact that the Petitioner claims to be a poor lady occupying a very small portion of land for homestead purposes, this Court observes that if the Petitioner intends to seek settlement of the land, she shall be at liberty to submit a fresh application in the prescribed format along with all requisite documents before the competent authority, who shall consider the same in accordance with law, subject to its maintainability and eligibility, without being influenced by the dismissal of the present Writ Petition.

7. It is further observed that in the event the competent authority proposes to initiate any eviction proceeding against the Petitioner, the same shall be undertaken strictly in accordance with the procedure



prescribed under law after issuance of due notice and affording the Petitioner a reasonable opportunity of hearing. If an order of eviction is ultimately passed, the competent authority may, considering the facts and circumstances of the case, grant reasonable time to the Petitioner to vacate the land, if such discretion is otherwise permissible in law.

8. It is made clear that this Court has not expressed any opinion on the merits of the Petitioner's claim for settlement of the land and all questions are left open to be considered by the competent authority in accordance with law.

9. With the aforesaid observations and directions, the Writ Petition stands disposed of. No order as to costs.

10. Issue urgent certified copy of this order as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge