



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25408 of 2026

CNR No. ODHC010605452026

Sameer Patnaik

..... *Petitioner (s)*

Mr. Amit Prasad Bose, Adv.

Mr. A.K. Sahu, Adv.

-Versus-

State of Odisha & Ors.

..... *Opposite Party (s)*

Ms. Gayatri Patra, ASC

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

13.08.2026

Order No.

02.

1. This matter is taken up through hybrid arrangement.
2. In the present Writ Petition, the Petitioner has challenged the notice dated 03.08.2026/Annexure-2 issued by the Opposite Party No.3/Tahasildar, Jeypore in Encroachment Case No.4-228/2026
3. Pursuant to the order dated 12.08.2026 passed by this Court, the Tahasildar, Jeypore, appeared before this Court through virtual mode.
4. Heard learned counsel for the parties as well as the Tahasildar, Jeypore.
5. Learned counsel for the Petitioner submits that the Petitioner has been in possession of the land in question for the last 52 years and





has been regularly paying the revenue rent in respect thereof. He further submits that the Petitioner has also been allotted a house under the ABAS Yojana by the Government and has constructed a house over the land in question.

6. Learned counsel for the Petitioner further submits that the Tahasildar, Jeypore has issued an undated show cause notice under Annexure-1 in Form-Ka in Encroachment Case No.4-228 of 2026 under the OPLE Act, calling upon the Petitioner to submit his reply to the show cause notice. He further submits that, on the very same date, i.e., on 03.08.2026, Opposite Party No.3 issued a notice in Form-Kha directing the Petitioner to vacate the case land within seven days from the date of issuance of the said notice. It is further submitted that, on the same date, Opposite Party No.3 also issued a notice in Form-Ga directing the Petitioner to stop further construction over the case land. However, learned counsel submits that no construction whatsoever is being undertaken over the case land, and therefore, the issuance of such notice is wholly unwarranted.
7. Learned counsel for the Petitioner further contends that the Opposite Party No.3 has issued the aforesaid notices without affording any opportunity of hearing to the Petitioner and, therefore, the same are in violation of the principles of natural justice.

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Date: 14-Aug-2026 18:40:40





8. In view of the aforesaid facts and submissions, this Court is of the view that the Opposite Party No.3 has issued the notices under Annexures-1, 2 and 3 without mentioning any date and without affording any opportunity of hearing to the Petitioners. Accordingly, the notices under Annexures-1, 2 and 3 are hereby set aside. The matter is remitted back to the Opposite Party No.3/Tahasildar, Jeypore, with a direction to issue fresh notice to the Petitioner, in accordance with law, and thereafter proceed with the matter after affording him reasonable opportunity of hearing.
9. Accordingly, the Writ Petition is disposed of.
10. The personal appearance of the Tahasildar, Jeypore is dispensed with.

(Dr. Sanjeeb K Panigrahi)
Judge

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Signature Not Verified

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