



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25580 of 2026

CNR No.ODHC010614742026

Narayan Sahoo & Anr. Petitioner(s)

Mr. A.P. Bose, Adv.

-versus-

State of Odisha & Ors. Opposite Party(s)

Mr. P.P. Behera, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

12.08.2026

01.

1. This matter is taken up through hybrid arrangement.

2. By filing the present Writ Petition, the Petitioners seek to quash the notice of eviction bearing No.4810 dated 03.08.2026 under Annexure-1, issued by the Tahasildar, Brahmagiri, on the ground that the same has been issued in the name of deceased Raghunath Sahu. The Petitioners further seek a direction for issuance of fresh notice to them.

3. Heard learned counsel for the Petitioners and learned counsel for the State-Opposite Parties.

4. Learned counsel for the Petitioners submits that Raghunath Sahu, the recorded owner concerned with the disputed land, expired on 08.09.2025, much prior to initiation of the encroachment proceeding in P.R.



No.71/2026 in Encroachment Case No.01 of 2026-27. It is further submitted that the impugned notice dated 03.08.2026 fixes 18.08.2026 for eviction without affording the Petitioners an opportunity to file their show-cause.

5. Section 9 of the Odisha Prevention of Land Encroachment Act, 1972 requires notice and an opportunity to show cause before proceeding against the person concerned. In the present case, the notice having been issued against a person who had already expired, he could not have availed the statutory opportunity of filing his reply.

6. In view of the above, the notice dated 03.08.2026 bearing No.4810 issued by the Tahasildar, Brahmagiri in the name of deceased Raghunath Sahu, is hereby set aside.

7. The Tahasildar, Brahmagiri is directed to issue fresh notice, in accordance with law, to the Petitioners/legal representatives/persons concerned and afford them reasonable opportunity to file their show-cause reply before proceeding further in the encroachment case.

8. It is made clear that this Court has not expressed any opinion on the merits of the alleged encroachment or the title of the parties. The authority shall proceed independently in accordance with law.

Signature Not Verified

Digitally Signed
Signed by: SIPUN BEHERA
Reason: Authentication
Location: HIGH COURT OF
ORISSA, CUTTACK
Date: 12-Aug-2026 17:10:08



9. Till the aforesaid exercise is completed and a decision is taken in accordance with law, no coercive action shall be taken against the Petitioners in respect of the subject land.
10. The Writ Petition is accordingly disposed of.
11. Urgent certified copy of this order be issued as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge

Sipun