IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 34576 of 2025

Akshaya Kumar Naik ..…... ***Petitioner(s)***

Mr. Bharat Kumar Mishra , Adv.

-Versus-

Tahasildar, Rajanagar & Anr ……. ***Opposite Party(s)***

Mr. Bibekananda Nayak, AGA

CORAM:
DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

03.12.2025

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. The present Writ Petition has been filed by the Petitioner with the following prayer:

> "In the circumstances stated above your Lordships may be graciously pleased to direct the Tahasildar (Opp.party No.l) to refer the matter to Sub-Collector (Opp.party No.2) and after receipt of such reference the Sub-Collector may be pleased to go for settlement of the land in favour of the petitioner for long possession of more than 30 years (thirty years) basing on Section 8-A of the O.P.L.E. Act and taking into consideration of the Sections/provisions made B.S. Adhiniyam (matter is PROVED). Basing on the provisions laid under the Bharatiya Sakshaya Adhiniyam i.e. U/s.26,27, Sec.56 to Sec.60 as the matter has already been proved as on record and need not be proved further for more than 30 years of possession and hence is entitled for settlement;"

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4. Learned counsel for the Petitioner submits that the Petitioner has filed the reply to the show cause notice dated 20.03.1987 issued by the Opposite Party No.1/Tahasildar, Rajgangpur. However, the same is still pending for consideration.

5. Considering the facts and submission made and since no eviction notice has yet been issued to the present Petitioner, this Court is not inclined to entertain the present Writ Petition. However, the Opposite Party No.1/Tahasildar, Rajnagar to consider the reply to the show cause filed by the Petitioner under Annexure-2 and dispose of the same by passing an appropriate order in accordance with law within a period of fifteen days from the date of receipt of a certified copy of this order. If the Tahasildar, Rajnagar is not satisfied with the reply to the show cause filed by the Petitioner, he/she may issue eviction order against the Petitioner as per law, if the same has not yet been issued.

6. This Writ Petition is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Murmu

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