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Location: Orissa High Court, Court
Date: 10-Apr-2026 17:31:21

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5148 of 2026

Santosh Sahoo and others .... ***Petitioners***
Mr.A.K.Sarangi, Advocate

-versus-

State of Odisha and others .... ***Opposite Parties***
Mr.U.R.Jena, AGA

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
9.4.2026

Order No.

4. 1. Heard Mr.Sarangi, learned counsel for the Petitioners and Mr.Jena, learned Additional Government Advocate for the State-Opposite Parties.

2. The writ petition is directed against the order of Revisional authority as well as Appellate authority under the OPLE Act. The Petitioners are the admitted encroachers over the Government land recorded with Kissam Nayanjori. Encroachment proceeding was initiated against them and they were served notice and finally were issued order of eviction by the Tahasildar. Such order of eviction issued by the Tahasildar was confirmed by the Appellate authority as well as Revisional authority in their order dated 24th October 2025 and 9th January 2026 respectively.

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3. It is submitted on behalf of the Petitioners that notice issued in Form-'Ka', 'Kha' & 'Ga' are not as per procedure and therefore the order of eviction cannot sustain.

4. On perusal of the order of Appellate authority and Revisional authority, it is seen that the land is of Kissam Nayanjori situating in village Nathuabar besides the main road. It is not the case of the Petitioners that they are using the land for residential purpose or they are homestead less persons. The Petitioners have encroached the Government land by opening different shops which in the opinion of the Government authority is highly objectionable as the Kissam of the land is Nayanjori. Nothing is found on record to create any right in favour of the Petitioners to possess the land unauthorisedly for business purpose. As such, no merit is seen in favour of the Petitioners to interfere with the order of the Appellate authority or Revisional authority. The writ petition is thus dismissed.

5. However, it is left open for the Petitioners to apply the concerned authority for grant of suitable location to them to run their business.

(B.P. Routray)
Judge

C.R. Biswal