IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22475 of 2025
ODHC010560872025

Paramananda Dash and others .... ***Petitioners***

Mr. Prasanjit Pani, Advocate

-versus-

State of Odisha and others .... ***Opposite Parties***

Mr. Debashis Tripathy, Additional Government Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE CHITTARANJAN DASH

ORDER
05.11.2026

Order No.

01. **1.** Without going into the nuances of the law relating to the maintainability of the Public Interest Litigation (PIL) at the behest of the petitioners, we intend to dispose of the same as we find that the grievance raised by the petitioners is to the effect that the authorities are neither taking any step nor activating the provisions of law in removing illegal encroachment from the Government land.

2. It is alleged that the plots in question, which are recorded in the respective Khatas, actually belong to the Government and several

encroachments have been made thereupon yet, the authorities are showing an apathetic attitude in this regard. It is an ardent duty of the State authorities to protect their own property and shall not permit such property to be dissipated by encroachment over it.

3. Mr. Debashis Tripathy, learned Additional Government Advocate (AGA) appearing on behalf of the opposite parties-State submits that the Odisha Prevention of Land Encroachment Act, 1972 is already in place, which contains an exhaustive provision relating to the removal of the illegal encroachment from the Government land and the authorities are taking all steps as per the law.

4. We are conscious of the stand taken by the learned AGA that without ascertaining whether those plots belong to the Government, it would not be proper on the part of the authorities to take any step in this regard.

5. Considering the above notion, the concerned authority is directed to ascertain whether the plot numbers mentioned in the instant writ petition as well as the representation made to the Tahasildar, Vyasanagar- Opposite Party No.3 actually belong to the Government and, in the event, it is so, whether any encroachment

has been made without any permission and/or grant from the Government. In the event, any encroachment is found over the Government land, the concerned authority is directed to take all necessary steps by initiating encroachment proceedings under the provisions of the aforementioned Act immediately and bring the same to its logical end as expeditiously as possible following the principles of natural justice.

6. With these observations and direction, the instant writ petition is disposed of.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

S. Behera

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Location: High Court of Orissa, Cuttack
Date: 05-Nov-2026 16:31:43