IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.33952 of 2026
CNR No. ODHC010791732026

(In the matter of application under Articles 226 & 227 of the Constitution of India).

Ratnamani Maharana … ***Petitioner***

-versus-

State of Odisha & others … ***Opposite Parties***

For Petitioner : ***Mr. S.S. Jena, Advocate***

For Opposite Parties : ***Mr. J.K.K. Ray, ASC***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT: 09.11.2026(ORAL)

G. Satapathy, J.

1. The petitioner by way of this writ petition has prayed to quash the Annexure-1, but the petitioner has filed Annexure-1 series which is a combination of orders passed by Sub-Collector, Bhubaneswar in Encroachment Appeal Case No. 1 of 2022 and the petitioner probably seeks for quashing of these orders including the order dated 11.09.2026 disposing the aforesaid appeal accordingly.

2. The facts as stated in the writ petition are not only incoherent, but also unspecific and unclear, however, what are gathered from the documents filed to the writ petition together with submission advanced on behalf of the petitioner are that the petitioner and her deceased-husband were in authorized occupation of a piece of Government land under Plot No. 347 of Holding No. 683 in Mouza Bhagwanpur for an area of Ac. 0.040 dec. and accordingly, in the year 2004 an encroachment was initiated against deceased-husband of the petitioner vide Encroachment case No. 352 of 2004, wherein the Tahalsidar, Bhubaneswar by way of an order passed on 05.03.2018 ordered for settlement of land in favour of the encroacher being a home-stead less person and submitted the record for confirmation to Sub-Collector, Bhubaneswar, who returned the record for clearance of Government, since the land in question was coming under restricted zone of BDA as per Revenue Department Notification No. 2864/R

dated 14.01.1996 and accordingly, the ADM, Khordha instructed to file an appeal in the matter, but later on being aggrieved by the order/notice dated 21.02.2019 passed by Tahasildar Bhubaneswar in Encroachment Case No. 352 of 2004 on the same land, the late husband of the petitioner approached this Court in W.P.(C) No. 5109 of 2022 which was disposed of by granting liberty to the late husband of the petitioner to file an appeal against such order/notice with direction for condonation of delay and for disposal of the appeal on merit. It was further directed in the aforesaid writ petition that in the event of petitioner has not been evicted from the disputed property in question and is still in possession thereof, there shall be a status quo over the disputed property for six weeks and the late husband of the present petitioner accordingly filed an appeal U/S. 12 of the OPLE Act, 1972 to set aside the aforesaid order/notice dated 21.02.2019. In terms of the order passed by this Court in W.P.(C)

No. 5109 of 2022, the Sub-Collector vide his order dated 29.04.2023 disposed of the Appeal by observing therein that the Mouza-Bhagwanpur is an urban area and, therefore, the GA Dept. is competent to settle the land basing on feasibility of the encroacher and send the case record to Tahasildar to do the needful and move in the matter to Govt. in GA Dept. for disposal of the case.

2.1. While the matter stood thus, the late husband of the writ petitioner had again moved this Court in W.P.(C) No. 9327 of 2023 which was disposed of on 10.05.2023 with a direction for early disposal of OPLE Appeal case No. 01 of 2022 preferably within a period of four weeks from the date of receipt of copy of such order with further direction for maintain status quo over the scheduled land with no coercive action against the writ petitioner till disposal of Appeal, but the appeal in question was in fact disposed of 12 days before the disposal of the aforesaid writ petition. It is strange,

but true that the present petitioner without enquiring the status of her case in the matter has approached the Sub-Collector, Bhubaneswar again on 13.09.2025 for disposal of the Encroachment Appeal Case no. 1 of 2022 which was already disposed of more than two years and three months before, by alleging negligence and laches on the part of the Sub collector for not adhering to the order of this court passed in WPC No. 5109 of 2022. On receipt of such petition, the Sub collector, Bhubaneswar call for the LCR in Encroachment Case No. 352 of 2004 and passed the impugned order on 11.09.2026 disposing the appeal of the present petitioner accordingly.

3. Heard, Mr. Sudhansu Sekhar Jena, learned counsel for the writ petitioner and Mr. J.K. Khandayat Ray, learned ASC and perused the record.

4. No doubt, after arguing for some time, Mr. Jena, learned counsel for the petitioner prays for an

adjournment, but on the last date, the following order was passed: -

> *"When the matter was taken up after a pass-over, Mr. Sudhansu Sekhar Jena, learned counsel for the petitioner seeks for an adjournment.*
> *Accordingly, as per the request and suggestion of Mr. Jena to take up the matter on 09.11.2026, list this matter on 09.11.2026."*

5. When it was pointed out as to how the present Petitioner could file an appeal after disposal of the same way back in the year 2023, Mr. Jena again tried to mislead the Court and later on seeks for an adjournment. It is, however, found from the documents filed by the petitioner that the petitioner has in fact approached this Court in W.P.(C) No. 9327 of 2023, wherein the following order was passed by a co-ordinate Bench of this Court: -

> *"1. Heard learned counsel for the petitioner and Mr. Rout, learned AGA for the State-opposite parties.*
> *2. Instant writ petition is filed by the petitioner for disposal of the OPLE Appeal Case No. 1 of 2022 pending before the Sub-Collector, Bhubaneswar, namely, opposite party No.1 within a stipulated period.*

3. Mr. Jena, learned counsel for the petitioner submits that pending disposal of the appeal before opposite party No.1 in OPLE Appeal Case No. 1 of 2022, opposite party Nos. 2 & 3 are contemplating to evict him from the schedule land. It is further submitted that a time limit may be fixed for disposal of the appeal with interim protection in favour of the petitioner vis-à-vis the schedule land or else he would be prejudiced immensely.

4. Mr. Rout, learned AGA for the State on the other hand submits that in view of the Courts' order in W.P.(C) No. 5019 of 2022 vide Anneuxre-3 on 3rd March, 2023, liberty was granted to the petitioner to challenge the eviction in appeal and accordingly, the appeal has been preferred which is pending decision and hence, necessary order may perhaps be passed for its disposal within a stipulated period of time which is also the limited prayer in the writ petition.

5. Having regard to the above facts and submissions of the learned counsel for the respective parties and since in the meantime, the petitioner has filed an appeal and the same is awaiting disposal before the Sub-Collector, Bhubaneswar-opposite party No.1, the Court is of the view that a direction is required to be issued to expedite the hearing of the same and to dispose it of within a stipulated time.

6. Accordingly, it is ordered.

7. In the result, writ petition stands disposed of with a direction to opposite party No.2 to ensure early disposal of OPLE Appeal Case No. 1 of 2022 preferably within a period of four weeks from the date of receipt of a copy of this order and till the time of its

disposal, status quo shall be maintained vis-à-vis the schedule land with no coercive action to be taken against the petitioner by opposite party Nos. 2 & 3.
8. A certified copy of the order be issued as per rules."

6. It is considered appropriate to state here that the petitioner has filed one document under Annexure-1 series which is the order passed by the Sub-Collector, Bhubaneswar in Encroachment Appeal Case No. 01 of 2022, wherein the following order was passed on the first date on 13.09.2025: -

"Perused the Encroachment Appeal Memo dtd. 23.07.2025 filed by the appellant through Advocate Sudhanshu Sekhar Jena & associates with a prayer for appropriate order being aggrieved by the order passed by the Tahasildar, Bhubaneswar in Encroachment Case no.352/2004 on the following land schedule."

Land Schedule

Mouza	Khata No.	Plot No.	Area
Bhagwanpur	683	342	Ac. 0.200 dec.

7. In the aforesaid Appeal, the Sub-Collector, Bhubaneswar on 11.09.2026 passed the following order: -

"This appeal case record was reconstructed for the interest of justice, when the original encroachment appeal case no-01/2022 was not readily available. However, while taking up the case for final order, it was brought to the notice by the office,that the case record has been traced out.

On perusal of the original appeal case, it is evident that the predecessor has passed final order on dtd.29.04.2023. Appellant has filed the WP(C) no-9397/2023 prior to such order. Hon'ble High Court vide order dt. 10.05.2023 has directed to dispose of the appeal preferably within a period of one week from the date of receipt of the order. Thus, it is clear that the appeal had been disposed of prior to the above direction.

As the appeal is reconstructed one and heard but the original appeal found late shows that the same has been disposed of, the reconstructed record becomes void and legally ineffective for the reason that a matter cannot be decided twice. Since no parallel procedure is admissible, I am constrained to drop the reconstructed proceeding. Keep this case record with the original appeal case for reference.

Appeal disposed of accordingly.

Order pronounced in the open court today."

8. In the aforesaid backdrop, when the above order in the Appeal was brought to the notice of Mr. Jena, he again tried to give irrelevant explanation by submitting different pleas which are not convincing.

The petitioner herein has tried to mislead the Court by invoking the jurisdiction of this Court twice and that too, without any rhyme and reason. Further, the Sub-Collector, Bhubaneswar has rightly refused to invoke the Appeal jurisdiction since the Appeal has already been disposed of more than two years before.

9. In the aforesaid facts and situation and on consideration of materials placed on record, the petitioner has in fact tried to mislead the Court which is not at all acceptable and the present Writ Petition merits no consideration, however, this Court intended to impose exemplary cost on the present petitioner, but since the present petitioner is a poor widow lady and she probably might not have known the previous proceeding instituted by her husband, this Court does not wish to impose any cost on her. It is, however, open to the petitioner to approach appropriate forum including Revisional forum for redressal of her grievance, since order has been

passed in Encroachment Appeal Case No. 1 of 2022 with observation that the GA Dept. is competent to settle the land basing on feasibility of the encroacher and send the case record to Tahasildar to do the needful and move in the matter to Govt. in GA Dept. for disposal of the case.

10. In the result, the Writ Petition stands dismissed.

(G. Satapathy)
Judge

Orissa High Court, Cuttack,
Dated the 9th day of November, 2026/S.Sasmal

Signature Not Verified
Digitally Signed
Signed by: SUBHASMITA SASMAL
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 10-Nov-2026 15:12:48