IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.33935 of 2026
CNR No. ODHC010809512026

Srikanta Kumar Khatei ..... Petitioner

Represented by Adv.
Mr. S. Patnaik

-versus-

State of Odisha & another ..... Opposite Parties

Represented by

Mr. S.K.Jee, AGA

CORAM:
MR. JUSTICE SASHIKANTA MISHRA

ORDER
23.10.2026

Order No. 01

1. This matter is taken up through hybrid mode.

2. Heard Mr. S. Patnaik, learned counsel for the petitioner and Mr. S.K. Jee, learned Addl. Government Advocate for the State.

3. The petitioner has approached this Court with the following prayer:-

> "*The petitioner therefore humbly prays that this Hon'ble Court may graciously be pleased to issue notice to the opp. parties to show cause as to why the letter dtd.01.10.2026 and 05.10.2026 under annexure-5 and annexure- 6 respectively be not quashed and opp. Party No.6 be not be restrained from demolishing/evicting the structure of the petitioner and be further directed not to interfere with the peaceful possession and structure of the petitioner over the schedule land till the final disposal of the application under Section 19 of the Act, 1951 under annexure-7 pending before the Commissioner of Endowment and on perusal of causes shown, in any make the said rule absolute.*
>
> *And may pass such other order(s) deem fit and proper.*

And for this act of kindness the petitioner as in duty bound shall ever pray."

4. In course of hearing, Mr. Patnaik referring to the letter under Annexure-5 of the Tahasildar addressed to the Sub-Collector, Nayagarh submits that the OPLE proceeding initiated against the petitioner has been dropped, since the land is said to be within the municipal area limits. Accordingly, the Sub-Collector, Nayagarh has written to the Executive Officer, Nayagarh Municipality by letter dated 05.10.2026 (Annexure-6) requesting to take legal steps to remove the unauthorized construction from the disputed land as per the provision contained in the Odisha Municipal Act and Rules.

5. Mr. Patnaik further submits that no action has yet been taken by the Nayagarh Municipality pursuant to the letter under Annexure-6 as yet.

6. Having regard to the fact that several factual aspects require consideration, it would not be proper for the writ Court to interfere at this stage.

7. The writ petition is disposed of directing the Executive Officer, Nayagarh Municipality to grant an opportunity of hearing to the petitioner and also all other necessary parties before taking a final decision in accordance with law pursuant to Annexure-6.

8. Let a final decision be taken within three weeks from today. Till such time, no coercive action shall be taken against the petitioner in respect of the property standing over the disputed land.

(Sashikanta Mishra)
Vacation Judge

Signature Not Verified
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Signed by: BHIGAL CHANDRA TUDU
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 23-Oct-2026 20:07:32

B.C. Tudu