IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 37367 of 2026

CNR No. ODHC010881442026

Prahallad Mallik … ***Petitioner***

Mr. B. Mohapatra, Advocate

-versus-

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

Mr. R.B. Mishra, AGA

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):10.11.2026

Order No.

01. **W.P.(C) No. 37367 of 2026 & IA No. 22001 of 2026**

1. The Petitioner by way of this writ petition seeks to challenge the impugned notice dated 29.10.2026 issued by OP No.3-cum-Tahasildar, Basudevpur under Annexure-4 for evicting him from the land qua plot no. 869 of khata no. 703, Mouza-Jagannathprasad, classification-Paninala for an area Ac. 0.06 dec.

2. In the course of hearing, Mr. Biswajit Mohapatra, learned counsel for the Petitioner submits that although the Petitioner has been settled with the land under Annexure-4, but there is wrong recording in the RoR and thereby, the Petitioner has approached the Additional Commissioner Settlement and Consolidation, Baleswar/Bhadrak in RP Case No. 227 of 2022 seeking correction of the RoR and that proceeding being pending, the issuance of notice against the Petitioner under Annexure-4 is illegal and, therefore, such notice cannot sustain in the eye of law.

2.1. On the other hand, Mr. R.B. Mishra, learned AGA submits that if the Petitioner has been noticed for eviction from his own land, he can raise those points before the concerned Tahasildar and thereby, the proceeding has to be disposed of in accordance with law.

3. After having considered the rival submissions and upon perusal of record, since the Petitioner claims to be the owner of the land under Annexure-4 and a proceeding is pending before the Additional Commissioner Settlement and Consolidation, Baleswar/ Bhadrak in RP Case No. 227 of 2022 for land under plot no. 459 of Bhudan Khata No. 396 which corresponds to the land under Annexure-4, this Court disposes of the writ petition by granting liberty to the Petitioner to raise all these points before OP No.3 who is directed to consider such points in the matter for which notice under Annexure-4 has been issued to the Petitioner and pass appropriate order in accordance with law.

4. Needless to say, this Court has not observed anything on merit and the authority concerned is free to pass any order in accordance with law. The Tahasildar, however, is directed not to evict the Petitioner from the land in question without following due process of law. **IA No. 22001 of 2026 stands disposed of.**

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Signed by: PRIYAJIT SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 11-Nov-2026 17:39:21

(G. Satapathy)
Judge

Priyajit