IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 37784 of 2026
(CNR No. ODHC010886022026)

Saumendra Ray .... **Petitioner**
Mr. S.K. Mishra, Sr. Advocate

-Versus-

State of Odisha and Others .... **Opposite Parties**
Mr. S.K. Parhi, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
25.11.2026

Order No.

02. 1. Heard Mr. Mishra, learned Senior Advocate appearing for the petitioner and Mr. Parhi, learned ASC for the State.

2. Instant writ petition is filed by the petitioner challenging the impugned notice dated 26th October, 2026 as at Annexure-9 and further to direct the opposite parties not to evict him from the case land more fully described therein on the grounds started.

3. Mr. Mishra, learned counsel would submit that the impugned proceeding under the Odisha Public Premises (Eviction of Unauthorized Occupants) Act, 1972 is not maintainable instead it should have been under the OPLE Act and furthermore, the petitioner is a landless person and hence, he is entitled to settlement of a land under the OPLE Act. It is claimed that the petitioner has also applied lease of a land under the OGLS Act and the same is pending decision as made

to reveal from a show cause/reply as at Annexure-7. The submission is that without considering any such settlement and even though a request for lease pending under the OGLS Act, the impugned notice has been issued and the appeal preferred by the petitioner is pending disposal, hearing of which, has not been taken up till date and therein, an I.A. is also filed for interim order.

4. A copy of the appeal memorandum is at Annexure-10 series.

5. State's response is noted down. In fact, Mr. Parhi, learned ASC requests for an adjournment to file a reply affidavit/counter and at the same time, vehemently objects the plea of the petitioner and justifies the impugned notice i.e. Annexure-9 on the ground that the petitioner is in occupation of a government land and hence, the encroachment proceeding.

6. This Court is of the view that the petitioner since in occupation of the land, in respect of which, the impugned notice as per Annexure-9 has been issued has approached opposite party No.2 in OPP Appeal Case No.108 of 2026 challenging the eviction, this Court recording the submissions of Mr. Mishra, learned Senior Advocate and also Mr. Parhi, learned ASC for the State is inclined to direct the said Authority to deal with the appeal and dispose it of at the earliest and within a stipulated period maintaining status quo over and in respect of the case land in possession of the petitioner until

then or unless preceded by a hearing on the interim application filed therein.

7. Accordingly, it is ordered.

8. In the result, the writ petition stands disposed of with the directions as aforesaid for compliance by opposite party No.2 ensuring disposal of the OPP Appeal Case No.108 of 2026 within a period of four weeks from the date of receipt of a copy of this order, which shall be served on him by 2nd December, 2026 and till then or until interim orders therein, there shall be no coercive action against him.

9. Issue urgent certified copy of this order as per the rules and in course of the day and also be uploaded today in the Court's Website.

(R.K. Pattanaik)
Judge

Balaram

Signature Not Verified
Digitally Signed
Signed by: BALARAM BEHERA
Designation: Personal Assistant
Reason: Authentication
Location: OHC, CUTTACK
Date: 25-Nov-2026 19:01:41