IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 38959 of 2026
(CNR No. ODHC010888762026)

Basanti Malik …. **Petitioner**
Mr. A.S. Mohanty, Advocate

-Versus-

Collector, Kendrapara and Others …. **Opposite Parties**
Mr. S.B. Panda, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
26.11.2026

Order No.

01. 1. Heard Mr. Mohanty, learned counsel for the petitioner and Mr. Panda, learned AGA for the State.

2. Instant writ petition is filed by the petitioner challenging the initiation of the proceeding vide Encroachment Case No.103/2025-26 by opposite party No.3 with the issuance of notice as per Annexure-1 on the grounds stated.

3. Mr. Mohanty, learned counsel submits that the case land was settled with the petitioner in Encroachment (Basundhara) Case No.276 of 2018-19 by referring to the order sheets passed in the said case at Annexure-2. The further submission is that the appeal was filed by the petitioner since the settlement of the case land was recalled suo moto by the order of opposite party No.3 vide Annexure-4 and it was disposed of by order dated 20th June, 2025 with a direction to opposite party No.3 for re-adjudication. Mr. Mohanty, learned

counsel would submit that in spite of the order in appeal as per Annexure-5, it has not been being acted upon and since the petitioner approached this Court in W.P.(C) No.10748 of 2026 disposed of on 17th April, 2026 as at Annexure-6 with a direction to opposite partyNo.3 to take steps in accordance with law in terms of the order at Annexure-5 but it has been followed by the impugned notice at Annexure-1 with initiation of a proceeding under the OPLE Act once again and hence, such action is illegal.

4. Recorded the submissions and objection of Mr. Panda, learned AGA for the State.

5. Since the direction of opposite party No.2 vide Annexure-5 is pending compliance pursuant to the order of this Court in W.P.(C) No.10748 of 2026, it would suffice, if a direction is issued to the said Authority to consider disposal of Misc. Case No. 156 of 2019 within a stipulated period and to defer the action pursuant to the notice dated 2nd/6th July, 2026 at Annexure-1 for the time being.

6. Accordingly, it is ordered.

7. In the result, the writ petition stands disposed of with the direction as aforesaid. It is further directed that opposite party No.3 shall ensure a hearing and disposal of Misc. Case No. 156 of 2019 at the earliest preferably within a period of four weeks to commence from today. It is further directed that the petitioner shall extend cooperation in ensuring such

disposal of the proceeding pending before opposite party No.3 for timely compliance of the order in OPLE Appeal No.104 of 2024 and till such time with a final order therein, any such action contemplated in terms of impugned notice at Annexure-1 shall be kept in abeyance.

8. Issue urgent certified copy of this order as per rules and in course of the day.

(R.K. Pattanaik)
Judge

Balaram

Signature Not Verified
Digitally Signed
Signed by: BALARAM BEHERA
Designation: Personal Assistant
Reason: Authentication
Location: OHC, CUTTACK
Date: 26-Nov-2026 19:19:09