



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4596 of 2026

Pradeep Kumar Pattnaik ***Petitioner***

Mr. Shyamananda Moharana, Advocate
-versus-

State of Odisha and others ***Opp. Parties***

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER

31.03.2026

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition prays for the following relief:

PRAYER

“In view of the facts and grounds stated above, it is humbly prayed that this Hon'ble Court may graciously be pleased to:

(a) Issue a writ of MANDAMUS directing Opposite Party No.2 Tahasildar, Athgarh to consider settlement of Ac. 1.50 dec. of land under Plot No.383, Khata No.82 of Mouza-Rahangol in favour of the petitioner under the applicable provisions of the OGLS Act/Rules within a time bound period;

(b) Quash the illegal and arbitrary order dated 28.10.1983 closing Encroachment Case No.96/1982;

(c) Direct fresh consideration on merits based on all favourable reports (Form-B, RI report, Amin report, NOC of Sarpanch);

(d) Direct the Opposite Parties to apply the rule of equality and treat the petitioner at



par with similarly placed encroachers whose cases were settled by orders dated 23.12.1981 and 10.02.1986, vide Annexure 4 & 5;

(e) Pass any other order(s) as may be deemed fit in the interest of justice.”

3. It is submitted by learned Counsel for the Petitioner that being a landless person, the Petitioner has occupied a piece of Government land under Plot No.383 of Khata No.82 in Mouza-Rahangol under Athgarh Tahasil in the district of Cuttack (for brevity ‘the case land’). An encroachment proceeding in Encroachment Case No.96 of 1982 was initiated against him and the proceeding was closed vide order dated 28.10.1993 on the basis of a report of the R.I. Khuntuni that the Petitioner has vacated the encroachment since 1990. Thereafter, the Petitioner filed Civil Suit No.21 of 2010 claiming right, title, interest and possession over the case land through adverse possession. The suit came to be dismissed on contest vide judgment dated 26.12.2018 passed by the learned Civil Judge (Sr. Division), Athgarh under Annexure-7.

4. Being aggrieved, the Petitioner preferred R.F.A. No.06 of 2019 and the learned Additional District Judge, Athgarh vide judgment dated 29.08.2023 dismissed the said appeal.

5. It is submitted that the Petitioner being a landless person, is entitled to be settled with the case land. Hence, this writ petition has been filed.

6. Mr. Mishra, learned Additional Standing Counsel submits that the writ petition is thoroughly misconceived and



it has been filed to grab a valuable piece of Government land. Since the Petitioner has not made out any case in his favour, the writ petition should be dismissed with heavy costs.

7. At this stage, Mr. Moharana, learned Counsel for the Petitioner prays for withdrawal of the writ petition seeking liberty to file an appeal against the order passed in Encroachment Case No.96 of 1982.

8. Mr. Mishra, learned Additional Standing Counsel however, submits that he has no objection to the prayer for withdrawal of the writ petition, but no liberty should be granted to file appeal against the order dated 28.10.1993 passed in Encroachment Case No.96 of 1982.

9. In view of the submission made by learned Counsel for the Parties, we are not inclined to entertain the prayer made by the Petitioner for withdrawal of the writ petition with liberty to file an appeal, as no ground is made out in the writ petition as to why the Petitioner could not prefer appeal for last 33 (thirty three) years, if he was aggrieved by the order passed in Encroachment Case No.96 of 1982. Taking note of the submission made by the learned Counsel for the Petitioner and on perusal of the record, it appears that the Petitioner is trying to grab the case land as aforesaid by misutilizing the Court process. Such an attempt should not be encouraged with the intervention of the Court.

10. Accordingly, the writ petition is dismissed.



11. We refrain from imposing any costs in the matter keeping in mind the submission of Mr. Moharana, learned Counsel for the Petitioner that the Petitioner is poor and is an agricultural labourer. It is, however, made clear that if the Petitioner misutilizes the Court proceeding any further, the concerned Court would be at liberty to impose costs on him.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

Banita