



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3509 OF 2026

Ranjan Kumar Mohapatra* *Petitioner

Mr. Kishore Chandra Rajguru Mohapatra,
Advocate

-versus-

State of Odisha and others* *Opp. Parties

Mr. Bibekananda Nayak,
Additional Government Advocate

Mr. Lalit Kumar Maharana, Advocate
(For Commissioner of Endowments)

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER

23.03.2026

Order No.

- 03.
1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition seeks to assail the judgment dated 17th February, 2025 (Annexure-1) passed by learned Commissioner of Endowments, Odisha, Bhubaneswar, in O.A. No.60 of 2022, in a proceeding under Section 25 of the Odisha Hindu Religious Endowments Act, 1951 (for brevity, 'the Act'). The Petitioner also assails the notice of eviction issued by the Tahasildar, Ranpur in L.E. Case No.172 of 2025-26, and issuance of Form 'Kha' of the Odisha Prevention of Land Encroachment Act, 1972 (for brevity 'the OPLE Act') and notice dated 17th December, 2025 (Annexure-10) issued in terms of the said order.



3. Mr. Rajguru Mohapatra, learned counsel for the Petitioner, at the outset, submits that although the order passed under Section 25 of the Act is under challenge by the Petitioner in the present writ petition, but in view of the categorical admission of the Petitioner before learned Commissioner of Endowments in O.A. No.60 of 2022, the Petitioner is not in a position to challenge the said order. The Petitioner is an unauthorized occupant of 129 sq.ft. of land out of Ac.0.003 decimals in Khata No.353, Plot No. 478. However, the Petitioner has constructed his residential house over the land of the Deity.

4. Mr. Rajguru Mohapatra, learned counsel for the Petitioner, therefore, submits that the land unauthorizedly occupied by the Petitioner may be settled in his favour on payment of market value of the land. He further submits that since an order under Section 25 of the Act has already been passed, Form 'Kha' issued by the Tahasildar, Ranpur under Annexure-9 and notice of eviction under Annexure-10 are not sustainable.

5. Mr. Nayak, learned Additional Government Advocate submits that he has not yet received instruction in the matter, although sought for. He, however, submits that since the order of eviction has already been passed in respect of the land of the Deity, Sri Damuni Thakurani Bije, Rajsunakhala in the district of Nayagarh, the proceeding under the OPLE Act is not maintainable.

6. Mr. Maharana, learned counsel for the Commissioner of Endowments, on instruction, submits that pursuant to the order



passed under Section 25 of the Act under Annexure-1, requisition has been issued to the Collector, Nayagarh to execute the same. He, however, submits that instruction with regard to status of requisition made by the Commissioner of Endowments to the Collector, Nayagarh has not yet been received.

7. Taking note of the submissions made by learned counsel for the parties and on perusal of the record, it appears that for unauthorized occupation of 129 sq.ft. decimals of land by the Petitioner from Plot No.478 of Khata No.353 recorded in the name of Sri Damuni Thakurani Bijee, under Rajsunakhala Police Station in the District of Nayagarh, a proceeding under Section 25 of the Act in O.A. No.60 of 2022 was initiated. In the said proceeding, the Petitioner was examined as O.P.W.1. In his evidence, the Petitioner has categorically admitted that he had occupied an area measuring 129 sq.ft. out of Ac.0.003 decimals of the Deity's land and has constructed his residential house thereon. It is also stated in the evidence that unauthorized occupation was not intentional and due to mistake at the time delivery of possession of the land he had purchased, which is adjacent to the land of the Deity, such a situation has arisen.

8. In view of the categorical admission of the Petitioner, we find no infirmity in the impugned order under Annexure-1 directing eviction of the Petitioner from the Deity's property. However, a proceeding under the OPLE Act would not be maintainable, when an order of eviction has already been passed under Section 25 of the Act. Thus, the order of eviction in Form 'Kha' in L.E. Case No.172 of 2025-26 under Annexure-9 passed



by the Tahasildar, Ranpur, and notice dated 17th December, 2025 under Annexure-10 in terms of the said order are not sustainable.

9. Accordingly, Annexures-9 and 10 are set aside. However, the Collector, Nayagarh is directed to take immediate steps to implement the order dated 17th February, 2025 (Annexure-1) under Section 25 of the Act passed by the Commissioner of Endowments, Bhubaneswar in O.A. No. 60 of 2022 in accordance with law.

10. Mr. Nayak, learned Additional Government Advocate is directed to communicate this order to the Collector, Nayagarh to do the needful at the earliest.

11. With the aforesaid observation and direction, this writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

sashikant