



IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No.159 of 2026

CNR No. ODHC010206802026

State of Odisha & Ors.

....

Appellants

Mr. S.R. Pattnaik, AGA

-Versus-

Subash Chandra Sahu & Ors.

....

Respondents

Mr. R.P. Pattanaik, Advocate

CORAM:

MR. JUSTICE R.K. PATTANAIAK

ORDER

06.08.2026

I.A. No.469 of 2026

Order No.

03.

1. Heard Mr. Pattnaik, learned AGA for the appellants.
2. Instant I.A. is filed by the appellants under Section 5 of the Limitation Act seeking delay condonation.
3. A delay of 298 days is reported as per the SR.
4. Notices to the respondents were issued on 8th May, 2026. ADs of the notices are back from respondent Nos. 1 to 5 after personal service. Respondent No.5 has entered appearance in the meantime. Mr. R.P. Pattnaik, learned counsel for respondent No.5 is absent at the time of call. Other respondents have not turned up. No objection is filed by respondent No.5 either. Considering the explanation offered from the side of the State on delay, this Court is inclined to allow the I.A. condoning the same.
5. Accordingly, it is ordered.



6. The I.A. is disposed of as a result.

(R.K. Pattanaik)
Judge

RSA No.159 of 2026

04.

1. Heard.

2. Instant appeal is filed by the State/appellant challenging the impugned judgment and decree in RFA No.10 of 2018 confirming the decision of the learned Civil Judge (Senior Division), Koraput in C.S. No.72 of 2013 on the grounds stated.

3. The suit of the plaintiff has been decreed and ultimately upheld in RFA No.10 of 2018.

4. Recorded the submission of Mr. Pattnaik, learned AGA for the appellants. The submission is that the possession of the suit schedule property is with the appellants, hence, the learned court below erred in passing the decree in favour of the respondents and therefore, the impugned judgment in RFA No.10 of 2018 is liable to be interfered with so also the decree in the suit.

5. Considering the facts pleaded on record and the submissions as above, this Court formulates the following substantial questions of law:

(i) Whether the impugned judgment of the 1st Appellate Court is justified in directing to give vacant possession of the suit land to the plaintiffs when the defendants are in possession over the same since 1979 by constructing its staff quarters?



(ii) Whether the appellate court is correct in partly modifying the order of the learned Trial Court to acquire the suit land as per the provisions of the Land Acquisition Act, 1894?

6. List on 17th September, 2026 for hearing and orders.

(R.K. Pattanaik)
Judge

I.A. No.471 of 2026

- 05.
1. Heard.
 2. Instant I.A. is filed by the appellants for appropriate orders.
 3. Recorded the submission of Mr. Pattnaik, learned AGA for the State/appellant. None appears for respondent No.5 at the time of hearing. Other respondents are also absent.
 4. Since, the appeal is admitted, this Court, as an interim measure, directs that the proceeding in Execution Case No.04 of 2025 pending before the learned Civil Judge (Senior Division), Koraput shall remain stayed till the next date.
 5. List on the date fixed.
 6. Issue urgent copy of this order as per rules.

(R.K. Pattanaik)
Judge



RSA No.159 of 2026

06. 1. List on the date fixed for further orders.

(R.K. Pattanaik)
Judge

Balaram