



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.522 of 2026

Sanod Kumar Sharma

.....

Petitioner

Represented by Adv. –
Ms. K.Banarjee

-versus-

***Sarpanch, Singhibuja Gram
Panchayat, Subarnapur & Ors.***

.....

Opposite Parties

Represented by Adv. -

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

24.03.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
3. By filing the present CMP application under Article 227 of the Constitution of India, the plaintiff in CS No.54 of 2025 pending in the court of learned Civil Judge (Senior Division), Sonepur has approached this Court thereby challenging the order dated 27.11.2025 at Annexure-8 thereby rejecting the plaintiff's application filed under Section 151 of the CPC with a prayer for a direction to the defendant-Sarpach, Singhibuja Gram Panchayat, Subarnapur to break open the lock put on the shutter of the shop room of the plaintiff immediately.
4. Learned counsel for the Petitioner-plaintiff at the outset



contended that initially the plaintiff filed a suit for permanent injunction restraining the defendants from evicting the plaintiff from Stall (shop room) No.3 and for interfering with the peaceful possession of the plaintiff over the suit property. Along with the suit, the plaintiff also filed an application under Order 39 Rule 1 & 2 of the CPC for temporary injunction. During the pendency of the aforesaid I.A under Order 39 Rule 1 & 2, the plaintiff moved another application under Section 151 of the CPC as has been indicated hereinabove.

5. An application filed by the plaintiff under Section 151 of the CPC was taken up for consideration and by virtue of the impugned order dated 27.11.2025 the defendant No.2 was directed to appear before the court with the receipt books and cash books of the year 2023 to 2025 of Singhijuba Grampanchayat for inspection. Similarly, the application filed by the plaintiff under Section 151 of the CPC was rejected as the plaintiff failed to produce the rent receipt in respect of the shop room.

6. Learned counsel for the Petitioner at this juncture contended that the suit property, i.e., the shop room No.3 has been lawfully leased out in favour of the Petitioner and that the Petitioner, who is occupying such shop room for his business purpose, has been paying rent regularly after obtaining a receipt thereof from the panchayat. She further contended that inadvertently the Petitioner could not produce the rent receipt before the learned trial court at the time of hearing of the application under Section 151 of the CPC. As such, the learned trial court taking note of the aforesaid failure to produce the rent receipt rejected the application of the plaintiff filed under Section 151 of the CPC. She further contended



that since the Petitioner is dealing with perishable goods and the shop room has been locked by the grampanchayat, there is every likelihood that certain goods might deteriorate in the meantime and lose their market value, which will eventually cause huge financial loss to the plaintiff.

7. Having heard the learned counsel appearing for the Petitioner, on a careful examination of the background facts, further on a close scrutiny of the impugned order dated 27.11.2025 at Annexure-8 to the CMP application, this Court is of the considered view that the learned trial court has not committed any illegality as the plaintiff failed to establish his permissive possession over the suit scheduled shop and that the plaintiff was unable to produce the rent receipt in support of his possession. Therefore, this Court is of the view that the learned trial court has not committed any illegality in passing order dated 27.11.2025 and that the same does not call for any interference at this stage. However, taking into consideration the submissions made by learned counsel appearing for the plaintiff-petitioner that the plaintiff is lawfully possessing the shop room and that he has rent receipts, this Court grants another opportunity to the plaintiff to move a fresh application before the learned trial court within two weeks from today. In such eventuality, the learned trial court shall do well to consider such application in accordance with law after providing an opportunity to both sides and dispose of the same as expeditiously as possible. Further, taking into consideration the fact that the application under Order 39 Rule 1 & 2 of the CPC is also pending, this Court directs the learned trial court to make every endeavour to ensure that the application filed by the plaintiff



under Order 39 Rule 1 & 2 of the CPC be also disposed of as expeditiously as possible preferably within a period of eight weeks from the date of communication of a copy of today's order.

8. With the aforesaid observations/ directions, the CMP application stands disposed of.

(A.K. Mohapatra)
Judge

Anil