



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.13602 of 2026

Rajalaxmi Swain

....

Petitioner

Mr. B.K. Nayak, Advocate

-versus-

State of Odisha & others

....

Opposite Parties

*Mr. Swayambhu Mishra,
Additional Standing counsel*

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

08.05.2026

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard learned Counsel for the Petitioner so also Mr. Mishra, learned Additional Standing Counsel for the State-Opposite Parties.

3. The present writ petition has been preferred by the Petitioner to direct the Opposite Parties, more particularly, the Opposite Party No.3-Tahasildar, Naugaon to take necessary action against the Opposite Party Nos.4 to 6 for their alleged illegal and unauthorized encroachment over the land with Gramya Jungle Kissam and to remove them from the said land, which they illegally encroached, within a stipulated period.

4. Pursuant to order dated 07.05.2026, Mr. Mishra, learned ASC, files the written instruction received from the Tahasildar, Naugaon vide his Letter No.1238 dated 08.05.2026, which is taken on record. The contents of the



said letter, being relevant, are reproduced below:-

“That on receipt of representation submitted by Smt. Rajalaxmi Swain and other villagers of Osakana regarding illegal encroachment and construction over the following Govt. land, a demarcation case was initiated on the following land schedule which is record in the name of Govt. of Odisha to verify the allegations.

Land Schedule

<u>Mouza</u>	<u>Khata no.</u>	<u>Plot no.</u>	<u>Area</u>	<u>Kissam</u>
Osakana	800	2648	Ac.0.12	Gramya jangal

Accordingly, a demarcation process was initiated. The said demarcation was carried out by Sri. Babul Kumar Behera (Amin), Sri Kanhu Charan Bhoi (Amin) of this office on Dtd.-20.06.2025 in the presence of Sri. Manik Tudu(Revenue Supervisor) and R.I. Deriki. Sri Sarat Kumar Parida (Addl. Tahasildar, Naugaon Tahasil) and Police personnel were present there to maintain the Law and Order.

The demarcation was carried out peacefully without any litigation. Concerned boundary tenants, and villagers considered the above demarcation. The boundary defining pillars were fixed during the demarcation which was also accepted by the boundary tenants.

Both Sri Behera and Sri Bhoi (Amin) have submitted the demarcation report with duly signed by the parties, witness and the Police personnel. RI Deriki has also submitted a report regarding the encroachment made by the boundary tenant namely Udaynath Nayak and also issued G form on behalf of the encroacher, following which an encroachment case was booked and show cause notice to the encroacher was issued. On the day of hearing the learned advocate on behalf of the encroacher was present on call and submitted an objection petition stating that his client have been



possessing the said Govt. plot since long and having hereditary rights on the plot from their predeceased great grandfather late Sadhu charan Nayak. But they didn't submitted any supporting documents to their claim. **As the land is recorded under Govt. of Odisha khata having Kissam-Gramya jangal, so his objection petition was rejected and as per Govt. guidelines eviction notice was issued to the encroacher. After receiving the eviction notice the encroacher with his advocate submitted a copy of Civil Suit No.395/2025 which is pending before the Court of Hon'ble Civil Judge, Sr. Division, Jagatsinghpur. Since the matter is subjudice in the court of Hon'ble Civil Judge, Sr. Division Jagatsinghpur, the eviction process was put on hold."**

(Emphasis supplied)

5. In view of such written instruction, as detailed above, since C.S. No.395 of 2025 is now sub-judice before the Court of learned Civil Judge (Senior Division), Jagatsinghpur, this Court is not inclined to pass any order at this stage, as prayed for.

6. Accordingly, the writ petition stands disposed of.

7. Needless to mention here that the Petitioner may approach the appropriate forum for redressal of her grievances, if any, in accordance with law.

**(S.K. MISHRA)
JUDGE**

Kanhu

Signature Not Verified

Digitally Signed
Signed by: KANHU BEHERA
Designation: JUNIOR STENOGRAPHER
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 09-May-2026 15:54:40

