



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 15972 of 2026

Billo Sana @ Bilwa Sana

....

Petitioner

Mr. M. Mohanty, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. M.R. Mohanty, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

22.06.2026

Order No.

01. 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The aforesaid writ application has been filed assailing the notice issued by the Executive Officer, Malkangiri Municipality dated 10.03.2026. The recitals of the said notice run thus:-

"xxx

xxx

xxx

NOTICE UNDER SECTION 254¹ OF O. M. ACT 1950

Take notice that you have encroached on a public road on the main DRDA chowk by erecting of semi-pucca building, which causes hindrances to the movement of vehicles and also obstructs for further development of road.

The undersigned therefore, duly authorized U/Sec.-254¹ of the Odisha Municipal Act 1950, serves this notice upon you and



requires you to remove the said encroachment within 24 hours of this notice, failing which the undersigned will be compelled to remove the said encroachment by demolition procedure and you will be held responsible for any loss of movable or immovable property held by you over the said encroachment.

xxx

xxx

xxx"

3. It is submitted by the learned counsel for the Petitioner referring to the provisions as contained in Section 254¹ of the Odisha Municipal Corporation Act, 1950, that it envisages issuance of notice prior to any action is initiated for removal of the alleged violation causing hindrance to public at large. Hence, he seeks interference of this Court.

4. Learned counsel for the State on the other hand referring to the impugned notice submits that prima facie there is no violation of the statutory provision and he also opposes the maintainability of the writ application on the ground of delay, the

¹ **254. Removal of encroachment.** - (1) The Executive Officer may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar or ground-floor window) situated against or in front of such premises and in or over any road.

(2) If the owner or occupier of the premises, as the case may be, proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give any person a prescriptive title thereto or that it was erected or made with the permission or licence of any Municipal authority duly empowered in that behalf, and that the period, if any, for which the permission or licence is valid, has not expired, the [Municipality] shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.



impugned notice, admittedly, having been issued on 10.03.2026.

5. Considering the rival submission in the light of the Section 254¹ of the Odisha Municipal Corporation Act, 1950, this Court is persuaded to hold that the matter merits examination.

6. Accordingly issue notice to the Opposite Parties.

Since learned counsel for the State appears on behalf of the Opposite Party Nos.1, 2 & 4, no further notice need be issued to the said Opposite Parties.

Notice to the Opposite Party No.3 be issued by Speed Post. Requisites shall be filed by 29.06.2026.

7. List this matter on 22.07.2026.

**(V. Narasingh)
Judge**

I.A. No.9542 of 2026

Order No.

02. 1. Issue notice as above.
2. Accept one set of process fee.
3. Status quo in respect of the construction over Hal Khata No.1007, Hal Plot No.1537 appertaining to Kissam Patita, of Mouza-Malkanagiri, P.S./Dist.- Malkanagiri shall be maintained till the next date.



4. Liberty is granted to the Opposite Party-Municipality to seek variance of this order.

5. List this matter on the date fixed (22.07.2026).

UCC be granted in course of the day.

(V. Narasingh)
Judge

Ayesha