



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20206 of 2025

Una Ganesh Patro & Ors.

Petitioner(s)
Mr. Ashok Das, Adv.

-versus-

The State of Odisha & Ors.

Opposite Party(s)
Mr. Pravu Prasanna Behera, ASC

CORAM:
HON'BLE DR.JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
23.07.2025

01. 1. This matter is taken up through hybrid arrangement.
2. In filing this Writ Petition, the Petitioners claiming themselves to be the owners of the disputed property in question, have sought for a direction from this Court to the Tahasildar, Buguda/ Opposite Party No.4 for not demolishing their residential house standing over the disputed property in question.
3. Heard.
4. Learned counsel for the Petitioners submits that pertaining to the disputed property in question the Petitioners had preferred a Civil Suit bearing C.S. No.232 of 2014 which was also allowed vide judgment dated 11th September, 2017. The relevant portion of the said judgment is extracted herein below:-

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ORDER

The suit be and the same is decreed on contest against the defendants, but without any cost. The defendants are hereby permanently restrained from demolishing any portion of the suit house situated on the suit land or cause any damage to the plaintiffs with respect to the same.

Pleadings fees as per contested scale.”

5. Learned counsel for the Petitioners further submits that judgment passed in the above noted Civil Suit has not been challenged till today. He also contends that despite continuance of the judgment/order passed by the learned Senior Civil Judge, Bhanjanagar in the above noted Civil Suit, the Tahasildar, Buguda/ Opposite Party No.4 has directed for demolition of the houses of the Petitioners standing over the disputed property in question through mic announcement which action of the Tahasildar, Buguda is *per se* illegal.

6. Learned counsel for the Petitioners further contends that before approaching this Court though the Petitioners on the selfsame issue have already ventilated their grievances before the Tahasildar, Buguda vide Annexure-3, no decision has been taken on the said grievance of the Petitioners till today. He, in the process, prays for allowing the prayer made in this Writ Petition.

7. Considering the submissions made on behalf of the Parties and looking to the factual scenario of the case, this Court is of the view that since the Petitioners have been

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enjoying the judgment/order dated 11th September, 2017 passed in the above noted Civil Suit, the Tahasildar, Buguda should not have directed for demolition of their houses standing over the disputed property in question. This Court, therefore, directs the Tahasildar, Buguda to look into the grievance of the Petitioners vide Annexure-3 and pass a lawful order in the matter keeping in view the judgment dated 11th September, 2017 passed in C.S. No.232 of 2014 within a period of two months from the date of presentation of an authenticated copy of this order.

8. The Tahasildar, Buguda is also directed to refrain himself from undertaking any eviction drive through mic announcement. It is also made clear that if there is requirement of eviction of the Petitioners from the disputed property in question, the Tahasildar, Buguda shall adopt proper procedure as per law prior to conducting the eviction drive.

9. This Writ Petition is, accordingly, disposed of.

(Dr. S.K. Panigrahi)
Judge

Ayaskanta

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