



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.23085 of 2025

Chintamani Sahani

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Petitioner
Mr. S. Das,
Advocate

-versus-

State of Odisha & Ors.

Opposite Parties
Ms. Gayatri Patra, ASC

CORAM:

THE HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

09.10.2025

Order No.

03. 1. This matter is taken up through hybrid arrangement.
2. At the outset, learned counsel for the State brings to the notice of this Court to the report supplied by the Tahasildar, Kandhamal, Phulbani. For clarity, the contents of the report of the Tahasildar, Kandhamal is extracted hereinbelow:-

"In inviting a reference to letter on the subject cited above, I am to intimate that one OPLE Case bearing No 25/2002 had been initiated by this Tahasil against the petitioner. The RI, Phulbani was directed to enquiry and submit report regarding the present annual income of the petitioner. The RI, Phulbani has reported that Sri Chintamani Sahani, S/o Jibardhan Sahani of Village Badabhuin under Balaskumap RI Circle of Khajuripada Tahasil and

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migrated to Phulbani since long. The annual family income of Chintamani Sahani and his family is Rs. 3,36,000/-from family pension and his youngest son residing with him is working as Data Entry Operator in Panchayat Samaiti, Tikabali. Further, the encroacher has got landed property having Khata No 29 & 30 in native village which can be used as homestead land.

The petitioner doesn't come under homestead less category as per section 2 of OPLE act as the income ceiling has been fixed by Rs. 1,00,000/- vide the Revenue & Disaster Management department, Govt. of Odisha vide Letter No. 6913 dated. 22.02.2023. The settlement of the said land in favour of the petitioner would be illegal and irrational as he doesn't fulfil the aforesaid criteria.

I would, therefore, request you to take necessary steps to vacate the stay in the Hon'ble High Court and enable this office to evict the unauthorized encroachment in larger interest of the state as it is a valuable piece of Government land in the heart of Phulbani Municipality.

This is for favour of your kind information and necessary action."

3. In view of the definition of homesteadness category as defined under Section 2 of the OPLE Act which prescribes the income ceiling of Rs.1,00,000/-, the same requires revisit by taking into account escalation of the wage rate in the recent years and other factors



cumulatively responsible for increase in the annual income of the Petitioner.

4. Learned counsel for the State/Opposite Party No.1 is directed to file a detailed affidavit regarding the steps taken by them to revisit the ceiling limit in view of the increase of the daily wage in recent years and other factors which are responsible for increase in the income of the people.

5. List this matter on 10.11.2025.

6. A free copy of the order be handed over to the learned counsel for the State.

(Dr. Sanjeeb K Panigrahi)
Judge

Gitanjali