



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27940 of 2026

CNR No.ODHC010632122026

Gandharb Majhi

....

Petitioner(s)

Mr. Samaresh Pattnaik, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. Debasish Nayak, AGA

(for O.P. Nos.1 to 4)

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

03.09.2026

01.

1. This matter is taken up through hybrid arrangement.
2. By filing the present Writ Petition, the Petitioner, Gandharb Majhi, seeks a direction to the Opposite Parties, more particularly, the Tahasildar, Kujang (Opposite Party No.3), to take consequential steps for eviction/removal of the encroachers from the scheduled lands, i.e., Plot No.1099, Khata No.646 and Plot No.1098, Khata No.645, situated at Mouza-Duadia, Tahasil-Kujang, District-Jagatsinghpur, as the period stipulated in the notices issued to the encroachers for vacating the land has already expired and, allegedly, no consequential action has been taken till date.
3. Heard learned counsel for the Petitioner and learned Addl. Govt. Advocate appearing on behalf of Opposite Party Nos.1 to 4.



4. Learned counsel for the Petitioner submits that Opposite Party No.5, Ajay Samal, in connection with Encroachment Case No.485/2025-26, has admitted his unauthorized occupation over an area of Ac.0.016 decimals of Government land. It is further submitted that Opposite Party No.3 issued a Form-'Kha' notice dated 31.03.2026 directing Opposite Party No.5 to vacate the encroached land within a period of 30 days. However, despite expiry of the said period, no consequential action for removal of the encroachment has been taken.

5. Learned counsel for the Petitioner further contends that Opposite Party No.6, Trilochan Majhi, in connection with Encroachment Case No.487/2025-26, has admitted to be in unauthorized occupation over an area of Ac.0.027 decimals of Government land. Although he was directed to vacate the encroached land within 30 days, the said direction has not been given effect to and the unauthorized occupation continues.

6. Learned counsel for the Petitioner further contends that Opposite Party No.7, Trinath Majhi, in connection with Encroachment Case No.512/2025-26, has admitted to be in occupation of Ac.0.020 decimals of Government land. It is contended that pursuant to the Form-'Kha' notice dated 31.03.2026, he was required to vacate the land within 30 days, but despite expiry of the stipulated period, no consequential



action has been taken by Opposite Party No.3 for removal of the encroachment.

7. Learned counsel for the Petitioner further submits that Opposite Party No.8, Anam Samal, in connection with Encroachment Case No.516/2025-26, has admitted to be in unauthorized occupation over an area of Ac.0.060 decimals of Government land. Despite issuance of the Form-'Kha' notice dated 31.03.2026 requiring him to vacate the land within 30 days, the unauthorized occupation is stated to be continuing and no consequential eviction action has been taken by Opposite Party No.3.

8. Learned counsel for the Petitioner further submits that the lands under Khata Nos.645 and 646 are recorded as 'Patita' and 'Gochar', respectively and are Government lands having a communal/public character. It is contended that despite the encroachment proceedings having been initiated and notices having been issued to the concerned encroachers, the proceedings have not been brought to their logical conclusion. Such inaction, according to the Petitioner, is causing prejudice to the Petitioner, particularly in the matter of demarcation of the adjoining lands in connection with Demarcation Case No.02 of 2026.

9. Learned counsel for the Petitioner further contends that the continued unauthorized occupation of the Government land, despite the initiation of encroachment proceedings and



expiry of the period stipulated in the Form-'Kha' notices, warrants consequential action by the competent Revenue Authority in accordance with the provisions of the Odisha Prevention of Land Encroachment Act, 1972 (for short, 'the OPLE Act'). It is further contended that the inaction on the part of the Revenue Authorities is causing unnecessary delay in the demarcation proceeding and is prejudicial to the lawful interest of the Petitioner.

10. Considering the submissions made by the learned counsel for the Petitioner and upon perusal of the materials available on record, this Court deems it appropriate to dispose of the writ petition with a direction to Opposite Party No.3-Tahasildar, Kujang, to verify the records and the actual extent of encroachment over the scheduled lands and, upon being satisfied regarding the unauthorized nature of the occupation, to take consequential steps for eviction/removal of the encroachers in accordance with the provisions of the Odisha Prevention of Land Encroachment Act, 1972 and the Rules framed thereunder. If the period stipulated in the Form-'Kha' notices has expired and the encroachers have failed to comply with the same, Opposite Party No.3 shall proceed further in accordance with law and take necessary steps for removal of the encroachment, after following due process of law. The entire exercise shall be completed as expeditiously as



possible, preferably within a period of three months from the date of receipt of the certified copy of this order.

11. It is made clear that this Court has not expressed any opinion on the merits of the respective encroachment proceedings and the Revenue Authority shall take an independent decision in accordance with law, on verification of the relevant records and the actual position at the spot.

12. The Writ Petition is, accordingly, disposed of.

13. Urgent certified copy of this order be granted on proper application.

(Dr. Sanjeeb K Panigrahi)
Judge