



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27548 of 2026

CNR No.ODHC010641742026

Judhisthira Mallick *Petitioner(s)*

Mr. Nikunja Kumar Rout, Adv.

-versus-

State of Odisha & Ors. *Opposite Party(s)*

Mr. Debasish Nayak, AGA

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

03.09.2026

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. By filing the present Writ Petition, the Petitioner, Judhisthira Mallick has assailed the notice dated 31.07.2026 issued by the Tahasildar, Banarpal (Opposite Party No.4) in Encroachment Case No.4-38/2026 under Annexure-4. Apart from the above, he has also prayed for a direction to the said Opposite Party to settle the land in question in his favour.
3. Heard learned counsel for the Petitioner and learned Addl. Govt. Advocate appearing on behalf of State-Opposite Parties.
4. Having regard to the nature of the challenge made in the present Writ Petition, this Court finds that the impugned eviction notice/order dated 31.07.2026 issued by the



Tahasildar, Banarpal under the provisions of the Orissa Prevention of Land Encroachment Act, 1972 (for short, “the OPLE Act”) is amenable to the statutory appellate remedy provided under Section 12(1) of the said Act. Under the said provision, an appeal against any decision or order made by the Tahasildar lies before the Sub-Divisional Officer/Sub-Collector.

5. In view of the availability of the efficacious statutory remedy, this Court is not inclined to examine the merits of the challenge to the impugned notice/order at this stage. Accordingly, the Petitioner is granted liberty to file an appeal before the concerned Sub-Collector, under Section 12(1) of the OPLE Act within a period of **fifteen days** from today.

6. In the event the Petitioner files such appeal along with a petition for condonation of delay, if any, so also a petition for interim protection within the aforesaid period, the appellate authority shall entertain the same in accordance with law. The appellate authority shall afford due opportunity of hearing to the parties and thereafter pass a reasoned and speaking order on the appeal in accordance with law, uninfluenced by any observation made in the present order.

7. It is further directed that till the interim application to be filed by the Petitioner is taken up, no coercive action shall be taken against the Petitioner in respect of the case land i.e.



Khata No.236, Plot No.814, measuring an area of Ac.0.03 dec. out of total area of Ac.20.57 dec., Mouza- Kanyabeda pursuant to the impugned eviction notice/order dated 31.07.2026, provided the Petitioner files the appeal before the appellate authority within the period stipulated herein.

8. It is clarified that this Court has not expressed any opinion on the merits of the claim of either party and all questions of fact and law are left open to be considered by the statutory appellate authority in accordance with law.

9. With the aforesaid liberty and directions, the Writ Petition stands disposed of.

10. Web copy of this order downloaded from the official website of this Court shall be treated as an authenticated copy.

(Dr. Sanjeeb K Panigrahi)
Judge

Sipun