



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28416 of 2026

CNR No.ODHC010667022026

*Bharati Mohanty @
Kausalya*

....

Petitioner(s)

Mr. Ajaya Kumar Moharana, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Ms. Gayatri Patra, ASC

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, Bharati Mohanty @ Kausalya, seeks a direction to the Opposite Parties to settle the land in her favour measuring Ac.0.080 dec. out of Ac.1.30 dec. pertaining to Khata No.79, Plot No.4, situated at Mouza-Kulhibindha, Tahasil-Chandabali, District-Bhadrak, over which her residential house is stated to be standing for more than 40 years.
3. Learned counsel for the Petitioner submits that the Petitioner, being a landless person, has been residing over the case land for more than 40 years and has constructed her only residential house thereon. It is further submitted that, despite her repeated requests for settlement of the land in her favour,



the authorities have not considered her grievance and are taking steps for her eviction from the Government land.

4. It is further submitted that several encroachment proceedings have been initiated against the Petitioner and that, finding no other efficacious remedy, she submitted an application dated 03.09.2025 before the Tahasildar, Chandabali, seeking settlement of the case land in her favour. However, the said application has not yet been disposed of.

5. Learned counsel for the State, on the other hand, submits that in the meantime, an eviction notice/Form-'Kha' has already been issued against the Petitioner.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court deems it appropriate to dispose of the Writ Petition with the following directions:

- (i) *The Tahasildar, Chandabali (Opposite Party No.5), shall consider and dispose of the Petitioner's application dated 03.09.2025, in accordance with law, by passing a reasoned and speaking order, within one month from the date of communication of this order.*
- (ii) *The consideration of the said application shall be subject to the applicable provisions of the Odisha Prevention of Land Encroachment Act, 1972 and the*



rules/instructions governing settlement of Government land. This Court has expressed no opinion on the merits or otherwise of the Petitioner's claim for settlement.

- (iii) Since an eviction notice/Form-'Kha' has already been issued, the Petitioner shall be at liberty to avail the statutory remedy of appeal under Section 12(1) of the OPLE Act, along with an application for condonation of delay, if required, and an application for interim protection, before the competent Appellate Authority within 15 working days from today.*
- (iv) If such appeal and application for interim protection are filed within the aforesaid period, the Appellate Authority shall consider the prayer for interim protection in accordance with law and endeavour to dispose of the appeal within three months from the date of its filing.*
- (v) Till the interim application is taken up by the competent Appellate Authority, no coercive action shall be taken against the Petitioner pursuant to the eviction notice/Form-'Kha' in respect of the case land.*



7. With the aforesaid directions and observations, the Writ Petition stands disposed of.
8. Pending application (s), if any, shall stand disposed of.
9. Issue urgent certified copy of this order as per Rules.
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