



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29723 of 2026

[CNR No.ODHC010709592026]

Sumanta Kumar Biswal

& Ors.

....

Petitioner(s)

Mr. K.K. Mishra, Adv.

Ms. Suryanshi Srivastava, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. Debasish Nayak, AGA

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

11.09.2026

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. This matter was not listed today. On being mentioned and keeping in view the urgency, this matter is taken up by way of a Special Notice.
3. By filing the present Writ Petition, the Petitioners have prayed for the following reliefs:

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

a) admit this writ petition;

b) pending admission/final hearing, stay/restrain the Opposite Parties, their agents, servants and the police force of Bargarh, from dispossessing the Petitioner-School or executing the decree in Execution Case No. 12 of 2002 qua the Petitioner's



premises, until the learned Executing Court decides the Petitioners proposed application under Order XXI Rules 97-106 r/w sec. 151 of CPC under Annexure -3;

c) Direct the learned Executing Court to hear and dispose of the Petitioner's objection under Order XXI Rules 97-106 r/w sec. 151 of CPC under Annexure - 3 expeditiously, and in any event before taking any further coercive step;

d) pass such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

4. Heard.

5. Learned counsel for the Petitioners submits that the Petitioners who are the Ex-student and members of old boys' association seeks indulgence of this Court in challenging the eviction of the Govt. school, named, Anchalika High School Sri Harinagar at Tuiunga P.O.-Gudesire, Dist-Baragarh pursuant to a collusive suit filed against the Govt. by the predecessor of Opposite Party No. 2. He further contends that since the Petitioners are not made as parties and their old school is going to be demolished due to callous attitude of the Opposite Party No.1 who has not properly fought the suit for the interest of the villagers of the locality. Since the predecessor of Opposite Party No.2 had played fraud on Court and managed to obtain a decree from the Appellate Court on the basis of an unregistered lease deed alleged to



have been executed by a fake person allegedly named as Sikkim Lambardar of village Turunga.

6. Learned counsel further contends that even though learned Civil Judge dismissed the suit but the appellate court erroneously reversed the finding of the trial Court and decreed the suit in favour of the predecessor of Opposite Party No.2. The then Collector, Bargarh did not prefer any second appeal for the reason best known to him, but the then head master of the school filed a second appeal before this Court against the reversing judgment of the lower appellate Court, but the same was dismissed on the ground of non-substitution of Respondent Nos.1 and 4. Therefore the order passed in the previous proceeding are not binding on the petitioners and they have taken necessary steps approached the competent Court to nullify the previous decree which is a no nest one.

7. Issue notice.

8. Learned counsel for the State accepts and waives of notice on behalf of Opposite Party Nos.1 & 5. Let two extra copies of the brief be served on him, who shall obtain instructions in the matter.

9. Notice be issued to Opposite Party Nos.2 to 4 by Speed Post with A.D., making the same returnable by 28th September, 2026. Requisites for issuance of notice shall be filed within three working days from today.



10. List this matter on 29th September, 2026.
11. As an interim measure, it is directed that there shall no coercive action/demolition in respect of the Anchalika High School Sri Harinagar at Turunga, P.O.- Gudesire, District-Bargarh, till the next date of listing of this matter.
12. 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

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