



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 28511 of 2025

Prasanna Kumar Moharana

..... *Petitioner(s)*

*Mr. P.K. Rath, Sr. Adv.
along with Mr. Saibrata Rath, Adv.*

-Versus-

State of Odisha & Ors.

..... *Opposite Party (s)*

Mr. Debasish Nayak, AGA

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

09.10.2025

Order No.

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. The present Writ Petition has been filed by the Petitioner with the following prayer:

“The petitioner, therefore, prays that your Lordships would be graciously pleased to admit this Writ Petition, call for the records and after hearing the parties allow the same, issue writ/writs in the nature of certiorari/ mandamus and/or any other further writ/direction and set aside the Notice under Section-9 of OPLE Act and also notice dated 17.09.2025 issued under Section 6 (I) and issued by Tahasildar, Chandabali under Annexure-1 Series.

And for this act of kindness, the petitioner shall as in duty bound ever pray.”

4. At the outset Mr. Rath, learned Senior Counsel for the Petitioner submits that this Court has earlier decided the similar issue in the judgment dated 30.05.2025 passed in W.P.(C) No.5239 of 2018





(*Dinabandhu Behera vrs. State of Odisha & Ors.*). Hence, he submits that this Writ Petition may be disposed of in the light of the judgment passed in the case of *Dinabandhu Behera* (supra).

5. Learned counsel for the Opposite Parties submit that they have no objection, if this matter is disposed of in the light of the judgment passed in the case of *Dinabandhu Behera* (supra).

6. On perusal of the records and the judgment passed in the case of *Dinabandhu Behera* (supra), it appears that similar issue has already been decided by this Court in the said judgment which was disposed of on 30.05.2025. The ordering portion of the said judgment is as follows:

xxx *xxx* *xxx*

In light of the foregoing, the proper and competent forum to adjudicate the issues raised by the parties, including declaration of right, title, interest, and possession, is the civil court. Therefore, the eviction order passed by the Tahasildar, Dhamnagar in O.P.L.E. Case No. 9/16, the order passed by the Sub-Collector, Bhadrak in O.P.L.E. Appeal No. 154/16, and the order of the Collector, Bhadrak in O.P.L.E. Revision No. 9/17 are hereby set aside.

$$xxx \qquad \qquad \qquad xxx \qquad \qquad \qquad xxx''$$

7. Considering the submissions made by the learned counsel for the parties and taking into account the judgment passed in the case of *Dinabandhu Behera* (supra), the eviction order passed by the Tahasildar, Chandbali in L.E. Case No.2750 of 2025/Annexure-1 series and the notice dated 19.09.2025/Annexure-9 issued by the Assistant Consolidation Officer (Hqrs) Range Office, Bhadrak are



hereby set aside. Further, since the appeal vide D.D. Appeal No.184 of 2005 is pending before the Deputy Director of Consolidation, Bhadrak for such a long time, the eviction notice under Annexure-1 series issued by the Tahasildar, Chandbali shall not be given effect to.

8. It is made clear that the Deputy Director of Consolidation, Bhadrak shall take immediate steps for disposing of the aforesaid appeal within a period of three months from the date of presentation of a certified copy of this order.

9. Accordingly, this Writ Petition is disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Murmu

Signature Not Verified

Digitally Signed
Signed by: LITARAM MURMU
Designation: P.A.
Reason: Authentication
Location: OHC
Date: 10-Oct-2025 18:30:03

