



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29839 of 2023

Manoj Behera & Anr.

....

Petitioner(s)

Mr. Jagamohan Pattanaik, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. Debashish Nayak, AGA

CORAM:

HON'BLE DR.JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
29.04.2025

01. 1. This matter is taken up through hybrid arrangement.
2. In filing this Writ Petition, the Petitioners have challenged the order dated 16.05.2012 passed by the Sub-Collector, Angul in Encroachment Appeal No.25/2011 vide Annexure-3.
3. Heard learned counsel for the Parties.
4. Pursuant to the earlier order of this Court dated 08.04.2025 the Tahasildar, Angul appears through Virtual Mode.
5. Learned counsel for the Petitioners submits that based on the record-of-rights the Petitioners purchased an area of Ac.0.06 decimals of land bearing Khata No.432/1084, Plot No.912/6452 at Angul Town vide registered Sale Deed No.11103540 dated 25.05.2011. Accordingly, the Petitioners along with their family members have been residing over the said property since then.

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6. The said land was earlier settled in favour of the vendor of the Petitioners on the basis of his landlessness by the then Tahasildar, Angul as per the provision under the O.P.L.E Act vide order dated 07.01.2011 pertaining to Encroachment Case No.658/75-76. After some time, upon getting information regarding settlement of the case land in many cases, the present Tahasildar on 15.10.2011 filed an appeal vide Encroachment Appeal No.25/ 2011 before the Sub-Collector.

7. At this juncture, learned counsel for the Petitioners submits that the Sub-Collector, Angul exercising the power conferred under the O.L.R Act, has set-aside the order dated 07.01.2011 passed by the then Tahasildar in exercise of power under the O.P.L.E Act. The relevant portion of the said order is extracted herein below:-

“In view of the above discussion, it is observed that the collusive manner of settlement of valuable Govt. Land in Angul town in favour of the ineligible encroachers is totally illegal and without jurisdiction. The appeal is allowed.

Tahasildar, Angul is directed to take back the land to Govt. khata i.e. khata No.432/1084(New), plot No.912/6452 area Ac.0.06 and evict the encroacher from the Govt. land. Remand the L.C.R i.e. Encroachment Case No.658/1975-76 and OLR Case No.19/2011.”

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He, accordingly, prays for allowing the prayer made in this Writ Petition.

8. In his opposition, learned counsel for the State submits that since the case land has been settled clandestinely in



many cases, the Sub-Collector, Angul has rightly set-aside the order dated 07.01.2011 passed by the then Tahasildar. He, accordingly, prays for dismissal of this Writ Petition.

9. Considering the submissions made on behalf of both the parties, though this Court is of the view that there is illegal settlement of the disputed property in question, since the Sub-Collector, Angul has passed the impugned order in exercising the power conferred under the O.L.R Act thereby setting aside the impugned order therein passed under the O.P.L.E Act, this Court sets aside the impugned order dated 16.05.2012 passed by the Sub-Collector, Angul in Encroachment Appeal No.25/2011. This Court, in the process, also remits the matter back to the Tahasildar, Angul for adjudicating the dispute involved herein afresh after providing adequate opportunity of hearing to all the parties concerned in accordance with law.

10. This Writ Petition is, accordingly, disposed of.

(Dr. S.K. Panigrahi)
Judge

Ayaskanta

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