



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 27106 of 2024

Saibu Mahanta and another

....

Petitioners

Mr. Manoj Kumar Panda, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Sanjay Rath, Additional Government Advocate

**CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE MURAHARI SRI RAMAN**

Order No.

**ORDER
18.03.2026**

- 03.**
- 1.** Pursuant to the order of this Court dated 11th March, 2026, Mr. Rakesh Kumar Panda, Tahasildar, Champua in the district of Keonjhar is personally present in the Court today.
 - 2.** Mr. Sanjay Rath, learned Additional Government Advocate (AGA) appearing on behalf of the State-opposite parties hands over an affidavit duly affirmed by the Tahasildar, which contains the statements pertaining to the identification of twenty-two numbers of encroachers against whom encroachment cases have already been initiated. The Tahasildar has further assigned the reasons



occasioning the failure to file the affidavit within the time period fixed in terms of the order dated 18th February, 2026. It is indicated that the delay in affirming the affidavit was unintentional and the circumstance, which was beyond the control of the deponent, occasioned the delay in affirming the said affidavit.

3. Without delving further on such aspect, we simply record that the Tahasildar should be more vigilant and cautious in future in complying the orders of the Court. Thus, the explanation so offered, is accepted.

4. The instant writ petition in the nature of Public Interest Litigation (PIL) is at the behest of the petitioners alleging the inaction on the part of the authorities in removing several encroachments over the Government land as mentioned in the instant writ petition.

5. The instant writ petition was admitted on 18th February, 2026 and on the basis of the submissions so advanced by Mr. Rath, learned AGA that the field inspection is fixed on 19th February, 2026, this Court directed the Tahasildar to affirm an affidavit



disclosing the outcome of the said field inspection scheduled to be held on the said specified date.

6. Today, the affidavit reveals that twenty-two numbers of encroachers were found to have illegally and/or wrongfully occupying the Government land and the proceedings have already been initiated against those encroachers as required under the relevant provisions of law.

7. It admits no ambiguity that it is the solemn duty of the Government to remove all the encroachments from the Government land as such lands are intended to be utilized for public good and in the larger public interest. The Government has taken a policy decision of 'no tolerance' in respect of encroachments made over the Government land yet, the implementation of the said policy appears to be abysmally low.

8. Time and again, the Public Interest Litigations are pouring in the docket of this Court at the behest of the public spirited persons alleging the inaction on the part of the authorities in not initiating proceedings against the encroachers over the Government land and



the orders are being passed to initiate proceedings and make those Government lands free from any encroachment.

9. It is inconceivable that the Government shall show any apathetic attitude in not removing any encumbrance having created by virtue of an unlawful and/or wrongful occupation and possession in respect of the Government land. We are also not unmindful of the Constitutional provisions pertaining to 'right to property' enshrined under Article 300-A of the Constitution of India, yet such right cannot be claimed in vacuum nor an illegal and/or wrongful occupant could acquire any right in respect of the public land by virtue of such wrongful possession.

10. A time has come that the Government must show alacrity in initiating proceedings under the relevant provisions of law and removing all such encroachments from the Government land as such lands can be used for better purposes augmenting to and catering to the need of the public.

11. In the instant matter, since the encroachment proceedings have already been initiated against the alleged encroachers, we



expect that the said proceedings would reach to their logical conclusions at the earliest.

12. With these observations, this writ petition is disposed of.

13. The personal appearance of Mr. Rakesh Kumar Panda, Tahasildar, Champua is dispensed with.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Sisira