



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 31953 of 2025

Sk. Nurul Iqbal

..... *Petitioner(s)*

Mr. Kartik Chandra Tripathy, Adv.

-Versus-

State of Odisha & Ors.

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

Mr. Bibekananda Nayak, AGA

Mr. Iswar Mohanty, Adv.

(for O.P.2)

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

08.12.2025

Order No.

04.

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, issue notice to the opp.party and after hearing pleased to direct the OP No.2 consider the pending representation of the petitioner under annexure-2 and not to demolish the petitioner's sole dwelling house situated at khata no. 379, plot no. 1 mouza- Jadupur, kisan- Abadajogyaanabadi under district of Khurda and further be pleased to direct the OP No.2 for settlement of the land in favour of the petitioner and till disposal of the writ application no coercive action shall be taken against the petitioner dwelling house.

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



4. Learned counsel for the Petitioner submits that the Petitioner is residing in his own land. There is absolutely no encroachment over the land in question.
5. On the other hand, Mr. Mohanty, learned counsel appearing for the Opposite Party No.2/Commissioner, Bhubaneswar Municipal Corporation submits that there is some encroachment by the Petitioner which can only be verified by conducting a joint verification and demarcation in presence of the Petitioner and the Revenue Officials.
6. Considering the facts and submissions made and in view of the proposal given by the learned counsel for the BMC, this Court directs the Commissioner, Bhubaneswar Municipal Corporation to conduct a joint demarcation exercise on the disputed property in question in presence of the Petitioner in accordance with law. The Petitioner shall be present at the time of demarcation. If it is found that the Petitioner has encroached any Government land, the concerned authority is free to take coercive measure to reclaim the encroached land. On the other hand, after demarcation, if it is found that the Petitioner has not encroached any land at all, the concerned authority shall allow him to reside over the land in question peacefully without any further disturbance. The Petitioner also undertakes that he shall not create any law and order problem at the demarcation spot.



7. As an interim measure, it is directed that till conclusion of the demarcation exercise, no coercive action shall be taken against the present Petitioner.
8. Accordingly, the Writ Petition is disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge