



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32778 of 2025

Sk. Abdul Riaz *Petitioner(s)*
Mr. Lalit Kumar Maharana, Adv.

-versus-

State of Odisha & Ors. *Opposite Party(s)*
Miss Gayatri Patra, ASC

CORAM:
HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

Order
No.

ORDER
18.11.2025

01. 1. This matter is taken up through hybrid arrangement.
2. In fling this Writ Petition, the Petitioner has made the following prayer:-

"xxx

xxx

xxx

- A. Direct the Opp. Party No.3 to 5 to take necessary action so as to ensure that the nature and character of the Tank as per the Schedule below is protected and preserved as 'Jalasaya';
B. Direct the Opp. Party No.3 to 5 to take appropriate action against the Opp. Party No.7 and 8 for such illegal action of filling up the Tank;
C. Direct the Opp. Party No.6 to cancel the Registration of the RSD No.62502977, Dated 21/03/2025 executed in favour of Opp. Party NO.7 and 8 and consequently, direct the Opp. Party No.4 to cancel the Record of Right;

xxx

xxx

xxx"

3. Heard.



4. Learned counsel for the Petitioner submits that though the kissam of the entire disputed property in question is recorded as "Jalasaya", the said property has been illegally purchased by the Opposite Party Nos.7 & 8. He further contends that the said area is being utilized by the local inhabitants for the purpose of bathing.

5. Considering the above, this Court is of the view that the Revenue authorities should not have allowed the Opposite Party Nos.7 & 8 for making construction over the Jalasaya land.

6. In such view of the matter, let notice be issued to the Opposite Parties.

7. Learned counsel for the State waives of notice on behalf of Opposite Party Nos.1 to 6. Let six spare copies of the brief be served on the learned counsel for the State within five working days hence.

8. Notice be issued to the Opposite Party Nos.7 and 8 by Speed Post with A.D. making it returnable by 15th December, 2025. Requisites for issuance of notice shall be filed within five working days hence.

9. At this juncture, considering the submission made on behalf of the Petitioner and looking to the prayer made in this Writ Petition, this Court directs the Collector, Balasore to file reply as to how the Opposite Party Nos.7 & 8 have been permitted to make construction over the disputed



property in question when kissam of the said land is 'Jalasaya'.

10. List this matter on 16th December, 2025.

I.A. No.20519 of 2025

11. Issue notice as above.

12. Accept one set of process fee.

13. As an interim measure, it is directed that no further construction shall be made over the disputed property in question till the next date of listing of this matter.

(Dr. Sanjeeb K Panigrahi)
Judge

Ayaskanta