



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.33896 of 2025

Golaka Bihari Sahu and others

...

Petitioners

Mr. Manoj Kumar Panda, Advocate

-Versus-

State of Odisha and others

...

Opposite Parties

Mr. Debashis Tripathy,

Additional Government Advocate

CORAM:

THE HON'BLE THE CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

19.12.2025

Order No.

- 01.** 1. The petitioners, being public spirited persons, have filed instant Public Interest Litigation raising a serious concern over the rampant encroachment by the squatters on the Government land or land recorded as “Gochar” across the State.
2. The petitioners have vividly described the plot numbers of lands, which are recorded as “Gochar” in the Record of Rights and alleged that the encroachment has taken place in respect of those plots of land, yet the Government has shown apathetic attitude in not removing such encroachments.
3. The State has enacted the Odisha Prevention of Land Encroachment Act, 1972 (for short, “the OPLE Act, 1972”), which contains exhaustive provisions relating to the removal of encroachments by initiating proceedings against the encroachers. It is inconceivable that the Government would remain dormant and permit the squatters to encroach upon the Government land without initiating any proceedings against them.



4. The “Gochar” land is primarily intended to be reserved for grazing of the cows or the cattle, which is one of the sources of survival and sustenance to the citizenry of the State.
5. The law in place enacted by the State prohibits the user of the “Gochar” land for any other purposes unless a proceeding is drawn up within the framework of law for its classification thereof. The prohibition can also be seen to the extent that no constructions can be undertaken over the “Gochar” land until the same is reclassified into another category.
6. Time and again, this Court has reminded the State of their solemn duty to initiate proceeding against the encroachers who have forcibly and wrongfully encroached upon the “Gochar” land, yet the reality seems to be a far cry.
7. However, in the instant case, the State has activated the provisions of law and taken a step as provided under the OPLE Act, 1972, obviously, to remove the encroachers from the “Gochar” land. The aforesaid action of the State implies that the de-classification proceeding has not been initiated and the land over which such encroachment is alleged, retains its original character, i.e., Gochar. Since the Government has already initiated a proceeding, such proceeding must be brought to its logical end at the earliest upon following the principles of natural justice and adhering to the statutory formalities provided in the said statute.
8. Accordingly, the writ petition stands disposed of.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge