



IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA. No.161 of 2026

Sanjukta Behera & Ors.

....

Appellants

Mr. B. Bhuyan, Senior Advocate
Along with S.S. Bhuyan, Advocate
-Versus-

State Of Odisha & Ors.

....

Respondents

Mr. G. Mishra, Senior Advocate
Ms. S. Mohanty, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

23.07.2026

Order No.

07.

1. Heard Mr. Bhuyan, learned Senior Advocate appearing for the appellants and Mr. Mishra, learned Senior Advocate appearing for the respondents.

2. Instant appeal under Section 100 CPC is filed by the appellants assailing the impugned judgment and decree in RFA No.9 of 2019 of learned Additional District Judge, Kujanga confirming the decision in C.S. No.355 of 2010 of learned Civil Judge (Senior Division), Kujanga, Jagatsinghpur on the grounds stated.

3. The suit in C.S. No. 355 of 2010 seeking declaration of the right, title, interest over the suit schedule property or in the alternative for a decree confirming adverse possession and injunction at the instance of the appellants was dismissed the Court of learned Senior Civil Judge, Kujanga, Jagatsinghpur.



As against the above decision in RFA No.9 of 2019 was filed by the appellants and it has also been dismissed.

4. Recorded the submissions of Mr. Bhuyan, learned Senior Advocate for the appellants and also Mr. Mishra, learned Senior Advocate for the respondents.

5. Considering the facts pleaded on record and the grounds advanced, this Court formulates the following substantial questions of law, such as:

(i) Whether the Courts below are justified in rejecting the right, title and interest of the plaintiffs in a suit filed in a representative capacity on behalf of villagers in respect of communal land by merely treating the same as exclusive claim of ownership by an individual?

(ii) Whether the learned Lower Appellate Court committed error in law by ignoring the question of law raised during appeal on the ground of absence of pleading?

(iii) Whether the Courts are required to draw a legal inference regarding existence of communal character of land when the same is evident from the recording in the RoR?

6. For final hearing, list on 27th July, 2026.

(R.K. Pattanaik)
Judge



I.A. No.487 of 2026

08. 1. Heard.
2. Instant I.A. is filed for interim orders.
3. Objection to the I.A is filed today and taken on record. A copy of the said objection is already received by learned counsel for the appellants. Mr. Mishra, learned Senior Advocate appearing for the respondents submits that respondent Nos.5 & 6 are required file an affidavit with all the documents to show transfer of the suit schedule property in their favour. In response, Mr. Bhuyan, learned Senior Advocate submits that respondent No.5 had instituted a suit in T.S. No. 2113 of 1996 in the Court of the learned Civil Judge (Junior Division), Jagatsinghpur and was dismissed. Considering the submissions as above, awaiting response of respondent No.5 in particular with an affidavit filed along with the relevant documents in support of alienation/transfer of the schedule property in their favour, list on the date fixed for further orders and in the meantime, it is directed that respondent No.6 shall not take any coercive action against the appellants.
4. Issue urgent copy of this order as per rules.

(R.K. Pattanaik)
Judge

Balaram

Signature Not Verified

Digitally Signed
Signed by: BALARAM BEHERA
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: OHC, CUTTACK
Date: 28-Jul-2026 16:19:08

