



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.8 of 2025

Kabindra Kumar Sahoo

....

Petitioner(s)

*Mr. G.R. Mahapatra, Adv. on behalf of
Mr. D. Mohapatra, Sr. Adv.*

-versus-

State of Odisha & Anr.

....

Opposite Party(s)

*Mr. U.R. Jena, AGA (for O.P. No.1)
Mr. J. Katakia, Adv. (for O.P. No.2)*

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

Order No.

06.

ORDER

02.02.2026

1. This matter is taken up through hybrid arrangement.
2. In filing this CRLMC, the Petitioner has prayed for quashing the proceeding initiated against him vide 1CC Case No.1044 of 2024 and also the order of cognizance dated 20.09.2024 passed by the learned J.M.F.C.-I, Bhubaneswar in the said 1CC Case vide Annexure-1.
3. Heard.
4. Learned counsel for the Petitioner submits that the complainant- Opposite Party No.2 based on whose complaint the above noted proceeding is initiated, has encroached the public property. He further contends that due to such unauthorized encroachment, the inhabitants of the said locality are suffering immensely. He also contends that despite much persuasion of the Petitioner so also the other inhabitants of the said locality, the Opposite Party No.2 did not



clear the unauthorized encroachment made over the disputed property in question by her, rather, lodged the complaint against the Petitioners before the local Police Station which is impugned herein. He, accordingly, prays for allowing the prayer made in this CRLMC.

5. At this juncture, learned counsel for the Opposite Party No.2- Complainant, in his opposition, submits that the Opposite Party No.2 has purchased the property in question from Bhubaneswar Development Authority after fulfilling all the criteria meant for the said purpose. He further contends that the Opposite Party No.2 has never encroached any public property, rather, the Petitioner claiming himself to be the employee of Bhubaneswar Development Authority has forcefully constructed a boundary wall over her own property. He, accordingly, prays for dismissal of this CRLMC.

6. Considering the above submissions made on behalf of both the parties, this Court is of the view that whether the Opposite Party No.2 has encroached any public property or not; can only be ascertained after conducting of demarcation exercise. This Court, therefore, appoints Mr. Abhishek Pradhan, learned counsel as the Court Commissioner directing him to personally visit the disputed site and find out the extent of encroachment as alleged by the Petitioner. He is also directed to submit a report to that effect before this Court on the next date.

7. Both the Petitioner and the Opposite Party No.2 shall pay a sum of Rs.5,000/- (rupees five thousand) each, in total Rs.10,000/- along with a copy of the present petition to Mr. Abhishek Pradhan, learned



Court Commissioner for the above purpose. The local revenue authorities i.e. Tahasildar, Bhubaneswar and the concerned R.I. shall extend all cooperation to the learned Court Commissioner for appropriate measurement of the plot in question. All the parties concerned are directed to remain present at the time of measurement of the plot in question in presence of the learned Court Commissioner.

8. List this matter on 18th February, 2026.
9. Interim order, if any, passed earlier shall continue till the next date of listing of this matter.
10. A free copy of this order be supplied to all the respective parties for compliance.

(Dr. Sanjeeb K Panigrahi)
Judge

Sipun