



**ORISSA HIGH COURT : CUTTACK**

**W.P.(C) No.7824 of 2014**

In the matter of an Application under  
Articles 226 and 227 of the Constitution of India, 1950

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1. Bijay Kumar Moharana (dead)  
Son of Arjun Moharana.
2. Gopinath Biswal  
Aged about 56 years  
Son of Anant Biswal.
3. Purusottam Nayak  
Aged about 49 years  
Son of Danardan Biswal.
4. Hari Charan Pati @  
Hirabandhu Champati  
Aged about 73 years  
Son of Dhai Champati.
5. Dillip Kumar Mohanty  
Aged about 60 years  
Son of Ranka Mohanty.
6. Prabhat Kumar Sahoo  
Aged about 42 years  
Son of Laxman Sahoo.
7. Jaya Krushna Behera  
Aged about 43 years  
Son of Kanhei Behera.



**8.** Pramod Pattanaik  
Aged about 35 years  
Son of Shyamabandhu Pattanaik.

**9.** Chittaranjan Sardar  
Aged about 76 years  
Son of Dayanidhi Sardar.

**10.** Sukant Nayak  
Aged about 45 years  
Son of Giridhari Nayak.

**11.** Pravat Chhualsingh  
Aged about 42 years  
Son of Sanatan Chhualsingh.

**12.** Bikash Paikray  
Aged about 38 years  
Son of Basant Paikray.

**13.** Akshaya Kumar Pradhan  
Aged about 34 years  
Son of Amina Pradhan.

**14.** Parsuram @ Parsu Chhualsingh  
Aged about 65 years  
Son of Late Sanatan Chhualsingh.

All are of Village/P.O.: Bhagabatipur  
P.S.: Tangi, Via: Kuhudi  
Gram Panchayat: Sorona  
District: Khordha.

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Petitioners

*-VERSUS-*

**1.** State of Odisha  
Represented through



Secretary  
Revenue and Disaster Management  
Department, Odisha Secretariat  
Bhubaneswar, District: Khordha.

- 2.** Collector-*cum*-District Magistrate  
Khordha  
At/PO/District: Khordha.
- 3.** Sub-Collector  
Khordha  
At/PO/District: Khordha.
- 4.** Tahasildar, Chilika  
At/PO: Chilika  
District: Khordha.
- 5.** Superintendent of Police  
Khordha  
At/PO/District: Khordha.
- 6.** I.I.C. Tangi Police Station  
Tangi, At/PO: Tangi  
District: Khordha.
- 7.** Sarpanch  
Sorona Gram Panchayat  
At/PO: Sorona, Via: Kuhudi  
District: Khordha.
- 8.** Brajabandhu Sahoo  
Aged about 55 years  
Son of Late Biswanath Sahoo
- 9.** Bhabani Shankar Harichandan  
Aged about 45 years  
Son of Late Harihar Harichandan
- 10.** Mayadhar Harichandan  
Aged about 32 years  
Son of Late Harihar Harichandan



- 11.** Murali Biswal  
Aged about 55 years  
Son of Late Halu Biswal.
- 12.** Pabitra Rautray  
Aged about 43 years  
Son of Late Laxmidhar Rautray.
- 13.** Manju Swain  
Aged about 40 years  
Son of Late Kartika Swain.
- 14.** Godabari Champati  
Aged about 75 yrs  
Son of Late Sanatan Champati.
- 15.** Minati Sahoo  
Aged about 36 years  
Wife of Hemant Sahoo.
- 16.** Minati Behera  
Aged about 35 years  
Wife of Shesadev Behera.
- 17.** Anita Sahoo  
Aged about 60 years  
Wife of Late Lochan Sahoo.
- 18.** Hadubandhu Behera  
Aged about 56 years  
Son of Late Bhikari Behera.
- 19.** Basant Kanarguru  
Aged about 57 years  
Wife of Rabi Kanarguru.
- 20.** Mamata Jena  
Aged about 37 years  
Wife of Satyanarayan Jena.
- 21.** Baijanti Pradhan  
Aged about 38 years  
Wife of Muli Pradhan.



- 22.** Swarnalata Routray  
Aged about 42 years  
Wife of Rabindra Kalasi.
- 23.** Udayanath Paikray  
aged about 65 years  
son of Late Kaibalya Paikray.
- 24.** Fakir Patra  
Aged about 52 years  
Son of Late Bharat Patra.
- 25.** Jayanta Patra  
Aged about 38 years  
Son of late Budhi Patra.
- 26.** Saroj Kumar Abadhan  
Aged about 42 years  
Son of Naba Kishore Pradhan.
- 27.** Lochan Paikray  
Aged about 62 years  
Son of Late Jagannath Paikaray.

All are residents of  
Village: Bhagabatipur, P.O: Soran,  
P.S.: Tangi, District: Khordha,  
Odisha.

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Opposite parties

***Counsel appeared for the parties:***

- |                                       |                                                                                                                                        |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioners                   | : Mr. Pradipta Kumar Mohanty,<br>Senior Advocate<br>M/s. D.N. Mohapatra,<br>J. Mohanty, P.K. Nayak,<br>S.N. Dash and A. Das, Advocates |
| For the Opposite party<br>Nos. 1 to 7 | : Mr. Kailash Chandra Kar,<br>Government Advocate                                                                                      |
| For the Opposite Party                | M/s. Srikar Kumar Rath,                                                                                                                |



Nos.8 to 27

: Mamata Behera and  
Akash Choudhury, Advocates

*P R E S E N T:*

**HONOURABLE CHIEF JUSTICE  
MR. HARISH TANDON**

**AND**

**HONOURABLE JUSTICE  
MR. MURAHARI SRI RAMAN**

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**Date of Hearing : 15.10.2025 :: Date of Order: 20.11.2025**

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**ORDER**

***MURAHARI SRI RAMAN, J.—***

The petitioners, claiming to be residents of Village Bhagabatipur under Soran Gram Panchayat, under Tangi Police Station in the district of Khordha, filed the present writ petition in the nature of Public Interest Litigation beseeching indulgence of this Court by issue of writ of *mandamus* to the opposite party Nos.1 to 7, to evict the encroachers-opposite party Nos.8 to 27 and demolish unauthorised structures standing over the Government land, particularly on Plot No.1793 in Sabik Khata No.970 (corresponding to Plot No.2115 in Hal Khata No.1096) covering an Area of Ac.03.430decs situated in Bhagabatipur Mouza within the jurisdiction of Chilika Tahasil, District: Khordha.



2. Facts adumbrated in the writ petition emanate that encroachers have constructed permanent structures over the aforesaid land having *kissam*: “Gochar” [pasture] in “Rakshit” [reserved] Khata<sup>1</sup> recorded in the name of “Odisha Government”. The petitioners-villagers apprised such fact to different authorities on very many occasions right since 1990.

2.1. Considering the grievance of the petitioners/villagers, the Additional Tahasildar, Tangi issued letter to Revenue Inspector, Kuhudi citing letter *vide* Memo No.54(4), dated 25<sup>th</sup> March, 1994 of Sarapanch, Soran Gram Panchayat whereby he was instructed to visit the spot and furnish the names of the encroachers along with current status of case records. The Sub-Collector, Khordha on receipt of complaint, issued letter No.253, dated 7<sup>th</sup> April, 1994 directing the Additional Tahasildar, Tangi “to stop all these new constructions immediately” and submit detailed report.

2.2. Despite such clear-cut instructions issued with respect to restraintment/injunction by the Sub-Collector,

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<sup>1</sup> Section 2(a) of the Odisha Communal Forest and Private Lands (Prohibition of Alienation) Act, 1948 reads thus:

“(a) *Communal land means;*

(i) *in relation to estates governed by the Madras Estates Land Act, 1 of 1908, land of the description mentioned in Sub-clause (a) or Sub-Clause (b) of Clause (16) of Section 3 of that Act : and*

(ii) *in relation to cases governed by the Orissa Tenancy Act, 11 of 1913, lands recorded as gochar rakshit, or sarbasadharan in the record-of-rights or waste lands which are either expressly or impliedly set apart for the common use of the villagers, whether recorded, as such, in the record-of-rights or not:”*



Khordha, no effective step has been taken to evict the encroachers. Objecting such indifference shown by the authorities, a resolution was passed in the Meeting of Soran Gram Panchayat Office on 24.08.2003 to intimate the fact to the Tahasildar, Banpur that though certain directions have been issued to demolish unauthorised structures, no step has been taken in this regard and accordingly, Sarpanch of Soran Gram Panchayat apprising detailed facts issued letter to said Tahasildar on 02.11.2003. As is apparent from letter dated 03.12.2009, the villagers of Soran again moved the Tahasildar, Chilika and also Sub-Collector, Khordha.

- 2.3. It is stated that the villagers also placed the aforesaid facts before the Chief Minister in Grievance Cell on 28<sup>th</sup> September, 2007, responding to which the Under Secretary to Chief Minister issued letter dated 28.11.2007 requesting the Collector and District Magistrate, Khordha to look into the grievance. As all the attempts went in vain, the villagers (petitioner No.1-Bijay Kumar Maharana) filed representation dated 3<sup>rd</sup> April, 2010 before the learned Lokpal. Further grievance petition dated 23<sup>rd</sup> March, 2011 was also submitted to the learned Lokpal. Accordingly, a report was called for from the Tahasildar concerned, who submitted a report indicating institution of proceeding against the encroachers, in consequence of which the learned





Lokpal discontinued proceeding and disposed of the matter under Section 10(5) of the Odisha Lokpal and Lokayuktas Act, 1995 with observation that thirty-three numbers of encroachment cases had been initiated. Nevertheless, till date those encroachers have not been evicted nor was any step taken to demolish the unauthorised structures constructed by them.

2.4. The Tahasildar, Chilika *vide* letter No.937, dated 11<sup>th</sup> April, 2013 submitted a report to the Sub-Collector, Khordha, which reads as follows:

*“\*\*\* With reference to the subject cited above, I am to intimate that about 33 encroachment cases have been initiated against the concerned Encroachers for unauthorized construction of permanent structure on Govt. land pertaining to Plot No.2115, Khata No.1096 under Mouza Bhagabatipur. The kissam of the Land in question as Gochar, which is prima facie objectionable for settle the same in favour of the Encroachers.*

*On the other hand, a case was filed before the Hon'ble Lokapal vide case no.160LY(A)/10 by one Sri Bijay Kumar Maharana, S/o-Arjun Maharana of Village Soran with prayer for eviction of the Encroachment. Accordingly, it was requested in the Letter under reference for deployment of police force for smooth management of eviction work but no force were deployed. On the other hand, two years lapsed for which again show cause notices as well as eviction notices have been issued to the concerned encroachers with direction to vacate the encroached land in the ends of public interest within 30 days from the date receipt of the eviction notice.*



*Hence, to make the eviction work success it is further requested kindly to look into the matter personally and the matter may be discussed with the Superintendent of Police, Khordha for early deployment of one platoon police force with lady police constable to carry out the eviction work smoothly. The I.I.C., Tangi may also be intimated accordingly.”*

- 2.5. While the matter stood thus, an information was sought for under the Right to Information Act, 2005, in response to which the following was supplied:

*“In mouza-Bhagabatipur, Khata No.1096, Plot No.2115, Area-Ac.3.245dec. There are 33 Encroachment Cases bearing No.8/2010 to 48/2010 have been booked under OPLE Act. Consequent upon receipt of the ‘G’ Memos from R.I., Kuhudi on 17.08.2010. Subsequently, penalty and assessment were realized from each encroacher on 16.09.2010 and eviction notices were issued to all the encroachers in each case with direction to evict the encroached govt. land within 30 days from the date of receipt of the eviction notice as per provision made in OPLE Act. The said eviction notices were served upon the encroachers.*

2. *Since the aforesaid encroachers did not vacate the encroached land. The Sub Collector, Khordha was requested for deployment of police force with lady Constable to carry out the eviction work as per humble instruction of the Lokpal in Lokpal Case No.160LY(A)/10 filed by Sri Bijay Kumar Maharana of village Soran before the Hon’ble Lokpal vide this Office Letter No.1823/, dt.01.11.2010 and No.583/dt.21.05.2011 but due to non deployment of*



*police force the eviction work could not taken up with a view to law and order situation.*

3. *Later on after re-organization of the R.I. circles Mouza-Bhagabatipur comes under the jurisdiction of R.I. Jaripada for which he was asked to cause and enquiry on eviction of the aforesaid encroached land vide this Office Letter No.1546/dt. 07.09.2012. On the other hand, R.I., Jaripada submitted his enquiry report vide his Letter No.1302/dt.26.11.2012 stating that the encroachers have not evicted the encroached land for which notices were again issued to each encroacher fixing to dt.12.03.2013. The ends of Govt. interest as well as to avoid the leakage of Govt. revenue and the caustic remarks of the Board Audit, Penalty and Assessment were again realized from each encroacher from the last two years and on the other hand eviction notices have also issued in each case with direction to the encroacher to vacate the Govt. encroached land within the stipulated time. Report from the R.I. concerned in the matter is awaited.”*

2.6. All these incidents and perseverance of the villagers since many years did not yield any fruitful result, which has given rise to filing of the present writ petition in the nature of Public Interest Litigation in the year 2014.

3. This Court *vide* order dated 8<sup>th</sup> May, 2014 having issued notice to opposite party No.2-Collector-cum-District Magistrate, Khordha, a counter affidavit has come to be filed by the opposite parties through opposite party No.4 (Tahasildar, Chilika), which reveals that thirty-three (33)



numbers of Encroachment Cases against unauthorized occupants of Government land(s) have been instituted and it is contemplated to proceed with demolition of structures of permanent nature thereon. It is also affirmed that the Tahasildar has already passed eviction orders. It is asserted that *“on verification of the original Records of Right available in Tahasil Office, it is found that no such correction as required under various paragraphs of Odisha Mutation Manual has been done over the Khata, Plot & Area by any Tahasildar till date, hence the area is intact as usually recorded in the Hal Khata i.e. Ac.3.590”*. It has also been affirmed by the deponent that *“for each individual case after observing all formalities under the various provisions laid down under OPLE Act, 1972 (Odisha Prevention of Land Encroachment Act, 1972) and Rules made therein and now that 24 years have already passed from date of allegation of villagers against the then Tahasildar, i.e., 1990/other authorities for their inaction in redressing their grievance, hence no action may be taken by the higher authority against the then the Tahasildar and other authority at this point of time”*. In the said counter affidavit dated 30<sup>th</sup> September, 2014, it has been impressed upon that *“actual eviction work of the encroachers over the Gochar land shall be carried out by the undersigned and sufficient number of force by the Superintendent of Police, Khordha and I.I.C., Tangi for the*



*eviction work for maintenance of law and order/ may be deployed after disposal of the case by the Hon'ble Court".*

4. This Court *vide* order dated 30<sup>th</sup> October, 2014 having taken cognizance of assertions and affirmation as made in the counter affidavit disposed of the instant writ petition with the following order:

*“\*\*\**

*Ordered accordingly.*

*The petitioners would submit a certified copy of this order before the Collector-cum-District Magistrate, Khurda within a period of one week herefrom and if the same is done, the said authority would ensure in coordination with the other authorities as may be considered necessary that the eviction of 33 encroachers with their constructions on the land mentioned hereinabove is undertaken, as expeditiously as possible and not later than six weeks from the date of receipt of the said order. The petition stands allowed in the above terms.”*

- 4.1. Challenging the said order dated 30<sup>th</sup> October, 2014, Sri Brajabandhu Sahoo (opposite party No.8 herein) and others approached the Hon'ble Supreme Court of India in SLP(C) No.21067 of 2014, which came to be dismissed on 17<sup>th</sup> December, 2014 with the following order:

*“Taken on board.*

*Dismissed.”*

- 4.2. However, a review petition, bearing RVWPET No.227 of 2014, has been filed for recalling of the order dated 30<sup>th</sup>



October, 2014 passed in WP(C) No.7824 of 2014. This Court upon hearing the review petitioners noticed that the order dated 30<sup>th</sup> October, 2014 was a direction to evict thirty-three encroachers to the Collector, Khordha. Since these encroachers were not impleaded as parties in the writ petition, following well settled legal position as laid by the Hon'ble Supreme Court of India in *Kunhayammed Vs. State of Kerala*, (2000) 6 SCC 359 that *"in limine dismissal of the SLP at the very first hearing does not mean a confirmation of the order of the High Court against which such SLP is filed"*, this Court held as follows:

“\*\*\*

11. *Once it is plain that the writ petitioners were seeking orders against such 'encroachers' it was imperative for them to be impleaded as parties to the writ petition. No order adverse to such persons could have been passed without giving them an opportunity of being heard. This is irrespective of the fact that they may have been heard in the proceedings initiated under the OPLE Act.*
12. *On that short ground, this Court recalls and reviews the order dated 30<sup>th</sup> October, 2014 passed in WP(C) No.7824 of 2014 and restores WP(C) No.7824 of 2014 to file.*
13. *The review petition is, accordingly, disposed of."*





4.3. Accordingly, the present writ petition being restored to its position, the encroachers-opposite party Nos.8 to 27 were arrayed as opposite parties.

4.4. Opposite party Nos.8, 9, 14, 15, 16, 17, 19, 20, 21, 23 and 24 (“encroachers”, for short) filed counter affidavit on 5<sup>th</sup> January, 2024 alleging that petitioner Nos.1 to 14 are encroachers of the Government land and submitted that the Government is required to take action not only against thirty-three encroachers as projected by the Tahasildar, but also is under obligation to initiate action against the other encroachers in exercise of powers conferred under the Odisha Prevention of Land Encroachment Act, 1972. The following paragraph is found contained in the counter-affidavit:

*“That in view of fact stated in the paragraph 18 of the writ petition needs no reply as the writ petition is not maintainable. The State Government being owner of land can take action under OPLE Act against all 400 encroachers. This Court cannot direct for selective approach.”*

5. By way of an affidavit dated 16<sup>th</sup> August, 2023 sworn to by the Tahasildar, Chilika a copy of field enquiry report in connection with the present case *qua* status of Plot Nos.2115 and 2121 in Khata No.1096, Mouza-Bhagabatipur has been submitted.



6. The matter came up for hearing on many occasions and the arguments have been advanced by counsel for respective parties and the matter is heard finally.
- 6.1. On conclusion of hearing, the matter was kept reserved for preparation and pronouncement of judgment *vide* Order dated 15.10.2025.
- 6.2. Heard Sri Pradipta Kumar Mohanty, learned Senior Advocate along with Ms. K.T. Mudali, learned Advocate for the petitioners and Mr. Kailash Chandra Kar, learned Government Advocate appearing for opposite party Nos.1 to 7 and Mr. Srikar Kumar Rath, learned Advocate for opposite parties-encroachers. At the request of the Court, Mr. Prasanna Kumar Parhi, learned Deputy Solicitor General of India appeared and participated in the hearing of the present matter.
7. The Odisha Prevention of Land Encroachment Act, 1972, has been promulgated in the State of Odisha with effect from the 29th day of October, 1954 with an avowed purpose to prevent unauthorized occupation of property of the Government. The provisions of this Act are applicable to prevent persons from occupying the Government lands. Nonetheless, in certain cases the Government land can be settled in favour of such persons who have been unauthorizedly occupying the





Government lands subject to provisions of Section 7<sup>2</sup>.

Thus the provisions of the said Act being summary in

<sup>2</sup>

Section 7 of the Odisha Prevention of Land Encroachment Act reads as follows:

*“7. Summary eviction, forfeiture and fine.—*

*(1) Any person unauthorisedly occupying land for which he is liable to pay assessment under Section 4 shall be summarily evicted by the Tahasildar and any crop or other product raised on the land, any encroachments such as a building, other construction or anything deposited thereon shall be liable to forfeiture:*

*Provided that in case of said encroachments the Tahasildar shall give reasonable notice to remove the same.*

*(2) Notwithstanding anything contained in Sub-Section (1)—*

*(a) where any land is in the unauthorised occupation of a landless person, the Tahsildar may instead of evicting such person from the land in his authorised occupation, settle the same with him, so however, the land so settled with him together with the land excluding homestead, if any owned by him and the lands owned by all the members of his family who are living with him in common mess, shall, on no account, exceed one standard acre and shall not include more than one-tenth of an acre of land which is being utilised or can be utilised for purposes of homestead;*

*and*

*(b) where any land is in the unauthorised occupation of a homesteadless person, which is being utilised by him as homestead, the Tahasildar shall, instead of evicting such person, settle the same with him, so however, that the land so settled with him shall not exceed one-tenth of an acre.*

*Provided that no such settlement shall be made if the land belongs to any of the following categories namely:*

*(a) lands recorded as Gochar, Rakhit, or Sarbasadharan in any record-of-rights prepared under any law;*

*(b) lands which are—*

*(i) set apart for the common use of villages;*

*(ii) used as house site, back-yard of temple-site whether or not recorded as such, in the record-of-rights;*

*(iii) likely to require for any development scheme and are declared as such by the State Government by a notification; and*

*(c) land belonging to an establishment of undertaking owned, controlled or managed by—*

*(i) any State Government or a Department of such Government;*

*(ii) any company in which not less than fifty-one per cent of the share capital is held by one or more State Government, or*

*(iii) a corporation established by law which is owned, controlled or managed by any State Government:*

*Provided further that where the land in the unauthorised occupation, of a person is situated within a Municipality or a Notified Area constituted under the Orissa Municipal Act, 23 of 1950:*

*(a) the settlement of land with such person shall be made by the Sub-Divisional Officer on a reference made to him in that behalf by the Tahasildar;*



- (b) not more than one-tenth of an acre shall be settled and that such settlement shall be made only where—
- (i) neither the person nor any member of his family living with him in common mess owns a house or house-site anywhere in the State; or
  - (ii) the land being adjacent to the holding owned by the person is necessary for the beneficial enjoyment of such holding or for the residential purpose of the person and is not reserved for the purpose of any Government or for any development purpose; and
- (c) the settlement shall not take effect until—
- (i) the order for settlement made by the Sub-Divisional Officer is confirmed by the Collector of the district; and
  - (ii) the person in favour of whom the settlement is made, makes payment of the market value of the land assessed by the Sub-Divisional Officer in the manner prescribed by Rules made under this Act

Provided also that on failure, of payment of the market value within the time fixed by the Sub-divisional Officer, the person in unauthorised occupation of the land shall be liable to be summarily evicted from the land in accordance with the provisions of this Act.

- (2-a) Notwithstanding anything contained in the first proviso to Sub-Section (2), where any land specified under the said proviso except those classified Gochar, Rakhshit or Sarbasadharan and used as burial ground, Government premises, tanks, roads and public places of worship is in the unauthorised occupation of any homesteadless person and who is using its as homestead and residing thereon by constructing a house on or before the 10th March, 1985, the Tahasildar shall instead of evicting such person, settle the same with him so, however, that the land so settled with him shall not exceed one twenty-fifth of an acre;
- (3) If such a person fails to remove the encroachment within the time specified in the notice, the Tahasildar may in his discretion, in addition to the order of forfeiture, impose a fine which may extend to fifty rupees and a daily fine of rupees ten until the encroachment has been removed:  
Provided that the aggregate of the fines payable under this subsection shall in no event exceed an amount equal to twice the market value of the encroachment land;  
Provided further that subject to such conditions as may be prescribed, the Collector may, in suitable cases, either reduce or remit the amount payable by the way of fine under this sub-section.
- (4) Forfeitures under this section shall be adjudged by the Tahasildar and any property so forfeited shall be disposed of as the Tahasildar may direct.
- (5) An eviction under this section shall be made by serving a notice in the manner provided in Section 9 on the person reported to be in occupation or his agent requiring him within such time as the Tahasildar may deem reasonable after receipt of the said notice to vacate the land and if such notice is not obeyed, by removing or deputing a subordinate officer to remove any person who may refuse to vacate the same.
- (6) If the Officer removing any such person shall be resisted or obstructed by any person, the Tahasildar shall hold a summary inquiry into the fact of the case and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, may issue a warrant for the arrest of the said person and on his appearance may send him with a warrant in the form appended to Schedule I for



nature and any person unauthorizedly occupying any land which is the property of the Government as defined under Section 2<sup>3</sup> of the Act can be summarily evicted by

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*imprisonment in the civil jail of the District for a period not exceeding thirty days as may be necessary to prevent the continuance of such resistance or obstruction."*

<sup>3</sup> Section 2 of the Odisha Prevention of Land Encroachment Act, 1972 stands thus:

*"Property of Government.—*

*Subject to the provisions of any law for the time being in force, the following classes of lands are hereby declared to be the property to Government for the purposes of this Act, namely:*

- (a) all public roads, streets, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark and of rivers, streams, nalas, lakes and tanks and all canals and water sources and all standing and flowing water and all lands including temple sites, house sites or backyards wherever situated, save in so far as the same are the property—*
  - (i) of any Ruler of an Indian State merged with the State of Orissa, Zamindar, Proprietor, Sub-Proprietor, Landlord, Jagirdar, Khoropshdar or any other tenure holder or any person claiming through or holding under any of them; or*
  - (ii) of any person paying shist, kattubadi jodi, porupu or quit rent to any of the aforesaid person; or*
  - (iii) of any person holding under raiyatwari tenure or in any way subject to the payment of cess or any other dues direct to Government; or*
  - (iv) of any other registered holder of land having proprietary right; or*
  - (v) of any other person holding land under grant from Government otherwise than by way of licence;*
- (b) land belonging to or vesting in any local authority which is used or intended to be used for any public purpose such as a road, canal, embankment, tank or ghat or for the repair or maintenance of such road, canal, embankment, tank or ghat;*
- (c) land acquired under the provisions of the Land Acquisition Act, 1894 or under similar Acts for the purposes of any local authority, company owned or controlled by the State Government, Statutory Body or Corporation while such land remains as the property of the local authority, company owned or controlled by the State Government, Statutory Body or Corporation;*
- (d) immovable property claimed by the Rulers of merged territories but conceded in their favour; and*
- (e) land belonging to an establishment or undertaking owned, controlled or managed by—*
  - (i) any State Government or a Department of such Government;*
  - (ii) any company in which not less than fifty-one per cent of the share capital is held by one or more State Government; or*
  - (iii) a corporation established by law which is owned, controlled or managed by any State Government.*

*Explanation.—*

*In this section 'high water mark' means the highest point reached by ordinary spring-tides at any season of the year"*



the competent authority from the said land. However before summary proceeding of eviction a reasonable opportunity of hearing is extended to the person occupying the land. Under the scheme of the Act proceedings can be initiated if it is seen that there has been encroachment of Government lands either by construction of house or otherwise.

7.1. The term “encroachment” has not been defined in the statute. To comprehend what exactly “encroachment” is resort may be had to meaning ascribed to it in Dictionary<sup>4</sup>.

7.2. The Black’s Law Dictionary defines the word “encroachment” as:

*“Encroach.— To enter by gradual steps or stealth into the possessions or rights of another; to trespass; intrude. Miami Corporation Vrs. State, 186 La. 784, 173 So. 315, 318. To gain unlawfully upon the lands, property, or authority of another; as if one man presses upon the grounds of another too far, or if a tenant owe two shillings rent-service, and the lord exact three. So, too, the Spencers were said to encroach the king’s authority. Blount; Plowd. 94a.*

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<sup>4</sup> The dictionary meaning of a word cannot be looked at where the word has been statutorily defined or judicially interpreted. But where there is no such definition or interpretation, the Courts may take aid of dictionaries to ascertain the meaning of a word in common parlance. In doing so the Court must bear in mind that a word is used in different senses according to its context and a dictionary gives all the meanings of a word and the Court has, therefore, to select the particular meaning which is relevant to the context in which it has to interpret that word. [State of Odisha Vrs. Titaghur Paper Mills Company Limited, AIR 1985 SC 1293 = (1985) 3 SCR 26 = 1985 (Supp.) SCC 280].



*Encroachment.— An encroachment upon a street or highway is a fixture, such as a wall or fence, which illegally intrudes into or invades the highway or incloses a portion of it, diminishing its width or area, but without closing it to public travel. State Vrs. Scott, 82 N.H. 278, 132 A. 685, 686.*

*In the law of easements. Where the owner of an easement alters the dominant tenement, so as to impose an additional restriction or burden on the servient tenement, he is said to commit an encroachment. Sweet.”*

7.3. Thus, it is unambiguous that encroachment is an offence. Encroachment would amount to a criminal trespass into the property belongs to another. “Encroachment” may mean unauthorised occupation of land and public land by way of putting temporary, or permanent structure for residential or commercial use or any other use.

7.4. The land encroachment is a social evil. Encroachment is a passive form of land grab contrivance, which reflects innate greed for land and natural tendency towards aggrandizement of wealth in any form. Encroachment of Government property is a loss not only for the Government but also the public, as huge amount of money would be spent again to acquire new property.

7.5. The Government lands are for the welfare of the public in general and to create common infrastructure for the usage and benefit of the people. The matter of





encroachment of Government land cannot be treated casually or in cavalier manner. It ought to be treated as a grave offence against the State. Hence, any intruder is liable not only to be prosecuted under the criminal/penal law but also initiated with proceeding under the Odisha Prevention of Land Encroachment Act.

7.6. At this juncture following observation of the Hon'ble Supreme Court of India in the case of *Rame Gowda Vrs. M. Varadappa Naidu*, (2004) 1 SCC 769 may gainfully be referred to:

“8. *It is thus clear that so far as the Indian law is concerned the person in peaceful possession is entitled to retain his possession and in order to protect such possession he may even use reasonable force to keep out a trespasser. A rightful owner who has been wrongfully dispossessed of land may retake possession if he can do so peacefully and without the use of unreasonable force. If the trespasser is in settled possession of the property belonging to the rightful owner, the rightful owner shall have to take recourse to law; he cannot take the law in his own hands and evict the trespasser or interfere with his possession. The law will come to the aid of a person in peaceful and settled possession by injuncting even a rightful owner from using force or taking law in his own hands, and also by restoring him in possession even from the rightful owner (of course subject to the law of limitation), if the latter has dispossessed the prior possessor by use of force. In the absence of proof of better title,*



*possession or prior peaceful settled possession is itself evidence of title. Law presumes the possession to go with the title unless rebutted. The owner of any property may prevent even by using reasonable force a trespasser from an attempted trespass, when it is in the process of being committed, or is of a flimsy character, or recurring, intermittent, stray or casual in nature, or has just been committed, while the rightful owner did not have enough time to have recourse to law. In the last of the cases, the possession of the trespasser, just entered into would not be called as one acquiesced to by the true owner.”*

7.7. In *Poona Ram Vrs. Moti Ram*, (2019) 1 SCR 671 it is said that:

*“\*\*\* a person who asserts possessory title over a particular property will have to show that he is under settled or established possession of the said property. But merely stray or intermittent acts of trespass do not give such a right against the true owner. Settled possession means such possession over the property which has existed for a sufficiently long period of time, and has been acquiesced to by the true owner. A casual act of possession does not have the effect of interrupting the possession of the rightful owner. A stray act of trespass, or a possession which has not matured into settled possession, can be obstructed or removed by the true owner even by using necessary force. Settled possession must be:*

- (i) effective,*
- (ii) undisturbed, and*





(iii) *to the knowledge of the owner or without any attempt at concealment by the trespasser.*

*There cannot be a straitjacket formula to determine settled possession. Occupation of a property by a person as an agent or a servant acting at the instance of the owner will not amount to actual legal possession. The possession should contain an element of animus possidendi. The nature of possession of the trespasser is to be decided based on the facts and circumstances of each case.”*

8. Regard being had to the position of law with the facts of the case as jotted down herein before, it is surfaced that the Government land in question having *Kissam: Gochar [Rakshit]* stands recorded in the name of Government. In the Record-of-Rights (Annexure-1) the land had been recorded as Gochar [Rakshit]. No material is available on record to establish to the contrary that the land was either expressly or impliedly not set apart for the common use of the villagers<sup>5</sup>. Said property of the Government has been occupied by the encroachers. Upon submission of Field Enquiry Report, notices have been issued and necessary orders have been passed for eviction by the Tahasildar<sup>6</sup>. The Tahasildar concerned

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<sup>5</sup> For clarity, *vide: Manmohan Rout (And after him) Sundari Devi Vrs. State of Odisha, 1992 SCC OnLine Ori 148 = 74 (1992) CLT 454.*

<sup>6</sup> Section 9 of the Odisha Prevention of Land Encroachment Act reads as follows:  
“9. Prior notice to person in unauthorised occupation.—  
Before taking proceedings under Section 4, Section 6 or Section 7 the Tahasildar shall cause to be served on the person reported to be in unauthorized occupation of the property of Government, a notice specifying the land so occupied and calling him to show cause before a certain date as to why he should not be proceeded against under Section



also sought for providing protection of police in order to carry out eviction drive and demolition of structures over the Government land.

8.1. In the counter affidavit filed by Sri Srikar Kumar Rath, learned Advocate representing the opposite parties, it is not denied that they are encroachers; rather, at paragraph 4 thereof it has been asserted that the petitioners are encroachers over the Government land. What is essentially pleaded by the learned Advocate representing these encroachers is that if steps are taken against these opposite parties for eviction and demolition of structures, the petitioners are also liable to be treated in the similar fashion without any discrimination. Evasive denial being made by these opposite parties in their counter affidavit, it is perceived that they have not refuted to have encroached the Government land in question. What emanates from above submissions advanced by the counsel for the opposite parties that there is no explanation, much less, justification from these opposite parties who have clearly encroached the Government land demarcated for “Gochar” in Rakshit Khata, unauthorizedly and illegally.

8.2. To such submission, the learned Senior Advocate acceded to and would submit that whoever is in

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*4, Section 6 or Section 7. Such notice shall be served in such manner as the Government may, by rules or orders under Section 10 direct.”*



unauthorized possession over the Government land, the State Government is empowered to take appropriate action. In *Akash Singh vrs. State of Odisha; W.P.(C) No.26630 of 2025*, vide order dated 30.10.2025 this Court taking note of Letter No.RDM-LRGEB-POLICY-0001-2024-21855/R&DM, dated 06/07/2024 of the Department of Revenue and Disaster Management regarding optimum management of Land Resources and Removal of Encroachment and a letter No.RDM-LRGEB-POLICY-0001-2024-31716/R&DM, dated 22/08/2025 of said Department appreciated the action plan of Government of Odisha on Eviction of Encroachment and its prevention. In the said letter, policy is spelt out regarding “no tolerance” to any encroachment over the Government land and the timeline has been specified therein to remove encroachment. The authorities are expected to show alacrity in taking prompt steps by adhering to the instructions contained in the above referred letters of Revenue and Disaster Management.

- 8.3. It is pertinent to observe here that the authorities could not pursue the matter to restore the Government land to its original position despite order passed by the learned Lokpal. In the case of *Bijay Kumar Maharana Vrs. Tahasildar, Chilika, Case No.160-LY(A) of 2010*, vide Order dated 26<sup>th</sup> March, 2012 it has been observed as follows:



- “3. The Tahasildar has submitted a report in the matter *inter alia* stating that thirty three Encroachment Cases have been started against the persons who have encroached upon a piece of Government land appertaining to Plot No.2115 of Khata No.1096 measuring Ac.3.245dec. of Mouza: Bhagabatipur. Notices of eviction have already been issued to the encroachers and steps will be taken to evict them in accordance with law.
4. In view of the above report of the Tahasildar, it cannot be held that the public servants concerned were not taking any action against the persons who have encroached upon Government land and as such it cannot be said to be mal-administration by the public servants concerned.
5. Hence, further investigation is discontinued and the matter is disposed of under Section 10(5) of the Odisha Lokpal and Lokayuktas Act, 1995.”

8.4. Though such observation was made in the year 2012, as yet step could not be taken by the Tahasildar, Chilika for eviction. As it appears in the case of *Brajabandhu Sahoo Vrs. State of Odisha*, W.P.(C) No.23099 of 2015, interim order has been passed on 08.01.2016 to the following effect:

“Misc. Case No.21196 of 2015  
08.01.2016

*Two extra copies of the Writ Petition be served on learned Addl. Government Advocate, who will obtain instruction in this matter.*



*Status quo as on date in respect of Plot No.2115 measuring an area of Ac.3.430dec. at Mouza-Bhagabatipur Tahasil, Chilika shall be maintained by the parties till next listing.*

*Put up this matter on 05.02.2016”*

8.5. Vacating said interim order while disposing of aforesaid writ petition, it has been ordered on 12.01.2023 that *“The status quo order dated 8th January, 2016 is vacated since there is already a corresponding order passed today by this Court in the restored W.P.(C) No.7824 of 2014.”*

8.6. At the stage of hearing, Sri Kailash Chandra Kar, learned Government Advocate furnished a copy of letter No.1348/Rev., dated 11<sup>th</sup> March, 2025 issued by the Tahasildar, Chilika addressed to the Sub-Collector, Khordha, which reads as under:

*“To*

*The Sub-Collector, Khordha.*

*Sub: Deployment of adequate police personnel and deployment of Executive Magistrate for eviction of encroached area of Mz. Bhagabatipur and Soran under Soran G.P.*

*Sir,*

*In inviting the subject and reference cited above, I would request you for deployment of adequate police force for eviction of encroached area of Mz. Bhagabatipur and Soran under Soran G.P. on dated 17/03/2025 at 10.00 AM onwards.*



*Further you are requested to kindly intimate to the Superintendent of Police, Khordha to deploy adequate police personnel and deployment of Executive Magistrate to avoid apprehension of breach of peace and maintain law and order situation at the time of eviction.*

*This is for favour of your kind information and necessary action.”*

- 8.7. He also drew attention of this Court to another copy of letter No.RDM-LRGEB-POLICY-0001-2024-21835/R&DM, dated 05.07.2024 issued by the Additional Chief Secretary to Government of Odisha in Revenue and Disaster Management Department addressed to the Collectors, which reads as under:

*“\*\*\* With reference to the subject cited above, I am to say that concerns have been raised by Government on large scale encroachments at a high level meeting. It is pertinent to mention that one of our primary work is optimum management of land resources and allocation of adequate land to developmental purpose & different sectors of economy. However, due to encroachment of Government land in both urban and rural areas, at times, smooth allocation of land for developmental purpose is impaired. Moreover, the opportunity cost of encroached Government land is unrealized in such cases. Also, the concomitant litigation arising out of illegal encroachment remains a challenge to all of us.*

*Hence, you are requested to make a realistic survey of rural and urban encroachments and remove encroachments as per extant rules. Consequent upon removal of such encroachments, you are further requested*





*to protect such Government land by suitable fence and conspicuously displayed board by utilizing the funds received in your district for the same purpose. In case of inadequacy of fund for the same purpose, the same may be communicated to this Department immediately.*

*An action taken report on the above shall be sent to this Department on each fortnight in the enclosed pro forma. This may be treated as “most urgent”.*

- 8.8. A feeble argument has been advanced by Sri Srikar Kumar Rath, Advocate relying on paragraph 14 of the counter affidavit that the encroachers have been in possession of land for more than 30 years<sup>7</sup>. Nonetheless, the documents enclosed to the writ petition demonstrate that the petitioners-villagers have been agitating the issue of encroachment on the Gochar land since 1990. Notwithstanding order of the Sub-Collector injuncting further constructions way back in the year 1994, it appears the authorities have paid deaf ears and their lackadaisical approach in not attending to the gravity of

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<sup>7</sup> Section 8A of the Odisha Prevention of Land Encroachment Act stands thus:  
“8-A. Settlement of land in cases of encroachment for more than thirty years.—  
(1) Where in the course of any proceeding instituted under Sections 4, 6, 7 or 8 against any person unauthorisedly occupying any land it is proved by such person that he has been in actual, continuous and undisputed occupation of the land for more than thirty years by the date of institution of the proceeding, the Tahasildar shall refer the case to the Sub-Divisional Officer.  
(2) On receipt of a reference under Sub-Section (1) the Sub-Divisional Officer shall give the Department of the State Government (other than the Revenue Department) to which the land belongs, an opportunity to show cause against the settlement of the land may make such further enquiry as he deems necessary.  
(3) If after making such enquiry the Sub-Divisional Officer is satisfied that such person has been in such occupation of the land as aforesaid, he may by order, settle the land with him and every such settlement shall be subject to such conditions, regarding assessment and payment of rent (including arrears of rent) as may be prescribed by rules under this Act.”





situation appears to have caused prejudice to the Government. It is pertinent to bear in mind that field inquiry being conducted by Tahasildar, Chilika, Additional Tahasildar, Chilika, Revenue Supervisor, Chilika, Revenue Inspector, Sananairi and Revenue Inspector, Soran, pursuant to direction of this Court in the W.P.(C) No.23093 of 2015, it has come to fore that the instant encroachers are not entitled to be settled with the Government land under the Odisha Government Land Settlement Act, 1962. This Court also takes note of protection granted to the encroachers by way of interim orders. Dealing with the Government land the authority concerned is required to take into account the entitlements of others. Whatever approach is taken, the foundational aspect to be kept in view is on larger public interest rather than focusing on private rights. To allow encroachment upon Government land would be to negate the rights of common citizenry having bearing on public trust.

8.9. Explaining the “Public Trust Doctrine” in *T.K. Shanmugam Vrs. State of Tamil Nadu*, 2015 SCC OnLine Mad 9343 = AIR 2016 Mad 25 the Full Bench of Madras High Court made the following observations:

*“32. Whatever approach is taken, the fundamental emphasis is on communal rather than private rights. In cases where communal rights protector negates*



*the rights of some, it implies a denial of the application of the Public Trust Doctrine. Natural resources have traditionally been found either under the sovereignty of a particular state or in the so-called global commons. Where the resources are held by a State, the essence of the Public Trust Doctrine is that the State or Governmental authority, as trustee, has a fiduciary duty of stewardship of the public's 'environmental capital'. Thus it is the duty of the State to protect, conserve and augment traditional water retaining structures.*

33. *The Supreme Court of the United States of America in Illinois Central Railroad Co. Vrs. People of the State of Illinois, 146 US 387 = 36 LEd 1018 (1892), pointed out that the State holds title to the bed of navigable waters upon a public trust, and no alienation or disposition of such property by the State which does not recognise and is not in execution of this trust, is permissible.*
34. *In Michigan Law Review, Vol. 68, No. 3 (Jan. 1970), Pages 471-566, Prof. Sax said that three types of restrictions on Governmental authority are often thought to be imposed by the public trust doctrine, namely:*
  - ‘1. *the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public;*
  2. *the property may not be sold, even for fair cash equivalent;*
  3. *the property must be maintained for particular types of use*



- (i) *either traditional uses, or*
- (ii) *some uses particular to that form of resources.'*

35. *The Hon'ble Supreme Court in Indian Council for Enviro-Legal Action Vrs. Union of India, (1996) 5 SCC 281, held that there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment.*

36. *Thus, the public trust doctrine requires that natural resources such as lakes, ponds etc., are held by the State as a 'trustee' of the public and can be disposed of only in a manner that is consistent with the nature of such a trust."*

8.10. Admittedly, the property in question is Government land having kissam: Gochar in Rakshit Khata. Bearing in mind the present writ petition at the behest of villagers to remove encroachment over the Government land was pending, this Court disposed of W.P.(C) No.23099 of 2015 filed at the behest of the opposite parties-encroachers. It may be worthwhile to have reference to paragraph 12 of the counter affidavit of aforesaid encroachers/opposite parties, wherein it has been asserted that documents filed in W.P.(C) No.23099 of 2015 be treated as part of counter affidavit filed in the instant writ petition. On verification, it could be ascertained that said writ petition got disposed of *vide* Order dated 12.01.2023. Said Order is as follows:



- “1. *This writ petition had been filed during the pendency of RVWPET No.227 of 2014 filed by these writ-petitioners. Today the said review petition has been allowed and the order which was sought to be reviewed therein i.e. the order dated 30th October, 2014 in W.P.(C) No.7824 of 2014, has been recalled by this Court. That writ petition has been restored to file impleading the writ petitioners herein as Opposite Parties.*
2. *In view of the above developments, the present writ petition need not be entertained by this Court and it is, accordingly, disposed of.*
3. *The status quo order dated 8th January, 2016 is vacated since there is already a corresponding order passed today by this Court in the restored W.P.(C) No.7824 of 2014.”*

8.11. Since on consideration of gamut of factual scenario, this Court vacated order of *status quo* granted in favour of the opposite parties-encroachers in W.P.(C) No.23099 of 2015, and said writ application being disposed of, present matter is considered on its own merits.

8.12. This Court is concerned about the situation of the persons who are encroachers having illegal structures on the Government/public land. Accordingly, no protection can be granted to the encroachers under such gross and glaring facts and circumstances of the case. Doing so would tantamount to grant of premium on illegality which the law would never permit.



8.13. In *Ahmedabad Municipal Corporation Vrs. Nawab Khan Gulab Khan*, (1997) 11 SCC 121 it has been stated as follows:

30. *Encroachment of public property undoubtedly obstructs and upsets planned development, ecology and sanitation. Public property needs to be preserved and protected. It is but the duty of the State and local bodies to ensure the same. This would answer the second question. As regards the fourth question, it is to reiterate that judicial review is the basic structure of the Constitution. Every citizen has a fundamental right to redress the perceived legal injury through judicial process. The encroachers are no exceptions to that constitutional right to judicial redressal. The constitutional court, therefore, has a constitutional duty as sentinel on the qui vive to enforce the right of a citizen when he approaches the court for perceived legal injury, provided he establishes that he has a right to remedy. When an encroacher approaches the court, the court is required to examine whether the encroacher had any right and to what extent he would be given protection and relief. In that behalf, it is the salutary duty of the State or the local bodies or any instrumentality to assist the court by placing necessary factual position and legal setting for adjudication and for granting/refusing relief appropriate to the situation. Therefore, the mere fact that the encroachers have approached the court would be no ground to dismiss their cases. The contention of the appellant-Corporation that the intervention of the court would give impetus to the encroachers to abuse the judicial process is*



*untenable. As held earlier, if the appellant-Corporation or any local body or the State acts with vigilance and prevents encroachment immediately, the need to follow the procedure enshrined as an inbuilt fair procedure would be obviated. But if they allow the encroachers to remain in settled possession sufficiently for a long time, which would be a fact to be established in an appropriate case, necessarily suitable procedure would be required to be adopted to meet the fact-situation and that, therefore, it would be for the respondent concerned and also for the petitioner to establish the respective claims and it is for the court to consider as to what would be the appropriate procedure required to be adopted in the given facts and circumstances.*

31. *It is true that in all cases it may not be necessary, as a condition for ejectment of the encroacher, that he should be provided with an alternative accommodation at the expense of the State which if given due credence, is likely to result in abuse of the judicial process. But no absolute principle of universal application would be laid in this behalf. Each case is required to be examined on the given set of facts and appropriate direction or remedy be evolved by the court suitable to the facts of the case. Normally, the Court may not, as a rule, direct that the encroachers should be provided with an alternative accommodation before ejectment when they encroached public properties, but, as stated earlier, each case requires examination and suitable direction appropriate to the facts requires modulation. Considered from this perspective, the apprehensions of the appellant are without force.”*





8.14. Encroachments infringe the rights of all other citizen.

The constitutional rights of all other citizen in respect of the public properties cannot be taken away by few individuals on account of their greediness. This Court does not encourage the actions of such strangers/encroachers on public/Government land. It is growing trend across the State that Government land has been occupied by a few land grabbers and land mafias, thereby obstructing the development of this nation as a whole. On account of large scale encroachment, the developmental activity of the State is being paralyzed. The machinery/functionary of State Government is bound to act vigilantly and no leniency need be shown in respect of the encroachers and the authorities competent are bound to invoke the provisions of the Odisha Prevention of Land Encroachment Act, 1972<sup>8</sup>, besides penal laws. There cannot be any leniency or misplaced sympathy in respect of the encroachers. Any lapses in this regard on the part of the authorities must be viewed seriously. The authorities committing lapses, negligence or dereliction of duty by way of any omission or commission, must be taken note of and suitable prosecution and appropriate disciplinary actions are also to be initiated against all such officials, who all are

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<sup>8</sup> An Act to provide for prevention of unauthorised occupation of lands which are the property of Government.





responsible for committing an act of negligence or dereliction of duty.

8.15. Whether a direction can be issued for eviction and as to whether such of those persons who have encroached upon such Government lands have acquired any right under the law relating to limitation or any policy of the State where the Government in its wisdom decides to confer certain right on such persons would depend upon nature of claim and it is the domain of the authorities concerned to decide or any other alternative forum available for consideration of grievance of such persons/ encroacher. However, this much can be stated at this stage in the present fact-situation that “Field inquiry report in compliance of the Order No.4 dated 12.01.2023 in W.P.(C) No.23093 of 2015; Order No.05, dated 12.01.2023 in RVWPET No.227 of 2014, Order No.06 in W.P.(C) No.7824 of 2014 of the Order No.07, Counter No.1406 of 2014 of Honourable High Court of Orissa”, reveals the following fact:

*“\*\*\* It was also found during enquiry that the encroachers are not in distress condition and Odisha Government Land Settlement Act, 1962 is not applicable to them due to their financial condition. The sketch map and photographs of the encroached plots found during the enquiry is annexed for due perusal.”*

8.16. In view of the aforesaid events, it is abundantly clear that the encroached land is in occupation of strangers



having no right, title and interest over the property. As is transpired from the counter affidavit filed by the opposite party Nos.1 to 7, steps appear to have been taken for eviction of the encroachers and necessary orders have been passed under the Odisha Prevention of Land Encroachment Act and the contents of subsequent letters which are placed at the time of hearing suggests that the Tahasildar has already requisitioned for adequate police protection to avoid breach of peace and maintenance of law and order during course of action.

8.17. Therefore, perceiving no necessity to keep the writ application pending any further, it is felt expedient to direct as follows:

- I. The Superintendent of Police, Khordha is directed to deploy adequate numbers of police personnel on the date(s) to be fixed by the Tahasildar, Chilika or any other competent authority for eviction of encroachers from the Government land in question;
- II. In case adequate numbers of police personnel are unavailable, upon instructions as assured by the learned Deputy Solicitor General of India, who appeared before this Court on request, adequate numbers of personnel of the Central Reserved Police Force (CRPF) may be deployed to facilitate eviction process on the date(s) specified by the



Tahasildar, Chilika or such other officer empowered in this regard for such purpose.

*III.* Needless to say that the authority concerned shall ensure eviction of encroachers from the Government land in accordance with law taking into consideration the field enquiry report dated 2<sup>nd</sup> August, 2023, as enclosed to affidavit dated 16<sup>th</sup> August, 2023. He shall also adhere to the instructions imparted in letter No.RDM-LRGEB-POLICY-0001-2024-21835/R& DM, dated 05.07.2024 issued by the Additional Chief Secretary to Government of Odisha in Revenue and Disaster Management Department and also other letters issued by said Department subsequently as referred to *supra*.

*IV.* The authority shall also conduct further enquiry, if necessary, and proceed with the matter by undertaking eviction of the encroachers and demolition of structures over the Government lands.

*V.* It is expected that the authority shall complete the entire exercise within a period of three months from date.

**9.** Since counsel for the respective parties have agreed for eviction of encroachers in accordance with law, this



Court expects parties to ensure coordination and cooperation with the authorities, as may be necessary, for the purpose of eviction of encroachers from the Government land(s) and demolition of structures thereon.

- 10.** With the aforesaid observation and direction, the writ petition stands disposed of. In consequence thereof, pending interlocutory applications, if any, shall stand disposed of. In the circumstances there shall be no order as to costs.

I agree.

**(HARISH TANDON)**  
**CHIEF JUSTICE**

**(MURAHARI SRI RAMAN)**  
**JUDGE**

*High Court of Orissa, Cuttack*  
*The 20<sup>th</sup> November, 2025//Bichi/MRS/Laxmikant*