IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28562 of 2026

CNR No. ODHC010624722026

Judhistira Bhoi …. ***Petitioner(s)***

Mr. Rabi Narayan Mohanty, Adv.

versus-

State of Odisha & Ors. …. ***Opposite Party(s)***

Mr. Tej Kumar, ASC

CORAM:
HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER
11.09.2026

Order No.
01.

1. This matter is taken up through hybrid arrangement.

2. In filing the present Writ Petition, the Petitioner alleged to be an encroacher has challenged the notice of eviction dated 07.08.2026 issued by the Tahasildar, Bhubaneswar in Encroachment Case No.33/2026 vide Annexure-5.

3. Heard learned counsel for the Parties.

4. During course of hearing, learned counsel for the State, at the outset, submits that despite issuance of the notice of eviction by way of "Form-Kha" since the Petitioner did not prefer appeal as per the provision under the OPLE Act, the present notice of eviction dated 07.08.2026 has been issued to him. He further contends that since there is a clear statutory remedy of appeal available under the

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O.P.L.E Act against the notice of eviction issued in shape of "Form-Kha", the Petitioner should approach the Appellate Authority.

5. In such view of the matter, this Court is not inclined to entertain the prayer made in this Writ Petition. However, considering the request of learned counsel for the Petitioner, this Court permits the Petitioner to file an appeal along with a petition for condonation of delay, if any, so also a petition for interim protection before the concerned Appellate Authority as per the provision under the O.P.L.E Act, within a period of fifteen working days hence. In such event, the Appellate Authority shall conclude the hearing after providing adequate opportunity of hearing to the parties concerned within a period of three months from the date of filing of the appeal.

6. It is further directed that till the interim application to be filed by the Petitioner is taken up, no coercive action shall be taken against the Petitioner pursuant to the impugned notice of eviction dated 07.08.2026 vide Annexure-5.

7. This Writ Petition is, accordingly, disposed of.

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(Dr. Sanjeeb K Panigrahi)
Judge