IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 28802 of 2026

CNR No. ODHC010679052026

Upendra Behera ..…... ***Petitioner (s)***

Mr. Krushna Chandra Rath, Adv.

-Versus-

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

Mr. Tej Kumar, ASC

CORAM:
DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

11.09.2026

Order No.

01.

1. This matter is taken up through hybrid arrangement.

2. The present Writ Petition has been filed assailing the eviction notice dated 22.05.2026 issued by the Tahasildar, Samakhunta under Annexure-1.

3. Heard learned counsel for the parties.

4. Having regard to the nature of the challenge made in the present Writ Petition, this Court finds that the impugned notice/order issued by the Tahasildar under the provisions of the Orissa Prevention of Land Encroachment Act, 1972 (for short, "the OPLE Act") is amenable to the statutory appellate remedy provided under Section 12(1) of the said Act. Under the said provision, an

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appeal against any decision or order made by the Tahasildar lies before the Sub-Divisional Officer/Sub-Collector.

5. In view of the availability of the efficacious statutory remedy, this Court is not inclined to examine the merits of the challenge to the impugned notice/order at this stage. Accordingly, the Petitioner is granted liberty to file an appeal before the concerned Sub-Collector, under Section 12(1) of the OPLE Act within a period of **fifteen days** from today.

6. In the event the Petitioner files such appeal within the aforesaid period, the appellate authority shall entertain the same in accordance with law. The appellate authority shall afford due opportunity of hearing to the parties and thereafter pass a reasoned and speaking order on the appeal in accordance with law, uninfluenced by any observation made in the present order.

7. In the meantime, no coercive action shall be taken against the Petitioner in respect of the case land pursuant to the impugned notice/order dated 22.05.2026, provided the Petitioner files the appeal before the appellate authority within the period stipulated herein.

8. It is clarified that this Court has not expressed any opinion on the merits of the claim of either party and all questions of fact and law are left open to be considered by the statutory appellate authority in accordance with law.

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9. With the aforesaid liberty and directions, the Writ Petition stands disposed of.

10. It is made clear that, downloaded copy of this order from the website of this Court be treated as an authenticated copy.

(Dr. Sanjeeb K Panigrahi)
Judge

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