



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28903 of 2026

CNR No. ODHC010691712026

Aswini Kumar Sahu *Petitioner(s)*
Mr. Janaki Kanta Mahapatra, Adv.

versus-

State of Odisha & Anr. *Opposite Party(s)*
Mr. Rajdeep Pradhan, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER

07.09.2026

Order No.

02.

1. This matter is taken up through hybrid arrangement.
2. This matter was not in today's list. On being mentioned, this matter is taken up through Special Notice.
3. Heard.
4. In filing the present Writ Petition, the Petitioner claiming himself to be the owner of the disputed property in question, has challenged the notice of eviction dated 20.08.2026 issued by the Commissioner, Berhampur Municipal Corporation vide Annexure-2.
5. Heard.
6. Learned counsel for the Petitioner submits that though the Petitioner is the rightful owner of the disputed property in question, the Opposite Parties without having proper demarcation exercise is attempting to evict



the Petitioner from the said property. Also drawing the attention of this Court to the notice of eviction dated 20.08.2026/ Annexure-2, learned counsel for the Petitioner submits that the plot number reflected in the notice of eviction vide Annexure-2 does not belong to the present Petitioner rather the plots belonging to the Petitioner are Plot Nos.429 & 435. He, accordingly, prays for allowing the prayer made in the present Writ Petition.

7. Considering the above allegation made by the learned counsel for Petitioner and since there is wrong reflection of the plot number in the notice of eviction dated 20.08.2026 vide Annexure-2, this Court while setting aside the said notice dated 20.08.2026 vide Annexure-2, also directs the Executive Officer, Berhampur Municipal Corporation to conduct a joint demarcation exercise pertaining to the disputed property in question in presence of the Petitioner as per law. The Executive Officer, Berhampur Municipal Corporation is directed to intimate the Petitioner regarding the date of conducting of the joint demarcation exercise. The Petitioner is directed to remain present during course of demarcation exercise.
8. It is further directed that upon conclusion of the demarcation exercise, if it is found that the Petitioner has encroached any public property, the concerned authority



shall take appropriate steps as per law for acquiring the said public property. It is also made clear that upon conclusion of the demarcation exercise, if it is found that the Petitioner has not encroached any public property, the authority concerned shall allow the Petitioner to reside over the land in question without any further hindrance. The Petitioner is also directed not to create any disturbance during course of joint demarcation exercise.

9. The entire exercise shall be completed within a period of one month from the date of presentation of an authenticated copy of this order.
10. This Writ Petition is, accordingly, disposed of.
11. Considering the urgency involved in this matter, this Court directs that the downloaded copy of this order from this Website of this Court shall be treated as an authenticated copy.

(Dr. Sanjeeb K Panigrahi)
Judge