



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28946 of 2026

[CNR No.ODHC010693572026]

Laxmidhar Khatei &

Ors.

....

Petitioner(s)

Mr. Ajaya Kumar Moharana, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. Rajdeep Pradhan, ASC

Mr. Om Swarup, Adv. (for Caveator)

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

09.09.2026

Order No.

**W.P.(C) No.28946 of 2026, I.A. No.17365 of 2026 &
Caveat Petition No.1543 of 2026**

01.

1. This matter is taken up through hybrid arrangement.
2. By filing the present Writ Petition, the Petitioners call in question the eviction notice bearing No.4636 dated 25.08.2026 issued by the Zonal Deputy Commissioner, South-West Zone, Bhubaneswar Municipal Corporation (Opposite Party No.5), on the ground that the same is illegal, arbitrary, unjust, improper and not sustainable in law. The Petitioners have further prayed for issuance of appropriate direction to the Opposite Parties for consideration and issuance of Land Rights Certificates (LRCs) in their favour, subject to their eligibility under the applicable law, and for not evicting them



without following due procedure of law and without making appropriate rehabilitation/alternative accommodation arrangements, wherever required under law.

3. Heard learned counsel for the Petitioners, learned counsel for the State and learned counsel appearing for the Caveators.

4. Learned counsel for the Petitioners submits that the Petitioners belong to the economically weaker and vulnerable sections of society and have been residing in Kalyani Nagar Basti, Patrapada, over Plot No.192, Khata No.780, Mouza-Patrapada, for the last 35 to 40 years. It is submitted that they have been residing there without any disturbance for several decades and have been identified as slum dwellers by the concerned authorities. It is further submitted that the Petitioners have been issued Aadhaar Cards, Ration Cards and Voter Identity Cards and that basic civic amenities such as electricity, water supply and gas connections have also been extended to their respective houses.

5. Learned counsel for the Petitioners further submits that while the Petitioners were residing peacefully, a public notice dated 25.08.2026 was suddenly affixed at the entrance of the slum, stating that the constructions situated beside Kalyani Nagar Lane-12 were illegal encroachments and were liable to be removed. It is submitted that the Petitioners were directed



to vacate the land on or before 16.09.2026, failing which the constructions would be demolished by the authorities of the Bhubaneswar Municipal Corporation.

6. Learned counsel for the Petitioners further contends that, pursuant to the said notice, the Petitioners submitted a representation dated 05.09.2026 before the Commissioner, Bhubaneswar Municipal Corporation (Opposite Party No.3), requesting that they may not be evicted without following due procedure of law and, in the event their relocation is found necessary in accordance with law, appropriate alternative rehabilitation/accommodation may be provided.

7. Learned counsel for the Petitioners further contends that the Petitioners are landless persons belonging to the weaker sections of society and have no other residential accommodation in Bhubaneswar. It is contended that their claim for issuance of LRC is required to be considered by the competent authority in accordance with the applicable statutory provisions and the prevailing scheme/policy relating to land rights and rehabilitation of eligible slum dwellers.

8. Learned counsel appearing for the Caveators, on the other hand, submits that the Petitioners are unauthorized occupants over the Government land in question and have been using a portion thereof for keeping cattle for their



personal purposes. It is further submitted that the land in question has been identified/demarcated for implementation of a development project in the locality and that the progress of the said project has been affected due to opposition from the Petitioners.

9. Having heard learned counsel for the parties and upon perusal of the pleadings and materials placed on record, this Court considers it appropriate to dispose of the Writ Petition with the following directions:

- (i) The Petitioners shall approach the Commissioner, Bhubaneswar Municipal Corporation (Opposite Party No.3), by filing a fresh application/representation for consideration of their claim for issuance of Land Rights Certificates (LRCs), along with all relevant documents in support of their claim, within seven days from today;*
- (ii) Upon receipt of such application/representation, the Commissioner, Bhubaneswar Municipal Corporation, shall cause the claim of the Petitioners to be examined in accordance with the applicable statutory provisions, rules, schemes and Government instructions*



governing grant of land rights to eligible slum dwellers;

- (iii) While considering the claim, the competent authority shall verify the eligibility of each of the Petitioners independently, including the relevant survey/identification records and other materials available on record;*
- (iv) If any of the Petitioners are found eligible for issuance of LRC, the competent authority shall take consequential steps for issuance of the same in accordance with law;*
- (v) The entire exercise shall be completed, as far as practicable, within fifteen days from the date of receipt of the application/representation.*

10. Till the aforesaid application/representation is considered and disposed of by the competent authority, no coercive action for eviction or demolition shall be taken against the Petitioners in respect of the residential structures in question.

11. It is, however, clarified that this order shall not be construed as conferring any title, ownership or permanent right upon the Petitioners over the land in question, nor shall it be construed as a direction for automatic issuance of LRCs. Their entitlement shall remain subject to verification and



determination by the competent authority in accordance with law.

12. It is further clarified that, in the event the claim of any Petitioner for issuance of LRC is rejected, the competent authority shall take steps to drive them out by using force.

13. With the aforesaid observations and directions, the Writ Petition stands disposed of.

14. The IA and Caveat Petition stand disposed of accordingly.

15. Urgent certified copy of this order be issued as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge