IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.38436 of 2026
(CNR No. ODHC010890232026)

Girija Sankar Mohanty …. **Petitioner**
In Person

-Versus-

Divisional Railway Manager, East Coast Railway, Khordha …. **Opposite Parties**
Mr. B.B. Mishra, Senior Panel Counsel,
Govt. of India

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
19.11.2026

Order No.

01. 1. Heard the petitioner in person.

2. Instant writ petition is filed by the petitioner for a direction to the opposite party not to demolish the permanent construction standing over plot No. 612/1135 under Khata No.880 of concerned Mouza in his possession on the grounds stated therein.

3. The petitioner submits that he is in possession of the case land, however, the opposite party is contemplating his eviction from there, though, there has been no notice issued as on date. Further submission is that the opposite party is inclined to go for eviction without following due process of law. Mr. Mishra, learned Senior Panel Counsel for the Railways files the memo of appearance today and submits that no such action has been taken against the petitioner but the submission is that the

petitioner is having no right, title and interest over the case land, which stands recorded in the name of the Railways.

4. A copy of the RoR of Khata No. 880 of the Mouza in question is at Annexure-4. The plots including the one possessed by the petitioner stand recorded with the Railways as made to reveal from Annexure-4.

5. In course of hearing, the petitioner submits that such possession of the case land by him is on the basis of a permanent lease deed (Hatpatta) dated 30th December, 1962. It is claimed that the possession by virtue of the lease is ever since 1962. It is alleged that without serving any notice on the petitioner, the opposite party is contemplating to go for eviction. Since the RoR stands in the name of Railways revealed from Annexure-4, this Court, recording the submission of learned counsel for the respective parties and as the petitioner had earlier filed in T.S. No. 192 of 1984 against two others and not the Railways and the claim is that, such possession of the case land is by virtue of lease deed, this Court, though not inclined to interfere with any such action of the Railways allegedly contemplated but is in favour of granting him the liberty to approach the Civil Court for appropriate remedy under law with interim protection in the meantime against any such eviction.

6. Accordingly, it is directed.

7. In the result, the writ petition stands disposed of granting the liberty in favour of the petitioner to approach the Civil Court impending any such action by the opposite party towards his eviction from the case land. It is directed that any such remedy to be availed of by the petitioner shall be within a month to commence from today. It is further directed during the aforesaid period, there shall be no any coercive action against the petitioner at the behest of the opposite party. It is made clear that if in case, no any remedy availed by the petitioner approaching the Civil Court, the opposite party shall be at liberty to take necessary action over and in respect to the case land as per and in accordance with law.

8. Urgent certified copy of this order be issued as per rules and in course of the day.

(R.K. Pattanaik)
Judge

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Signature Not Verified
Digitally Signed
Signed by: KABITARANI MAJHI
Reason: Authentication
Location: OHC,Cuttack
Date: 19-Nov-2026 19:14:36