



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12700 of 2023 & W.P.(C) No.12699 of 2023

In W.P.(C) No.12700 of 2023

Santilata Rout and another ... **Petitioners**

-versus-

State of Odisha and others ... **Opposite Parties**

Advocate(s) appeared in this case:-

For Petitioners : In Person

For Opposite Parties : Mr.U.R.Jena, AGA

AND

In W.P.(C) No.12699 of 2023

Santilata Rout ... **Petitioner**

-versus-

State of Odisha and others ... **Opposite Parties**

Advocate(s) appeared in this case:-

For Petitioner : In Person

For Opposite Parties : Mr.U.R.Jena, AGA

CORAM: JUSTICE B.P. ROUSTRAY

ORDER

Date of Hearing : **13th May 2026**
Date of Order : **22nd June 2026**

B.P. Routray, J.

1. Both the writ petitions, concerning same Petitioners, challenging the orders passed by the Tahasildar, Sub-Collector and Collector, Khurda respectively have been filed and as such, are heard



together and disposed of by this common order. Both the Petitioners in two writ petitions by making an Organization namely, United Universe Societies Organization (USSO) have encroached Government lands in Plot No.690 measuring Ac.0.070 decimals and Plot No.690/1844/2874 measuring Ac.0.030 decimals under Khata No.932 and 934 respectively of Mouza – Palla in the district of Khurda. Khata No.934 has been recorded in the name of Gruha Bibhaga (Home Department) and Khata No.932 has been recorded as Rakhit (Reserved) status. Undisputedly, both the lands, as encroached by the Petitioners, are Government lands. Since the Petitioners have unauthorizedly encroached these Government lands, two Encroachment Proceedings 17/22-23 and 18/22-23 were initiated against the Petitioners and the orders of eviction were issued. The same were confirmed by the Appellate Court as well as the Revisional Court. Such orders of eviction against unauthorized encroachment issued by the Tahasildar and confirmed by the Appellate Authority as well as the Revisional Authority are the subject matters of challenge before this Court in present writ petitions.

2. According to the Petitioners, they are in occupation of aforesaid Government lands since 2001 and have constructed a Yoga



Foundation thereon for the betterment of the people of entire universe and they have formed an Organization namely, “Biswa Samaj Surakhya Board” (BSSB), otherwise known as “United Universe Societies Organization” (USSO), and both the Petitioners are though husband and wife but are Astanga Yogi. Further, finding a large open Government land in the area, they applied for grant of twelve acres of land for their Organization in the year 2011-12 and as the authorities did not respond, the Petitioners by clearing a portion of the Government land made their Organization there. It is stated by the Petitioners that their Organization is for national interest and well-being of the people universally. They have also constructed an office house of 30ft. x 30ft. over the alleged encroached land.

3. Odisha Prevention of Land Encroachment Act, 1972 (in short “the Act”) has been designed to deal with the matters relating to encroachment of Government land or communal land. Any person, who unauthorizedly occupies any land, which is property of the Government, is liable to pay such amount by way of assessment and is further liable for summary eviction thereof subject to such provisions contained in the Act. There is no such provision contained in the Act to regularize unauthorized occupation in respect of any None-



Government Organization. It is true that any person or body of persons in unauthorized occupation of the Government land are liable to be evicted in terms of the provisions contained in the Act. No different treatment can be extended in favour of an organization or so-called organization stated to be serving for the interest of general public. Nonetheless, nothing is born on record in present facts of the instant case to demonstrate any public service offered by Petitioners' Organization, which is a seer encroacher over the Government land unauthorizedly. It is not open for anyone to encroach valuable Government land or otherwise forming a so-called social organization. The Tahasildar, Khurda has filed the counter affidavit stating that the lands encroached by the Petitioners are the valuable lands situating at important locations and now proposals are in process for construction of residential house of the Superintendent of Police and the Collector of the district covering such encroached patch of land. The fact of unauthorized occupation of the lands by the Petitioners is undisputed and they have no authority to unauthorizedly occupy such Government lands.

4. A thorough perusal of the impugned orders reveal that the Petitioner namely, Santilata Rout was present before the Authorities



and was granted due opportunity of hearing before passing of the orders. No justification has been made on behalf of the Petitioners to protect their unauthorized possession over the Government lands, which are recorded in the status of reserved lands. Mere claim of possession over the land since 2001 does not authorize the Petitioners to continue their possession over the same and there is no meaning to say that a vast patch of open Government land would justify unauthorized occupation of the patch in favour of the Petitioners. No person can just unauthorizedly occupy a Government land to claim the right of possession thereof. What is required to be seen is grant of due opportunity of hearing and following due process of law in the matters of eviction relating to the Government land. As stated earlier, the presence of the Petitioner namely, Santilata Rout before the Authorities has been well recorded in the orders stating grant of due opportunity of hearing to her before passing of the order of eviction. When the Petitioners admit to have encroached the Government land for establishing their Organization and the records do not justify any procedural lapses in respect of granting due opportunity of hearing to the Petitioners before eviction, no point remains in favour of the Petitioners to occupy the Government lands further. Thus, the orders of eviction as issued by the Tahasildar and confirmed by the Appellate



Court as well as the Revisional Court do not warrant any interference by this Court.

5. Both the writ petitions are accordingly dismissed.

(B.P. Routray)
Judge

C.R.Biswal, A.R.-cum-Sr.Seretary