



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18807 of 2016

CNR No.ODHC010515042016

*Jyoshna Kumari
Pattnaik*

....

Petitioner(s)

Mr. Karunakar Rath, Adv.

-versus-

Collector, Khurda & Ors.

....

Opposite Party(s)

Mr. P.P. Behera, ASC

Mr. Niranjan Panda (1), Adv. (for BMC)

Mr. A.P. Bose, Adv. (for Caveator)

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

04.

13.08.2026

1. This matter is taken up through hybrid arrangement.
2. The Petitioner, an aged lady, has challenged the threatened demolition of the structure standing over her private Plot No.1578, Nayapalli, Bhubaneswar, corresponding to Sabik Plot No.48. The Petitioner disputes the allegation that any portion of her land is Government/public land and submits that the land used for ingress and egress is recorded as Gharabari Plot No.1583 in the name of the G.A. Department, Government of Odisha. No proper survey/demarcation was conducted in her presence and no statutory notice or effective



opportunity of hearing was afforded before the threatened coercive action.

3. Heard learned counsel for the parties.

4. Learned counsel for the Petitioner submits that out of 25 decimals, about 5 decimals have been treated as encroached upon by the Municipal Corporation, although the Petitioner disputes the same. The dispute regarding correction of the area and identification of the land is pending before the Member, Board of Revenue in OSS No.461 of 2017 since 2017.

5. Unless the said proceeding is decided, the actual identity, extent and status of the disputed land cannot be conclusively determined.

6. In view of the above, the Member, Board of Revenue is directed to decide OSS No.461 of 2017 expeditiously, preferably within **one month** from the date of receipt/production of this order, in accordance with law.

7. The writ petition is accordingly disposed of. This Court has not expressed any opinion on the title or alleged encroachment.

8. Till such decision, no coercive action shall be taken against the Petitioner in respect of the disputed portion. However, lawful survey/demarcation may be undertaken after due notice to the Petitioner.



9. The Bhubaneswar Municipal Corporation shall be at liberty to take punitive action against any encroachment or unauthorized construction strictly in accordance with law. Before any demolition or removal concerning the Petitioner, proper survey and demarcation shall be conducted and the Petitioner shall be given the statutory notice and opportunity of hearing as required under the applicable municipal/planning law, including Section 455 of the Odisha Municipal Corporation Act, 2003.

(Dr. Sanjeeb K Panigrahi)
Judge