COURT OF THE REVENUE OFFICER-CUM-SUB-COLLECTOR, ATHAMALLIK

OLR Case No. 06 of 2026 (Section 23-A, OLR Act)

Lambodar Naik … Petitioner v. Prafulla Pradhan … Opposite Party

Decided on 20 November 2026

Odisha Land Reforms Act, 1960 – Section 23-A – Undemarcated part plot – Wrong provision cited. A petition styled under section 23(4) that alleges only unauthorised occupation, not a transfer, is rightly treated under section 23-A. Before eviction, the land occupied must be shown to fall within the raiyat's holding; where the holding is an undemarcated part plot with no trace map, demarcation must come first. Allegations of criminal intimidation are outside the scope of section 23-A.

Result: Eviction not granted at this stage; demarcation within 60 days directed, with liberty to move afresh.

ORDER

1. The record is put up today for orders. The Petitioner filed a petition, sworn on 14.10.2026, styled as one ‘under Section 23(4)’ of the Orissa Land Reforms Act, 1960 (“the Act”). The petition alleges no transfer in contravention of Section 22. It complains of unauthorised entry upon and occupation of a Scheduled Tribe raiyat’s holding. It has therefore rightly been registered and treated as a proceeding under Section 23-A of the Act, and the wrong description of the provision is of no consequence. The case land is Mouza Jogipurunapani, Hal Khata No. 5/23, Plot No. 24/89, Kisam Taila-II, area Ac.4.20 dec., under Kishorenagar Tahasil.

2. Case of the Petitioner: The case land is recorded in the name of the Petitioner’s father, Dwaru Singh @ Naik, a ‘Gond’ (Scheduled Tribe). After his father’s death the land devolved on the Petitioner and his sister, who are cultivating it through a bhagachasi. The OP, a ‘Chasa’ (OBC) by caste, is said to be a stranger to the land. On 05.10.2026 the OP allegedly engaged a JCB, filled up a well dug by the Petitioner’s father, uprooted mahua and other trees standing on the case land, and on 06.10.2026 threatened the Petitioner with an axe. The Petitioner prays that the OP be evicted and restrained from entering the case land.

3. Case of the OP: In his deposition dated 04.11.2026 the OP states that he is in possession of Plot Nos. 20 and 21, over which the Petitioner has no right; that the Petitioner is the recorded tenant of Plot No. 24; and that he will willingly vacate if the demarcation report shows any encroachment by him over the Petitioner’s land. In his own deposition of the same date the Petitioner admits that he had not got his land demarcated before filing the case, and he states that he will abide by the demarcation report of the Tahasildar.

4. Enquiry: A report was called for from the Tahasildar, Kishorenagar vide this office Memo No. 4972 dated 26.10.2026. The Tahasildar, by letter dated 17.11.2026, forwarded the report of the Revenue Inspector, Raniakata, Letter No. 126 dated 10.11.2026, based on a field enquiry held on 10.11.2026. The reports show the following. (a) Plot No. 24/89 (Ac.4.20 dec.) was settled in Suo-motu Lease Case No. 301/81 and stands recorded in Khata No. 5/23. (b) It is a part plot of Ac.4.20 dec. carved out of the larger Plot No. 24 (Ac.13.95 dec.). Neither the case record of the lease case nor the trace map of the part plot is available in the Tahasil office. (c) The OP’s clearing operations concern Plot No. 20 (Ac.2.32 dec., Holding 5/26) and Plot No. 21 (Ac.9.43 dec., Holding

5/25). The R.I. found that the OP has uprooted trees and cleared some land outside Plot Nos. 20 and 21, and has prepared a sketch of that area. (d) The well in question is situated in Plot No. 21, not in the Petitioner's plot. (e) The Tahasildar reports that the Petitioner's possession could not be ascertained because the trace map is not available and the Petitioner did not cooperate in showing his possession. Heard the learned counsel for the parties and perused the record.

5. Point for determination: Whether the OP is found to be in unauthorised occupation of the whole or any part of Plot No. 24/89, the holding of the Petitioner, so as to call for eviction under Section 23-A of the Act.

6. Discussion: Section 23-A of the Act empowers the Revenue Officer to evict a person found to be in unauthorised occupation of the holding, or any part of the holding, of a Scheduled Tribe or Scheduled Caste raiyat. Before an order of eviction can be passed, the land occupied must first be identified as falling within that holding. Here the Petitioner's holding, Plot No. 24/89, is an undemarcated part plot of the larger Plot No. 24, and no trace map is available for it. The well said to have been filled up lies in Plot No. 21. The only clearing found by the R.I. lies outside Plot Nos. 20 and 21, and on the present record it cannot be said whether it falls within Plot No. 24/89 or within the unsettled Government portion of Plot No. 24. The Petitioner did not get his land demarcated before approaching this Court and did not show his possession to the field staff. The occupation of any portion of Plot No. 24/89 by the OP is therefore not established on the present record, and an order of eviction cannot be passed at this stage. At the same time, both parties have stated before this Court that they will abide by a demarcation. The OP has undertaken to vacate any portion of the Petitioner's land found to be encroached by him. The proper course is to have the holding demarcated, while keeping the Petitioner's remedy under Section 23-A open.

7. The allegations of criminal intimidation and destruction of trees made in the petition are outside the scope of a proceeding under Section 23-A. The Petitioner is at liberty to pursue them before the appropriate forum in accordance with law.

8. In the result, the prayer for eviction is not granted at this stage, and the case is disposed of with the following directions:

(i) The Tahasildar, Kishorenagar shall trace the record of Suo-motu Lease Case No. 301/81. If it cannot be traced, he shall prepare the trace map of Plot No. 24/89 (Ac.4.20 dec.) from the settlement map, the Record-of-Rights and other available records.

(ii) He shall demarcate Plot No. 24/89 at the spot, after notice to both parties and in the presence of local witnesses, and shall specifically determine whether the area cleared by the OP outside Plot Nos. 20 and 21 (as sketched by the R.I., Raniakata) falls wholly or partly within Plot No. 24/89. He shall complete the demarcation within 60 (sixty) days of receipt of this order, furnish copies of the demarcation report to both parties, and send a copy to this Court.

(iii) If the demarcation shows that the OP is occupying any part of Plot No. 24/89, the Petitioner is at liberty to move this Court afresh under Section 23-A of the Act on the basis of the demarcation report, and such application shall be taken up on priority. This Court may also proceed suo motu on receipt of the report. The OP's undertaking recorded in his deposition dated 04.11.2026, to vacate

any such portion, is placed on record and he shall be bound by it.

(iv) If the cleared area is found to be unsettled Government land in Plot No. 24, the Tahasildar shall take action against the OP under the Orissa Prevention of Land Encroachment Act, 1972.

(v) The Petitioner shall cooperate with the demarcation and shall show his possession on the ground.

9. Communicate copies of this order to the Tahasildar, Kishorenagar for compliance and to the parties. The case is disposed of accordingly.

Sd/-
Revenue Officer-cum-Sub-Collector, Athamallik

Odisha Revenue Laws · Revenue Court Orders. Reported for the reference of revenue officers. The order applies to its own facts; check the current law before relying on it.