COURT OF THE SUB-COLLECTOR, ATHAMALLIK

OPLE Appeal No. 01 of 2026

(Arising out of OPLE Case No. 4511/2025 of the Tahasildar, Athamallik)

Sasmita Panda and others … Appellants v. Tahasildar, Athamallik … Respondent

Decided on 18 March 2026

Orissa Prevention of Land Encroachment Act, 1972 – Eviction from Government land needed for a public purpose – Claim for settlement by encroachers who are not landless. Long possession of Government land and payment of assessment and penalty give an encroacher no right, title or interest, and do not oblige the Government to settle the land. Settlement under the OPLE Rules is for landless persons, and the appellants, who own other property, do not qualify. Land adjoining the CHC needed for a health project is for a public purpose, and eviction was rightly ordered.

Result: Appeal dismissed. Eviction confirmed; prayer for settlement rejected.

ORDER

I. STATEMENT OF THE APPELLANTS

1. The Appellants, daughters of Late Rushinath Panda, filed this appeal following the directions of the Hon'ble High Court of Odisha in W.P.(C) No. 759/2026. Their primary contentions are:

2. They claim to be in long-standing possession (over 50 years) of Ac. 0.040 dec. out of Plot No. 210, Khata No. 110, Mouza Madhapur, where their late father constructed a residential house.

3. They claim to be landless destitutes (two unmarried daughters and one widow) with no alternative place of residence.

4. They assert that multiple encroachment cases (e.g., Case Nos. 1293/2006, 577/2009, 596/2010) were previously initiated against their father, where assessment and penalties were paid, which they believe entitle them to the settlement of the land.

5. They challenge the eviction notice issued in the name of their brother, Sushant Panda, in OPLE Case No. 4511/2025, arguing it is arbitrary and failed to consider their landless status.

II. STATEMENT OF THE RESPONDENT (TAHASILDAR)

6. The Tahasildar, Athamallik, through Para-wise Comments (PWC), countered the appeal as follows:

7. The Appellants are not "landless" as defined under the OPLE Act. Records indicate the family possesses ancestral property (approx. Ac. 7.08 in Mouza Rasosinga).

8. The annual family income is reported at Rs. 4.88 lakh, and the brother of the appellants is employed as a teacher, making them ineligible for settlement under the Act.

9. The encroached land (Plot No. 210) is objectionable as it is urgently required for the "greater interest of the general public" for the construction and extension of a Model Community Health Centre (CHC)

10. The respondent maintains that due process under Sections 4, 5, and 6 of the OPLE Act 1972 was followed, including the service of Form "Ka" (Notice) and Form "Kha" (Eviction Order).

III. JUDGMENT & ORDER

1. Findings of the Court

11. Upon perusal of the Revenue Records (Khata No. 24 of Mouza Rasosinga), it is established that the family holds substantial landed property. Under the OPLE Rules, a "landless person" must not own more than certain limits and must have a total annual income not exceeding the prescribed threshold. The Appellants fail to meet these criteria.

12. The case land is adjacent to the Madhapur CHC and is identified for a vital public health project. Section 7 of the OPLE Act prioritises the summary eviction of encroachers from lands required for public purposes.

13. Payment of "Assessment and Penalty" in previous years does not confer any right, title, or interest over Government land, nor does it mandate settlement in favour of the encroacher.

14. After hearing both parties and perusing the detailed inquiry reports submitted by the Tahasildar, this Court finds the appeal devoid of merit.

15. The eviction proceedings initiated by the Tahasildar in OPLE Case No. 4511/2025 are hereby confirmed. The prayer for settlement of the land in favour of the Appellants is rejected as they are not landless persons, and the land is required for a public purpose. The Tahasildar is directed to ensure the land is utilised for the Model CHC project as per law.

16. Case disposed of and pronounced in open Court.

Sd/-
Sub-Collector, Athamallik

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