
(2025) 05 OHC CK 1224

In the Orissa High Court

Case No : Writ Petition (C) No. 9238 Of 2025 Along With Writ Petition (C) No. 9321 Of 2025

Divine University Satsang Common Platforms, Dhenkanal

APPELLANT

Vs

State Of Odisha & Ors Vs

RESPONDENT

Date of Decision : 09-05-2025

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Orissa Prevention of Land Encroachment Act, 1972 — Section 7

Odisha Government Land Settlement Rules, 1983 — Rule 5(2)

Citation : (2025) 05 OHC CK 1224

Hon'ble Judges : Dr. S.K. Panigrahi, J

Bench : Single Bench

Advocate : Goutam Kumar Routray, Omkar Devdas, Gayatri Patra

Final Decision : Dismissed

Judgement

Dr. S.K. Panigrahi, J.

1. In W.P.(C) No.9238 of 2025, the Petitioner seeks to quash the order dated 06.03.2025 passed by the Collector, Dhenkanal, directing the eviction of the Petitioner from Plot No. 2722, corresponding to Khata No.1245 of village Talabarkote, Mouza Talabarkote, under Tahasil Dhenkanal Sadar, District Dhenkanal.

2. In W.P.(C) No.9321 of 2025, the Petitioner also challenges the notice issued by the Tahasildar, Dhenkanal, vide Office Order No. 2338 dated 26.03.2025, as well as the order dated 06.03.2025 passed by the Additional District Magistrate, Dhenkanal, in Encroachment Revision Case No. 11 of 2025.

3. Since both the cases are interlinked in terms of the subject matter and prayer, the same were heard together and are being disposed of by this common judgment.

I. FACTUAL MATRIX OF THE CASE:

4. The brief facts of the case are as follows:

(i) The Petitioner-organization is a registered trust situated at Talabarkote, Dhenkanal. It was established in the year 1990 with the objective of promoting education, spiritual development, and social welfare activities.

(ii) The organization was formally registered as a trust in the year 2023. In the same year, it applied for settlement of land bearing Plot No. 2722, under Khata No. 1245, located in village Talabarkote, Mouza Talabarkote, under Tahasil Dhenkanal Sadar, invoking the provisions of Rule 5(2) of the Odisha Government Land Settlement Rules, 1983.

(iii) During the pendency of the Petitioner's application for land settlement, the Encroachment Case No. 59 of 2024 was initiated by the Sub-Collector, Dhenkanal in respect of Plot No. 2722, corresponding to Khata No. 1245, situated in village Talabarkote, Mouza Talabarkote, under Tahasil Dhenkanal Sadar.

(iv) Challenging the said notice, the Petitioner approached this Court by filing W.P. (C) No. 1103 of 2025, which was disposed of on 15.01.2025 with a direction to the Petitioner to approach the appropriate appellate authority.

(v) In due compliance with the order of this Court, the Petitioner approached the appellate authority by filing Encroachment Appeal Case No. 01 of 2025, which was disposed of on 19.02.2025. The appeal was rejected on the ground that the Petitioner had failed to furnish any valid justification for the unauthorized occupation of government land.

(vi) The Petitioner has been pursuing an application for settlement of Plot No. 2722, corresponding to Khata No. 1245, situated in village Talabarkote, Mouza Talabarkote, under Tahasil Dhenkanal Sadar, since 13.10.2023, under Rule 5(2) of the Odisha Government Land Settlement Rules, 1983.

(vii) While the Petitioner's application under Rule 5(2) of the Odisha Government Land Settlement Rules, 1983 was pending consideration, the Sub-Collector, Dhenkanal, initiated an encroachment proceeding against the Petitioner, which culminated in the passing of the impugned eviction order dated 25.02.2025.

(viii) Aggrieved by this, the Petitioner approached this Court by filing W.P.(C) No. 6435 of 2025, seeking to quash the notice dated 25.02.2025 issued by the Tahasildar, Dhenkanal. The writ petition was disposed of with a direction to the Petitioner to challenge the revision order before the appropriate forum.

II. SUBMISSIONS ON BEHALF OF THE PETITIONER:

5. Learned counsel for the Petitioner earnestly made the following submissions in support of his contentions:

(i) The Petitioner contended that the Petitioner-organisation, along with other devotees, had been in continuous possession of the land described in Khata No.

1245, Plot No. 2722, measuring Ac. 12.730 dec., classified as Kissam – Bastijogya, for the past 40 years. A Satsang Kendra had been constructed on the said plot, which had historically been regarded by the villagers as a site of religious and cultural importance.

(ii) It was further contended that, during the Indian freedom movement, several freedom fighters, including Baji Rout, were said to have taken shelter at this location and had initiated revolutionary activities therefrom. Over time, numerous saints had also taken refuge on the land. In particular, Baya Baba, a revered spiritual figure and the author of Baya Gita, had resided on the said premises. In remembrance of these spiritually and historically significant associations, the villagers, together with the Petitioner, had constructed the Satsang Vihar, where various religious functions had been observed annually with active participation from the residents of the village and nearby areas.

(iii) The Petitioner further submitted that the organisation, along with the local villagers, had been regularly conducting hawans and pujas at the said site, which held deep religious significance for the community. It was contended that any proposed demolition would not only disrupt such longstanding practices but would also gravely hurt the religious sentiments of the local population.

(iv) The Petitioner contended that, after being in continuous possession of the plot for the past 40 years, an application for lease was submitted before the Tahasildar for settlement of the land in favour of the Satsang. The land in question pertains to Mouza–Talabarkote, Khata No. 1245, Plot No. 2722, measuring Ac. 12.75 dec. The purpose of the application was stated to be the smooth functioning of the Satsang activities, to facilitate educational services, and to foster a spiritual environment among the villagers.

(v) The Petitioner contended that the Tahasildar, without verifying the relevant records or considering the long-standing possession of the land by the devotees of the Satsang, rejected the lease application. The rejection was on the grounds that no Annual Audit Report had been submitted and that another organisation, namely IDCO, had already applied for the same land prior to the Petitioner's application.

(vi) The Petitioner submitted that it is a matter of surprise that the application of an organisation, which was not in possession of the subject plot, was accepted by the Tahasildar, while the application of the Petitioner, representing the devotees of the Divine University Satsang, who had been in continuous possession of the land, was rejected. It was further submitted that this decision is both unjustifiable and unsustainable in the eyes of the law. The rejection of the Petitioner's application appears to be based on extraneous considerations, rendering the decision illegal and arbitrary.

(vii) The Petitioner submitted that the A.D.M., while considering Encroachment Revision Case No. 11 of 2025, rejected the case without allowing the Petitioner to submit the necessary documents. Furthermore, the documents that were

presented before the Petitioner were not properly verified. Despite the Petitioner being in continuous possession of Plot No. 2722, Khata No. 1245, measuring Ac. 12.075 dec., the A.D.M. did not conduct a proper enquiry nor did he verify the long-standing possession of the Petitioner. It was claimed that the Encroachment Revision Case No. 11 of 2025 was dismissed without reviewing the enquiry report or the Petitioner's documents.

(viii) The Petitioner submitted that the learned Collector, while rejecting the Encroachment Revision Case No. 11 of 2025, stated that no valid reason was found in support of the Petitioner's claim, nor were the relevant documents deemed sufficient.

(ix) The Petitioner submitted that immediately after the rejection of the Encroachment Revision Case No. 11 of 2025, the Tahasildar issued an eviction notice vide No. 2338 dated 26.03.2025. The eviction notice categorically stated that the Petitioner and the devotees of the Satsang had unlawfully occupied the land. The notice further demanded that the land be vacated within a week, failing which necessary steps would be taken against the encroachers. The Petitioner contended that this eviction notice was issued without verifying the long-standing possession of the Petitioner over the land.

(x) The Petitioner, along with all the devotees, being aggrieved by the eviction notice issued by the Tahasildar dated 26.03.2025, moved before the Grievance Cell of the Chief Minister, stating that the devotees had been maintaining a spiritual atmosphere and fostering brotherhood

within the society, irrespective of caste, creed, and color. As a result, there was a harmonious relationship among the villagers. The Petitioner, along with the villagers, approached the Chief Minister of Odisha with their grievance. Upon receiving the Petitioner's grievance, the Chief Minister directed the IDCO authorities to take necessary action and address the grievance. Following this, the IDCO authorities, after reviewing the grievance, directed the Collector to take favorable steps in favor of the Petitioner, considering the grievance raised by the Petitioner. However, despite these directions, the Tahasildar, without considering the same, arbitrarily issued the eviction notice against the Petitioner. This action is not acceptable in the eyes of the law and clearly demonstrates the arbitrariness and illegality of the actions taken by the Tahasildar, Dhenkanal.

III. SUBMISSIONS ON BEHALF OF THE OPPOSITE PARTIES:

6. The Learned Counsel for the Opposite Parties earnestly made the following submissions in support of his contentions:

(i) The Plot No. 2722, under Khata No. 1245 of village Talabarakote, Kissam-Bastijogya, measuring an area of Ac. 12.730 dec., stands recorded in the name of the Government in the Rakhita Khata as per the Hal settlement records.

(ii) The Petitioner organisation is a family-oriented organization, and none of the villagers participate in any of the functions of the said organization. The trust

board constitutes only relatives who have been named as trustees.

(iii) The late freedom fighter Baji Rout had never visited the alleged site. The late Baya Baba and Pagala Baba both had their mathas at Kaliaboda, adjacent to the Mahanadi River in Cuttack District. Neither of them resided on the Government plot in question. The Satsanga Vihar was initially associated with Thakur Anukul Chandra, and the meetings of the devotees of the said Thakur are referred to as Satsanga.

(iv) The present Petitioner, along with some of their relatives, constituted the alleged trust known as the Divine University Satsang Common Platform, Talabarakote. It is noted that all individuals designated as trustees of the organization are under the age of 50. Contrary to the Petitioner's claim, the Petitioner and the alleged organization have not been in possession of the Government land for over 40 years. However, according to the Revenue Inspector's report from Manipur, the Petitioner has constructed a 756 Sq. feet (42 feet by 18 feet) RCC building, along with two open platforms measuring 810 Sq. feet (45 feet by 18 feet) and 504 Sq. feet (28 feet by 18 feet), respectively, on the Government land at village Talabarakote. These structures occupy an area of Ac. 1.00 dec. out of the total Ac. 12.730 dec. of Plot No. 2722, all of which lies on Government land.

(v) The Government of Odisha, through the Revenue & Disaster Management Department, passed a resolution bearing No. 31320/R&DM, Bhubaneswar, dated 13th November, 2015, to create a land bank for the purpose of industrial establishment through the IDCO. The Land Officer, IDCO, a Government of Odisha undertaking, applied to the Tahasildar, Dhenkanal vide letter No. 29484/ID1, dated 15th September, 2023, requesting the alienation of Government land measuring Ac. 89.230 dec. in village Talabarakote, indicating the Government land and plots required for the land bank.

(vi) After receiving the requisition from the Land Officer, IDCO, the Tahasildar, Dhenkanal instituted Lease Case No. 06/2024 concerning the Government land in favor of IDCO. The Revenue Inspector, Manipur was directed to conduct a spot verification of the applied lands and submit a report. In response, the Revenue Inspector, Manipur, in his letter No. 385, dated 18th June 2024, informed the Tahasildar, Dhenkanal that an RCC building exists on Plot No. 2722. He also submitted a "G" Memo regarding Plot No. 2722 under Khata No. 1245 of village Talabarakote, measuring an area of Ac. 12.37 dec., along with a sketch map indicating the area encroached upon by the Divine University Satsanga Common Platform, Talabarakote. Subsequently, the Tahasildar, Dhenkanal initiated Encroachment Case No. 59/2024-25 against the Petitioner, who identified herself as the president of the Divine University Satsanga Common Platform, Talabarakote. A show cause notice was issued by the Tahasildar, Dhenkanal, which was received by the Petitioner on 1st December 2024.

(vii) On 13th October 2023, one Nabakishore Pradhan, along with one

Chinmayee Rout and one Sima Sahoo, applied for the lease of Plot No. 2722 under Khata No. 1245 of village Talabarakote, measuring an area of Ac. 12.73 dec., in Form No. 1A under Rule 5(2) of the OGLS Rules, 1983, claiming themselves as the founder, president, and secretary of the Divine University Satsanga Common Platform, Talabarakote. The Petitioner trust was registered on 13th October 2023. The lease application filed by the Petitioner was rejected by the Tahasildar, Dhenkanal on 7th February 2024. The Petitioner received a certified copy of the rejection order under C.C.A No. 3831, dated 2nd January 2025.

(viii) As the Petitioner is in unauthorized possession of government land, the Tahasildar, Dhenkanal initiated proceedings under the Orissa Prevention of Land Encroachment Act, 1972. The action taken by the Tahasildar, Dhenkanal under Section 7 of the Orissa Prevention of Land Encroachment Act, 1972 against the Petitioner is legal and valid. Even if the Petitioner was dissatisfied with the order of the Tahasildar, Dhenkanal, she was at liberty to file an appeal before the Sub-Collector, Dhenkanal, and a revision petition before the Collector, Dhenkanal.

(ix) The Civil Court is the competent forum to declare the title, interest, and possession of the Petitioner over the Government land on the basis of adverse possession. The Petitioner is required to prove all the elements of adverse possession, and the burden of proof lies with the Petitioner to establish the case. Therefore, an alternative remedy is available to the Petitioner before the Civil Court, which is competent to grant the relief sought in the writ petition.

(x) The grievance petition filed by the Petitioner before the Chief Minister, Odisha, in no way legalized the unauthorized possession of the Government land.

IV. COURT'S REASONING AND ANALYSIS:

7. Heard the learned counsel for the Parties and perused the materials placed on record.

8. The central issue in the present writ petition revolves around the legality of the eviction proceedings initiated against the Petitioner in respect of Plot No. 2722, Khata No. 1245, situated in Village Talabarkote under Tahasil Dhenkanal Sadar. The Petitioner, a registered trust, asserts continuous possession of the said land for over four decades, and seeks protection against eviction on the basis of continuous possession and religious and cultural significance of the site. Conversely, the State authorities contend that the Petitioner is in unauthorized occupation of Government land and that due process has been followed under the Orissa Prevention of Land Encroachment Act, 1972.

9. It is a well-settled principle of law that mere possession of Government land, in the absence of any lawful entitlement or recognized title, does not confer any enforceable right upon the occupier. The mere fact of prolonged or continuous occupation, without legal sanction, cannot confer ownership or any vested interest. This legal position has been consistently reaffirmed by various judicial

pronouncements over the years.

10. In *State of Rajasthan v. Harphool Singh* (2000) 5 SCC 652, the Supreme Court observed that claims of adverse possession over government land must be approached with great seriousness as such claims may result in the destruction of a right/title of the State to immovable property.

11. Further, in *Government of Kerala & Anr. v. Joseph & Ors.* (2023) 17 SCC 400, the Supreme Court elucidated that mere long period of possession does not turn into an indefeasible right of adverse possession, observed:

"49. ...Proper and concrete proof as required would need for the claimants to show some proof of possession, other than statements which may be vague. It is also clear from the above discussion that merely a long period of possession does not translate into the right of adverse possession. Surmises, conjectures, and approximations cannot serve the basis for taking away the right over land resting with the State and place the said bundle of rights in the hands of one who did not have any such rights".

12. The principle was further reiterated in *R. Hanumaiah v. State of Karnataka*, (2010) 5 SCC 203 wherein the Supreme Court observed:

"22. Mere temporary use or occupation without the animus to claim ownership or mere use at sufferance will not be sufficient to create any right adverse to the Government. In order to oust or defeat the title of the government, a claimant has to establish a clear title which is superior to or better than the title of the government or establish perfection of title by adverse possession for a period of more than thirty years with the knowledge of the government. To claim adverse possession, the possession of the claimant must be actual, open and visible, hostile to the owner (and therefore necessarily with the knowledge of the owner) and continued during the entire period necessary to create a bar under the law of limitation. In short, it should be adequate in continuity, publicity and in extent. Mere vague or doubtful assertions that the claimant has been in adverse possession will not be sufficient..."

13. Upon examining the specific facts of the present case, it becomes evident that the Petitioner has failed to demonstrate any recognized entitlement or legal title to the land in question.

14. The records reveal that the Petitioner had applied for the settlement of the land under Rule 5(2) of the Odisha Government Land Settlement Rules, 1983. However, this application was rejected by the Tahasildar. This decision appears to have been made in strict adherence to the relevant statutory provisions and administrative procedures.

15. Furthermore, eviction proceedings were initiated under the Orissa Prevention of Land Encroachment Act, 1972, with the Petitioner duly served with the necessary notices. Therefore, it is evident that the Petitioner was given ample opportunity to demonstrate entitlement to the land.

16. The Petitioner has also challenged the order passed in Encroachment Revision Case No. 11 of 2025 by the ADM, Dhenkanal. However, upon scrutiny, the order does not appear to be suffering from any legal irregularity or procedural defect. The authorities have acted within their jurisdiction, following due process in accordance with the Orissa Prevention of Land Encroachment Act, 1972. The Petitioner has failed to demonstrate that the orders were arbitrary or in violation of the principles of natural justice.

17. While the Petitioner claims possession of the land for over forty years and emphasizes the spiritual, historical, and cultural significance of the land, it must be acknowledged that, although these factors are important from a socio-cultural perspective, they cannot override the legal criteria required to establish a valid claim of ownership. In the absence of recognized entitlement, these assertions cannot substitute for the necessary legal standing under the law. As such, the Petitioner has failed to substantiate any claim to the land.

V. CONCLUSION:

18. In light of the foregoing, this Court is of the considered view that the eviction proceedings initiated against the Petitioner were in accordance with the law and do not warrant any interference.

19. Accordingly, both the Writ Petitions are dismissed.

20. Interim order, if any, passed earlier stands vacated.

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