
(2026) 01 OHC CK 1789

In the Orissa High Court

Case No : Writ Petition (C) No. 19208 Of 2018

Jagabandhu Panda And Others

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 16-01-2026

Acts Referred:

Orissa Resettlement And Rehabilitation Policy, 2006 — Rule 9(b)

Citation : (2026) 01 OHC CK 1789

Hon'ble Judges : K.R. Mohapatra, J;Sanjay Kumar Mishra, J

Bench : Division Bench

Advocate : Soubhagya Kumar Dash, Ajodhya Ranjan Dash

Final Decision : Dismissed

Judgement

1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition pray for a direction to set aside the action taken by the Opposite Parties in demolishing their houses and to pay them compensation under the Odisha Resettlement and Rehabilitation Policy, 2006 (for brevity 'R & R Policy').
3. Mr. Dash, learned counsel submits that the Petitioners are the homestead less persons and encroaching upon the Government land, they had constructed their residential houses, which was utilized for construction of Anandapur Barrage Project, Salapada in the district of Keonjhar. It is his submission that the Petitioners being the landless and homestead less persons, had come to Anandapur for their livelihood. They had occupied government land and constructed their residential houses thereon and were residing with their family members. Pursuant to a decision taken for construction of Anandapur Barrage, the lands occupied by the Petitioners were required to be utilized for the said project. Vide Letter No.4985 dated 18th December, 2015 (Annexure-7), the Tahasildar, Ghasipura wrote to the Executive Engineer, Anandapur Barrage Division, Anandapur that "Sri Jagabandhu Panda and others are originally

authenticated who are homesteadless persons as they were encroached the Govt. land at Anandapur Barrage since 20/30 years to above as reported by concerned R.I. of this Tahasil." Pursuant to the said letter, the Executive Engineer, Anandapur Barrage Division, Salapada wrote to the Zone Officer (LA), Anandapur Barrage Project, Salapada vide letter No.225 dated 21st January, 2016 (Annexure-8), requesting him to intimate as to whether the Petitioners are eligible for compensation under the R & R Policy. Again vide Letter No.5355 dated 16th September, 2016 (Annexure-9), the Chief Construction Engineer, Anandapur Barrage Project, Salapada wrote to the Special Land Acquisition Officer, Anandapur Barrage Project, Salapada to intimate him as to whether the Petitioners are eligible for compensation under the R & R Policy. But, without responding to the same, the Tahasildar, Ghasipura issued notice for eviction. Subsequently, the residential houses of the Petitioners were demolished and they were evicted. Referring to the letter of the Executive Engineer, Anandapur Barrage Project, Salapada communicated to the Tahasildar, Ghasipura on 2nd December, 2025 under Annexure-6, Mr. Dash, learned counsel for the Petitioners submitted that if the encroacher is a homestead less person and the encroachment found to be objectionable, he will be entitled to the cost of structure only, as per the provisions of the R & R Policy. Further, the Zone Officer (LA), Anandapur Barrage Project, Salapada communicated the Sub-Collector, Anandapur vide letter dated 3rd June, 2015 (Annexure-2) as under:

"Sir,

In enclosing herewith the Xerox copy of letter No.4692 dt. 05.02.2004 of Govt. of Odisha in DOWR and clause (b) of rule -9 of Odisha, Resettlement and Rehabilitation Policy, 2006, I am to inform you that an encroacher is not entitled to compensation for the structure standing over the lands recorded under Govt-Khata.

However, if the encroacher is a homestead less person and the encroachment is found to be objectionable, he will be entitled to the cost of structure only as per the provision of O.R.R. Policy, 2006."

3.1. Since the lands encroached by the Petitioners were objectionable, they are entitled to the cost of the structure, as they are homestead less persons. He, therefore, prayed for a direction to the Special Land Acquisition Officer, Anandapur Barrage Project, Salapada to pay the Petitioners adequate compensation for the structures, they had made over the encroached land.

4. Mr. Dash, learned Additional Government Advocate referring to the counter affidavit of the Collector-cum-District Magistrate, Keonjhar-Opposite Party No.2 and the Tahasildar, Ghasipura-Opposite Party No.5 submitted that the writ petition suffers from suppression of material facts. The Petitioners are neither the landless nor homestead less persons. The Petitioner Nos.2 and 4 are the sons of Petitioner No.1. They are claiming through their father, Petitioner No.1. All the Petitioners have homestead land at their native villages. He also referred to the

Record of Right (RoR) standing in the name of the Petitioner No.1. The RoR of Petitioner No.1 clearly indicates that Sri Jagabandhu Panda has a piece of homestead land over Plot No.337/803 to an extent of Ac.0.05 decimals of Khata No.153/89 at village Kumunia under Ghasipura Tahasil in the district of Keonjhar. Likewise, the Petitioner No.3 is the grandson of Bhajahari Panda, who had homestead land of Ac.0.34 decimals at village Khaliamenta under Ghasipura Tahasil in the district of Keonjhar. These material facts were suppressed by the Petitioners. Thus, the writ petition is liable to be dismissed for suppression of material facts as well as on merit.

5. Taking note of the submissions made by learned counsel for the parties, this Court finds that the Petitioner No.1 has both agricultural and homestead land standing in his name. Further the Petitioner No.3, who is the grandson of Bhajahari Panda, has also homestead land at Village Khaliamenta. These material facts were suppressed by the Petitioners in this writ petition. Thus, the Petitioners being not homestead less persons they are not entitled to the cost of construction over the encroached land.

6. Accordingly, the writ petition being devoid of any merit stands dismissed. In the facts and circumstances, there shall be no order as to costs.

Urgent certified copy of this judgment be granted on proper application.