

**IN THE HIGH COURT OF ORISSA AT CUTTACK****W.P.(C) No.15095 of 2024****along with****Batch of Cases**

(In the matters of applications under Articles 226 and 227 of the Constitution of India, 1950).

**(In W.P.(C) No.15095 of 2024)*****Bishnu Charan Sahoo******....******Petitioner(s)******-versus-******State of Odisha & Ors.******....******Opposite Party(s)******Advocates appeared in the case through Hybrid Mode:******For Petitioner (s)******:******Dr. Binod Kumar Mishra, Adv.******-versus-******For Opp. Party(s)******:******Mr. Subrat Satapathy, Adv.******Mr. K. K. Bhuyan, Adv.******(for Intervenor)*****CORAM:****DR. JUSTICE SANJEEB K. PANIGRAHI****DATES OF HEARING:- 15.07.2025****DATE OF JUDGMENT:- 19.08.2025****(W.P.(C) No.15095 of 2024 along with W.P.(C) Nos.15096 and  
15099 of 2024)****Dr. S.K. Panigrahi, J.**

1. Since common questions of fact and law are involved in the above-mentioned Writ Petitions, the same were heard together and are being disposed of by this common judgment. However, this Court finds it



appropriate to treat W.P.(C) No.15095 of 2024 as the leading case for proper adjudication of these matters.

2. The Petitioner in the present Writ Petition has assailed the Eviction Notice dated 12.01.2024 issued under Section 6(1) of the Orissa Prevention of Land Encroachment Act, 1972 by the Additional Tahasildar, Cuttack Sadar, whereby they were directed to vacate the disputed land within thirty days.
3. The Petitioners have also impugned Letter No.2260 dated 21.02.2024 issued by the Chief Administrator (Revenue), Shree Jagannath Temple Administration, Puri, whereby their request for settlement of the land under the Shree Jagannath Mahaprabhu Bije Purinka Zamee Bikri Sambandhiya Samana Niti (Uniform Policy) was rejected, notwithstanding their continuous residence on the land for more than fifty years.

#### **I. FACTUAL MATRIX OF THE CASE:**

4. Succinctly put, the facts of the case are as follows:
  - (i) The Petitioners, who are labourers, have been residing with their families for more than fifty years over the land recorded under Khata No. 173/1 in Mouza Hatasahi, which forms part of the Amrutamanohi property of Lord Jagannath.
  - (ii) The Petitioners continued to reside on the said land without interference until an Eviction Notice dated 12.01.2024 was issued by the Additional Tahasildar, Cuttack Sadar, alleging that they were encroachers upon Government land.
  - (iii) Thereafter, the Petitioners submitted individual Representation-cum-Proposals dated 01.02.2024 before the Chief Administrator, Shree



Jagannath Temple Administration, Puri, enclosing supporting documents and requesting that their cases be considered for settlement of the land recorded under Khata No. 173/1, Mouza Hatasahi. In their representations, the Petitioners expressed their willingness to purchase the land at such cost as may be determined by Opposite Party No.2 in accordance with the revised “Shree Jagannath Mahaprabhu Bijee Purinka Zamee Bikri Sambandhiya Samana Niti (Uniform Policy).”

- (iv) Upon receipt of the said representations, the office of the Chief Administrator (Revenue), Shree Jagannath Temple Administration, Puri, issued Letter No.2260 dated 21.02.2024, recording that the land under Khata No. 173/1, Mouza Hatasahi, Tahasil Cuttack Sadar, stands in the name of Shree Jagannath Mahaprabhu Bijee, Puri, represented through the Shree Jagannath Temple Administration. It was further stated therein that, as the Petitioners had occupied the said land without authority, the Tahasildar, Cuttack Sadar, was requested to take steps for release of the occupied land, and that the provisions of the Uniform Policy were not applicable to the Petitioners.
- (v) Aggrieved thereby, the Petitioners have filed the present writ petition seeking quashing of the Eviction Notice dated 12.01.2024 issued by the Additional Tahasildar, Cuttack Sadar, as well as Letter No.2260 dated 21.02.2024 issued by the office of the Chief Administrator (Revenue), Shree Jagannath Temple Administration, Puri. The Petitioners further seek a direction to Opposite Party No.2 to consider their cases and to settle the land under Khata No. 173/1, Mouza Hatasahi, Tahasil



Cuttack Sadar, recorded in the name of Shree Jagannath Mahaprabhu Bije, Puri, represented through the Shree Jagannath Temple Administration, by selling the same in their favour.

## **II. PETITIONER'S SUBMISSIONS:**

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

- (i) The Petitioners submitted that they are poor labourers and have been residing with their families for more than fifty years over the land recorded under Khata No.173/1 in Mouza Hatasahi, which forms part of the Amrutamanohi property of Lord Jagannath.
- (ii) The Petitioners further submitted that they possess Voter Identity Cards, Aadhaar Cards, Ration Cards, electricity bills and other documents reflecting the said address, have been paying Khajana Pauti (property tax) in respect of the said land, and that their names also appear in the Voters' List of Hatasahi, Cuttack Sadar for the year 1980, thereby demonstrating their long-standing residence.
- (iii) The Petitioners contended that more than one hundred families are residing on the Amrutamanohi property of Lord Jagannath and that public infrastructure, including a Government School, exists on the said land. The Petitioners asserted that they, along with the other residents, have no alternative place of residence apart from the said land.
- (iv) The Petitioners submitted that the Chief Administrator, Shree Jagannath Temple Administration, Puri, has framed a Revised "Shree Jagannath Mahaprabhu Bije Purinka Zamee Bikri Sambandhiya Samana Niti (Uniform Policy)" for the sale of lands belonging to Lord



Jagannath, which was approved by the Department of Law vide Letter No.3518 dated 12.03.2003. In pursuance of the said Policy, they had filed individual Representation-cum-Proposals dated 01.02.2024 before Opposite Party No.2, enclosing all necessary documents and expressing willingness to purchase the land. The Petitioners contended that the Policy was specifically framed to provide for sale of lands under long-standing possession of residents and does not permit rejection on the ground of high market value, and that its provisions are directly applicable to their case. The Petitioners asserted that despite this, their representations were rejected by Letter No.2260 dated 21.02.2024 issued by the Chief Administrator (Revenue), Shree Jagannath Temple Administration, Puri, on the ground that they were in unauthorised occupation and that the provisions of the Uniform Policy were not applicable, which rejection is contrary to the object and spirit of the Policy and is arbitrary and illegal.

- (v) The Petitioners asserted that the Khajana Pauti Receipts dated 12.01.2024 clearly establish that the land under Khata No.173/1, Mouza Hatasahi, belongs to the Amrutamanohi property of Lord Jagannath and not Government land, as alleged by the Additional Tahasildar, Cuttack Sadar. The Petitioners contended that the Eviction Notice dated 12.01.2024 is therefore illegal and unsustainable.
- (vi) The Petitioners submitted that the Chief Administrator, Shree Jagannath Temple Administration, Puri, has taken contradictory stands in his counter affidavit by alleging, on the one hand, that no application was filed by the Petitioners, and on the other hand, that



their representation was not in the prescribed form. The Petitioners contended that this contradiction itself establishes that they had, in fact, submitted their representations dated 01.02.2024, and that the authorities have never furnished any prescribed form for such applications.

- (vii) The Petitioners submitted that there is no rational basis to deny them the right to purchase the land they have occupied for over fifty years, and contended that the Opposite Parties, in collusion with the proposed interveners, are attempting to dispossess them to benefit other influential occupants. The Petitioners asserted that the repeated eviction attempts reveal a deliberate design to grab the land and are further motivated by social prejudice against their continued residence as members of the economically weaker sections near the deity's property.
- (viii) The Petitioners contended that the Eviction Notice issued by Opposite Party No.6, the Tahsildar, is without jurisdiction since the land is not Government land but belongs to Lord Jagannath. The Petitioners further asserted that the said notice has been wrongly used as the basis to reject their prayer for settlement under the Uniform Policy, which reflects mala fide intent and a design that cannot be judicially sustained.

### **III.SUBMISSIONS OF THE OPPOSITE PARTIES:**

6. Per contra, the learned counsel for the Opposite Parties earnestly made the following submissions in support of his contentions:

- (i) The Petitioners are encroachers who have unlawfully occupied land recorded under Khata No.173/1 in Mouza Hatasahi, which stands in



the name of Shree Jagannath Mahaprabhu Bije, Puri, represented through the Shree Jagannath Temple Administration.

- (ii) The documents relied upon by the Petitioners, such as Voter Identity Cards, Aadhaar Cards, Ration Cards, and electricity bills, do not confer any legal right, title, or interest over the land in question. Mere mention of an address in such documents is not proof of ownership or lawful possession.
- (iii) The Khajana Pauti receipts relied upon by the Petitioners are asserted to be false and fabricated. Even otherwise, stray payments, if any, do not confer tenancy rights, ownership, or settlement in respect of temple land.
- (iv) No valid application was ever submitted by the Petitioners before the Shree Jagannath Temple Administration for settlement of the land. The document enclosed as Representation-cum-Proposal dated 01.02.2024 cannot be treated as a valid representation, as it is not in the prescribed form framed by the Temple Managing Committee.
- (v) The Uniform Policy of 2002-03 is not applicable, as it was never intended to regularise encroachments or confer rights upon unlawful occupants. The Policy applies only to genuine and verifiable long-term possessors who fulfil the conditions stipulated therein.
- (vi) The rejection of the Petitioners' representation vide Letter No.2260 dated 21.02.2024 was justified, as the Petitioners are unlawful occupants who have no legal right to seek regularisation or sale of temple land in their favour.
- (ix) The eviction proceedings initiated under Section 6(1) of the Orissa Prevention of Land Encroachment Act, 1972 are lawful and valid, as



the Petitioners are unauthorised occupants of temple property. The Additional Tahasildar, Cuttack Sadar, is fully empowered to direct eviction of encroachers.

- (x) Allegations of collusion with interveners, mala fide intent, or social prejudice are baseless and intended only to divert attention from the Petitioners' unlawful possession.

#### **IV. COURT'S REASONING AND ANALYSIS:**

7. Heard learned counsel for the Parties and perused the materials placed on record.
8. The central issue which falls for determination is whether the Petitioners, by virtue of their long residence and ancillary documents, can claim settlement of the disputed land under the Shree Jagannath Mahaprabhu Bije Purinka Zamee Bikri Sambandhiya Samana Niti (Uniform Policy), or whether their occupation amounts to mere encroachment over temple property warranting eviction under the Orissa Prevention of Land Encroachment Act, 1972
9. It is not in dispute that the land in question under Khata No.173/1 of Mouza Hatasahi stands recorded in the name of Shree Jagannath Mahaprabhu Bije, Puri, with Amrutamanohi status. In terms of Section 16-A of the Shree Jagannath Temple Act, 1955, the provisions of the Orissa Prevention of Land Encroachment Act, 1972, apply to unauthorised occupation of lands belonging to the deity as if it were property of the government. Thus, the Additional Tahasildar, Cuttack Sadar, was fully competent to initiate eviction proceedings under Section 6(1) of the Orissa Prevention of Land Encroachment Act, 1972.





10. The plea of the Petitioners that possession of more than fifty years, coupled with identity documents such as Voter ID, Aadhaar Card, Ration Card and electricity bills, confers a right to settlement, is misconceived. Such documents may at best reflect residence but do not translate into legal title or authorised possession.
11. With respect to the Uniform Policy of 2002–03, the Petitioners have not established that they fulfil the conditions therein. The very object of the Policy is to provide a framework for regularisation of long-standing lawful or otherwise permissible occupation upon compliance with prescribed formalities. It cannot be construed as an instrument for encroachers to seek conferment of ownership. More importantly, Amrutamanohi lands, being attached to the deity and impressed with a public purpose, cannot be alienated contrary to law.
12. The contention of the Petitioners that the rejection of their representations is arbitrary also stands rejected. The Chief Administrator, Shree Jagannath Temple Administration, Puri, has correctly held that the Petitioners are unauthorised occupants and that the Uniform Policy is inapplicable to their case. Once the statutory authority has recorded reasons, and the decision is in consonance with the governing Act and judicial pronouncements, no interference is warranted by this Court in exercise of writ jurisdiction.
13. The allegations of mala fide, collusion with interveners, or social prejudice remain unsubstantiated. Mere averments without cogent material cannot displace the presumption of bona fides attached to statutory orders.



14. On the contrary, the materials on record disclose that the eviction proceedings were initiated pursuant to directions of this Court in W.P.(C) (PIL) No.14752 of 2019, wherein this Court had directed the authorities to take steps for removal of unauthorised occupation from Amrutamanohi lands. The action now impugned is thus in furtherance of judicial directions and statutory mandate.

#### V. CONCLUSION:

15. In view of the foregoing analysis, this Court finds no merit in the challenge laid by the Petitioners. The land in dispute is an Amrutamanohi property of Lord Jagannath, recorded in the name of the deity, and the Petitioners are unauthorised occupants thereon. The eviction notice dated 12.01.2024 issued by the Additional Tahasildar, Cuttack Sadar, and the rejection order dated 21.02.2024 issued by the Chief Administrator (Revenue), Shree Jagannath Temple Administration, Puri, are legal, valid and sustainable in the eye of law.

16. Accordingly, the W.P.(C) No.15095 of 2024 stands **dismissed**.

17. Consequently, the aforementioned connected Writ Petitions are also dismissed.

18. Interim order, if any, passed earlier in any of the Writ Petitions stands vacated.

***(Dr. Sanjeeb K. Panigrahi)***  
***Judge***

*Orissa High Court, Cuttack,*  
*Dated 19<sup>th</sup> August, 2025.*