



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18903 of 2026

Menaka Mohapatra

....

Petitioner

Mr. S.K. Lenka, Advocate

-versus-

State of Odisha & Others

....

Opp. Parties

Mr. U.C. Behura, AGA

CORAM:

THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

08.07.2026

Order No.

01. 1. Heard learned counsel for the Parties.
2. By means of this application, the Petitioner seeks the following relief:-

“Therefore, it is most humbly prayed that this Hon’ble Court may graciously be pleased to issue a Rule Nisi calling upon the Opposite Parties to show cause as to why the order dtd.03.02.2026 passed by the Opp.No.2 vide Annexure-9 and the order dtd.05.04.2025 passed by the Opp.No.4 vide Annexure-8 are liable to be set aside and directed to the Tahasildar, Bhubaneswar (Opp.No.3) to mutate the land in favor of the petitioner in view of the registered sale deed bearing No. 11082411676 on dtd.I9.11.2024, within a period of three months, in the interest of justice and on the grounds stated in the present petition and the opp. showing no cause or insufficient cause or cause not to the satisfaction of this Hon'ble Court, the writ petitioner may be allowed”

3. The background facts of the case are that the Petitioner moved the appropriate authority i.e. the Tahasildar, Bhubaneswar, for effecting mutation of the land purchased by him under the Sale Deed bearing No.11082411676 dated 19.11.2024, seeking mutation in respect of an area of land measuring Ac.0.092 decimal



out of the total extent of Ac.0.230 decimal. The learned Tahasildar declined to effect the mutation on the ground that the land in question belongs to the co-sharers and there is no partition by metes and bounds. Being aggrieved by the said order, the Petitioner preferred Appeal No.191 of 2025 before the Sub-Collector, Bhubaneswar. The learned Sub-Collector, Bhubaneswar, vide order dated 24.10.2025, though assigned different reason but broadly agreeing with the findings, declined the relief sought by the Petitioner and affirmed the order passed by the Tahasildar. Being dissatisfied with the aforesaid orders, the Petitioner has instituted the present Writ Petition.

4. Needless to mention that a Co-ordinate Bench of this Court, in **Asutosh Mohapatra and Others vs Sk. Manwar Alli and Others** in W.P(C) Nos. 24461, 7690, 7693, 7694, 7696, 7698, 7772, 7797, 21983, 24185, 24207, 24423, 34745 of 2025 with W.P(C) Nos. 1069, 4483, 5117 of 2026, has disposed of the batch of writ petitions by holding that an appellate order passed by the Sub-Collector is amenable to revisional jurisdiction under Section 32 of the Orissa Survey and Settlement Act, 1958. The relevant portion of the said judgment is reproduced hereunder:-

*“27. The next case is that of **Maheswar Nayak** (supra), wherein the Court considered the effect of Section 32 and Paragraph-111 of the Mutation Manual and observed as follows;*

*“xxx xxx xxx xxx xxx xxx xxx
27. Reading through the provisions at Section 32 of the Act, 1958, this Court finds, in the Section 32 of the Act, 1958 power lies with the Board of Revenue or the Commissioner and for the notification therein such power is to be exercised only involving the proceedings undertaken by the Revenue Officers. Section 32 further discloses that the Revision power is to be exercised involving the proceedings of the*



Revenue Officer, but however, where there is no scope of appeal. Similarly reading through the provision at paragraph no.111 of the Mutation Manual this Court again finds, there has been further clarification to the provision involving revisional power of the Board of Revenue or any authorized Officer. For there is raising of doubt, whether a proceeding U/s.22(2) of the O.S.S.

Act, 1958 will be an appeal in the eye of law or an original proceeding? This Court here takes into account the provision at proviso (c) of the rule 59 of the O.S.S. Rules, 1962, which reads as follows: “(c) Proceedings relating to publication of the combined draft record-of-rights and Settlement Rent Roll, filing of objections to any entry therein or omission therefrom, disposal of such objections, revision of rent by the Assistant Settlement Officer, sanction of the settled rent and modification of order of the Assistant Settlement Officer, by the Settlement Officer shall be carried on in accordance with provisions of Sections 21 and 22 and Rules 26 and 27: Provided that an application under Clause (b) of Subsection (2) of Section 22 shall be deemed to be an appeal under Section 12-A and no separate appeal shall lie under the said section This Court for the clarification through the proviso (c) of Rule 59 of the O.S.S, Rules, 1962 finds, there should be no doubt that the proceedings undertaken in exercise of power under Subsection 2 of Section 22 is appeal. 8. Reading both the provisions and keeping in view that undisputedly the original proceeding is already taken care of in appeal vide Appeal No.2299 of 1983 under the provisions of Section 22(2) of the Act, 1958, this Court is of the clear opinion that there was no scope for undertaking a revision exercise U/s.32 of the Act, 1958.

In the circumstance, this Court finds, the revision itself is not entertainable. Impugned order involving the Revision No.3972 of 1997 arising out of Appeal No.2299 of 1983 remains void and unenforceable. For the decision of this Court holding the revision per se not entertainable, there is no necessity to go to any other aspect involving challenge to the revision order.”



In the above case, the matter involved challenge to an order passed under Section 22(2) of the Act. Section 22 relates to settlement of rent and does not concern orders passed in mutation proceedings, which are governed by Section 16 of the Act and the corresponding Rules contained in Chapter-IV of the Rules. The cited case is therefore, clearly distinguishable from the facts of the present case.

*28. In the case of **Sushanta Kumar Das** (supra), a coordinate Bench held that a revision should have been filed against the order passed in mutation appeal instead of filing writ petition.*

*29. This Court, after independently analyzing the statutory provisions and the scheme and object embedded therein, as narrated hereinbefore, feels persuaded to follow the reasoning adopted in **Sushanta Kumar Das** (supra) and holds accordingly.*

Conclusion

30. Thus, from a conspectus of the analysis of the relevant statutory provisions and the precedents cited at the bar, coupled with the contentions raised and the discussions made, this Court holds that the order passed in Mutation Appeal is revisable under Section 32 of the OSS Act. Consequently, the Writ Petitions are held not maintainable.”

5. Agreeing with the view subscribed by the coordinate Bench and the position of law propounded there in this Court is inclined to go with the same reasoning and held the present Writ Petition not maintainable. However, the Petitioner is at liberty to approach the appropriate forum, as indicated hereinabove. The question of limitation, if any, shall be considered by the concerned Revisional Authority in accordance with law, keeping in view the fact that the Petitioner had inadvertently approached this Court by invoking its writ jurisdiction.

(Chittaranjan Dash)
Judge

