

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 1857 OF 2022

Gobinda Chandra Pattanayak ***Petitioner***
Mr. Bibhuti Kesari Biswal,
Advocate

-versus-

State of Odisha and others ***Opp. Parties***
Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
18.02.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Opposite Parties more particularly G.A. Department to mutate the leasehold property in his favour on the basis of the judgment and decree passed by learned Civil Judge, (Senior Division), Nimapara in Civil Suit No. 134 of 2016 under Annexure-5.
3. Mr. Biswal, learned counsel for the Petitioner submits that since the decree has been passed declaring the Petitioner as the sole legal heir and successor-in-interest of late Krushna Chandra Pattnaik, Late Balamani Dei and Late Gopal Chandra Pattnaik, the G.A. Department should not have issued letter dated 12th November, 2021 (Annexure-6) to furnish information about Krushnapriya Pattnaik, wife of late Gopal Chandra Pattnaik. It is his submission that whereabouts of Krushnapriya Pattnaik is not known to the Petitioner. As such, he is not in a position to provide information to that effect. However, since Krushnapriya Pattnaik was a party to the civil suit (C.S. No.134 of

2016), the said decree is binding on her. Even if said Krushnapriya is alive, she cannot claim any interest in the property in question in view of the aforesaid decree of a competent civil court. Thus, the Petitioner is entitled to be recorded exclusively in respect of the property in question.

4. Mr. Mishra, Additional Standing Counsel submits that before mutating the land in favour of the Petitioner, it is the duty of the Deputy Director Estates-cum-Joint Secretary to Government, General Administration and Public Grievance Department-Opposite Party No.3 to collect information and take a call on the veracity of the statement made in the mutation application filed by the Petitioner. Thus, it requires certain information to be provided by the Petitioner and in that process, the letter under Annexure-6 has been issued. Thus, the Opposite Party No. 3 has committed no error in issuing such letter under Annexure-6.

5. At this stage, Mr. Biswal, learned counsel for the Petitioner submits that interest of justice will be best served, if the Petitioner submits his response to the letter under Annexure-6.

6. In that view of the matter, this writ petition is disposed of with an observation that if the Petitioner submits his reply/response to the letter dated 12th November, 2021 under Annexure-6 issued by the Deputy Director Estates, Bhubaneswar-Opposite Party No. 3 within a period of two weeks hence, the Opposite Party No. 3 before proceeding with the matter shall consider the same in accordance with law.

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

(K.R. Mohapatra)
Judge