

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 3723 OF 2022

Santosh Kumar Baliyarsingh ***Petitioner***
Mr.Niranjan Panda, Advocate
-versus-
State of Odisha and others ***Opp. Parties***
Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
11.02.2022

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition essentially assails the legality and validity of the order dated 18th September, 1972, passed by the Tahasildar, Banki- Opposite Party No. 4 in Mutation Case No. 34 of 1962.
3. It is submitted by Mr. Panda, learned counsel for the Petitioner that in 1962 settlement, land was recorded in the name of the predecessors of Petitioner, but one Arakhita Sahoo without impleading the present Petitioner or other legal heirs of the recorded tenants filed Mutation Case No. 34 of 1962 before the Tahasildar, Banki- Opposite Party No. 4. The mutation authority without making field enquiry and without serving any notice on the person interested including the Petitioner, directed to record the land in the name of said Arakhita Sahoo vide order dated 18th September, 1972. Hence, the Petitioner finding no other alternative has filed this writ petition.
4. In course hearing, Mr. Panda, learned counsel for the Petitioner submits that the contention of the Petitioner requires factual

adjudication. Hence, interest of justice will be best served, if the Petitioner files an appeal under Rule 42 of the Odisha Survey and Settlement Rules, 1962 assailing the order passed in the aforesaid mutation case. Accordingly, he prays for withdrawal of the writ petition.

5. Considering such submission, this writ petition is disposed of as withdrawn.

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

(K.R. Mohapatra)
Judge

bks/ms

