

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 4011 of 2022

Abhimanyu Mangaraj

.....

Petitioner

Mr. Niranjana Panda, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel
(For Opposite Party Nos.1 to 5)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

22.03.2022

Order No.

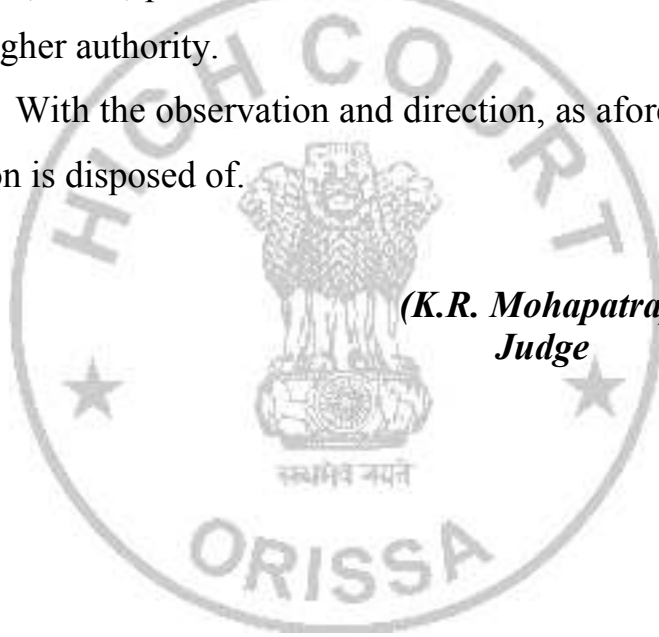
3.
 1. This matter is taken up through Hybrid mode.
 2. Petitioner in this writ petition seeks to assail the order dated 27th October, 2020 passed in Mutation Case No.5071 of 2019 (Annexure-2), whereby Tahasildar, Banki-Opposite Party No.5, allowed the Mutation Case, which was already dropped by him vide order dated 18th October, 2019.
 3. Taking into consideration the submission made by learned counsel for the Petitioner, this Court, vide order dated 16th February, 2022, had directed the learned State Counsel to take instructions in the matter.
 4. Mr. Mishra, learned ASC, on instruction, submits that the impugned order may be set aside and direction may be made either to record the land in the original khata or to permit the Petitioner to file an application for review of the impugned order dated 27th October, 2020.
 5. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered

opinion that Tahasildar, Banki-Opposite Party No.5 after dropping the mutation case vide order dated 18th October, 2019, could not have entertained the said mutation case again and allowed the same vide order dated 27th October, 2020 in an one line order, i.e., '*Case is allowed*'. In that view of the matter, the order dated 27th October, 2020 is not sustainable in law and hence the same is set aside.

5. Tahasildar, Banki-Opposite Party No.5 is directed to take action in accordance with law pursuant to order dated 8th October, 2019, provided the same is not modified or varied by any higher authority.

6. With the observation and direction, as aforesaid, the writ petition is disposed of.

(K.R. Mohapatra)
Judge



s.s.satapathy