

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 4787 of 2022

Parsuram Moharana

....

Petitioner

Mr. Bikash Kumar Routray, Advocate

-versus-

State of Odisha and another

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

31.03.2022

Order No.

3.
 1. This matter is taken up through hybrid mode.
 2. Petitioner in this writ petition seeks for a direction to Tahasildar, Salipur-Opposite Party No.3 to do the needful to trace out record in Mutation Case No.690 of 2010 or to reconstitute the same so as to supply certified copy of order and document filed in the said Mutation Case within a stipulated time.
 3. Taking into consideration the submission of learned counsel for the Petitioner, this Court, vide order dated 22nd February, 2022, directed the learned State Counsel to take instruction from Tahasildar, Salipur by the next date, i.e., 17th March, 2022. But, by 17th March, 2022, learned State counsel could not obtain the complete instruction and prayed for short adjournment to put the instruction he has received in shape of an affidavit. Accordingly, the matter stood adjourned to this day.

3.1 Mr. Mishra, learned ASC by filing affidavit of Tahasildar Salipur, submits that steps are being taken to trace out the record in Mutation Case No.690 of 2010. Paragraphs-4 to 8 of the said affidavit filed by the Tahasildar, Salipur is quoted here under, which is relevant for consideration.

“4. That it is humbly submitted that it is not a fact that the Tahasildar, Salipur has not taken any step to trace out the Mutation Case No.690 of 2010. The concerned Dealing Assistants of Mutation Section, Modern Record Room and Record Keeper of this office were directed to provide certified copy of the case record to the petitioner. However, after diligent and thorough search the case record was not traced out in the Tahasil.

5. That it is humbly submitted that Khata No.391 was recorded in the name of Hari Ojha, son of Banchhu Ojha of village Imamnagar in the consolidation ROR. But after several transactions from the Khata there is no area in the said Khata.

6. That it is humbly submitted that on verification of RoR of the village Imamnagar, it is seen that in the Mutation Case No.690/2010, Column No.3 of Khata No.391 has been corrected and recorded in the name of Bhagaban Moharana, son of Mochi Ram Mohaana.

7. That it is humbly submitted that the Tahasildar, Salipur lodged an F.I.R. before the Inspector-in-charge, Salipur Police Station on 28.03.2022 for conducting thorough investigation in order to trace out the record.

8. That it is further humbly submitted that the Tahasildar, Salipur has issued notice to the petitioner on 28.03.2022 to appear before him on 05.04.2022 at 11.00 A.M. for hearing with respect to re-constitution of the Mutation Case Record.”

From the averments made in the affidavit, it appears that the Tahasildar, Salipur has tried his level best to trace out the record in Mutation Case No.690 of 2010. After thorough enquiry, it could not be traced out. Thus, the Tahasildar, Salipur has lodged an FIR in Salipur Police Station on 28th March,

2022. It further transpires from the averments made in the affidavit that the Tahasildar, Salipur has also issued notice to the Petitioner to appear before him on 5th April, 2022 at 11 A.M. for his cooperation to reconstruct the record in Mutation Case No.690 of 2010.

4. Mr. Routray, learned counsel for the Petitioner submits that the Petitioner does not have any record with him to assist the Tahasildar, Salipur to reconstitute the Mutation Case record. He, however, submits that the Petitioner will appear on 5th April, 2022 before the Tahasildar, Slipur and cooperate to the best of his ability to reconstitute the Mutation case record.

5. In that view of the matter, the writ petition is disposed of with a direction that the Tahasildar, Salipur-Opposite Party No.3 shall take necessary and diligent steps for reconstruction of the file in Mutation Case No.690 of 2010 and on its reconstruction or on the same being traced out, certified copy as sought for shall be supplied to the Petitioner at the earliest.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge