

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO.6220 OF 2022

Lopamudra Patnaik

.... ***Petitioner***

Mr. T.P. Tripathy, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
22.03.2022

1. This matter is taken up through hybrid mode.
2. The grievance of the Petitioner in this writ petition is with regard to non-acceptance of the mutation cases and consequential action thereupon by the Tahasildar, Nuapada-Opposite Party No.3.
3. It is submitted by Mr. Tripathy, learned counsel for the Petitioner that the Petitioner had earlier moved the Tahasildar, Nuapada by filing three mutation cases in Mutation Case Nos. 1748, 1749 and 1750 of 2019. Since those matters were not disposed of, the Petitioner represented the Tahasildar, Nuapada as well as to the Private Secretary, Chief Minister's Office, Odisha, Bhubaneswar under Annexures-4 and 5 respectively. Upon receipt of the information from the Private Secretary, Chief Minister's Office, the Deputy Collector, Revenue, Nuapada intimated the Petitioner that the aforesaid mutation cases have already been rejected vide order dated 23rd January, 2020 due to absence of both the parties at the time of demarcation. However, the Petitioner was

advised to make a fresh application before the Tahasildar, Nuapada for further course of action. Accordingly, the Petitioner filed three fresh mutation cases for consideration, which has neither been accepted nor registered. Hence, this writ petition has been filed.

4. Mr. Mishra, learned Additional Standing Counsel submits that since earlier mutation cases in respect of the land in question have already been rejected vide order dated 23rd January, 2020, no fresh mutation cases in respect of the self-same land can be entertained unless and until the order passed in the aforesaid mutation cases are varied or set aside. As such, the Petitioner, if so advised, may prefer an appeal against the aforesaid orders or may file an application for review of the orders dated 23rd January, 2020 passed in the aforesaid mutation cases.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that since the orders dated 23rd January, 2020 passed in Mutation Case Nos.1748, 1749 and 1750 of 2019 are still in force, no fresh mutation application in respect of the self-same land can be entertained.

6. In that view of the matter, this writ petition is disposed of with an observation that the Petitioner, if so advised, may work out her remedy in accordance with law.

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

(K.R. Mohapatra)
Judge

bks