

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 6763 OF 2022

Kishmat Devi

.... ***Petitioner***

Mr. Prabir Kumar Ray, Advocate

-versus-

State of Odisha and others

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

Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
13.04.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 23rd April, 2021 passed by the Additional Tahasildar, Cuttack Sadar in Mutation Case No.1901 of 2021.
3. Mr. Ray, learned counsel for the Petitioner submits that the Revenue Inspector, Sadar-2 received the case record for enquiry on 21st April, 2021 and issued notice in Form No.10 to the vendor. General notice was also issued in Form No.9 inviting public objection. But, most surprisingly, the case was posted again to the same date, i.e. 21st April, 2021 and he submitted the record to the Additional Tahasildar, Cuttack Sadar recommending for recording of land in the name of the Petitioner therein. The Additional Tahasildar, Cuttack Sadar also confirmed the same vide his order dated 23rd April, 2021. Thus, the Petitioner, who has right over the property in question, did not get any opportunity of hearing. The enquiry as well as proceeding itself in Mutation Case No.1901 of 2021 is perfunctory and the impugned order is not sustainable.

4. In course of hearing, Mr. Ray, learned counsel for the Petitioner submits that since the final order was passed on 23rd April, 2021 and in the meantime, R.O.R. has already been prepared in the name of Opposite Party Nos.4 to 7, interest of justice will be best served, if he files a review petition under Rule 43 of the Odisha Survey and Settlement Rules, 1962 (for short 'the Rules') and a direction may be made for early disposal of the same in accordance with law.

5. Mr. Mishra, learned Additional Government Advocate does not have any objection to the same.

6. Taking into consideration the submissions made by learned counsel for the parties, this Court disposes of this writ petition with a direction that in the event the Petitioner files an application under Rule 43 of the Rules within a period of two weeks hence along with certified copy of this order, the Additional Tahasildar, Cuttack Sadar-Opposite Party No.3 shall do well to consider the same in accordance with law giving opportunity of hearing to the parties concerned and pass a reasoned order thereon.

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

(K.R. Mohapatra)
Judge

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