

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 6863 of 2022

Narayan Dash

....

Petitioner

Mr. Biplab P.B. Bahali, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
30.03.2022**

Order No.

2. 1. This matter is taken up through hybrid mode.
2. 2. Petitioner, in this writ petition, seeks for a direction to Tahasildar, Puri Sadar, Puri-Opposite Party No.3 for early disposal of Mutation Case No.5265 of 2020 pending before him.
3. 3. Mr. Bahali, learned counsel submits that the Petitioner, pursuant to the registered sale deed No.1352 dated 17th March, 2008 in respect of Plot No.27 under Khata No.92 to an extent of area Ac.0.8400 decimal of mouza Puri Sadar Unit-34, filed Mutation Case No.1356 of 2009. However, the Revenue Inspector concerned rejected the said Mutation Case, against which the Petitioner filed W.P.(C) No.21104 of 2015. This Court, vide order dated 22nd December, 2015, quashed the order passed by the Revenue Inspector, Balukhand-109 and directed the Tahasildar, Puri Sadar to conclude the Mutation Case No.1356 of 2009 afresh on merit in accordance with law after

affording opportunity of hearing to the Petitioner. However, the Petitioner filed Mutation Case No.5265 of 2006, which is pending for consideration before the Tahasildar, Puri. This writ petition has been filed for early disposal of the said Mutation Case.

4. This Court, vide order dated 23rd March, 2022, directed learned State Counsel to take instruction with regard to status of Mutation Case No.5265 of 2020 pending before Tahasildar, Puri.

5. Mr. Mishra, learned ASC submits that counter affidavit of Tahasildar, Puri has been filed yesterday through e-filing mode. However, he submitted the hard copy of the counter affidavit filed by Opposite Party Nos. 2 and 3 in Court today, which is taken on record.

6. Mr. Mishra, learned ASC drawing attention of this Court to paragraph-8 of the counter affidavit submits that the settlement ROR in respect of Plot No.27 under Khata No.92 to an extent of Ac.0.8400 decimal in mouza Balukhand Unit-34 of Puri Sadar stands recorded in Anabadi khata. Basing on the above, the RI, Balukhand-109 had rejected the Mutation Case No.1356 of 2009. While the land stood recorded in the name of the Government under '*Anabadi*' status, the Petitioner purchased the disputed land in the year 2008. He, therefore, submits that the Petitioner has no merit either in Mutation Case No.1356 of 2009 or in Mutation Case No.5265 of 2020. He, however, referring to the order sheet annexed to the counter affidavit as Annexure-C/3 submits that the matter is posted to 7th April, 2022 before the Additional Tahasildar, Puri.

7. In view of the above, Mr. Balali, learned counsel for the Petitioner submits that let a decision may be taken by the Additional Tahasildar, Puri in Mutation Case No.5265 of 2020 at an early date.

8. Taking into consideration the rival contentions of the parties, this Court is of the considered view that when the Mutation Case is registered and is pending before the Additional Tahasildar, Puri, he should take a decision in the matter on merit, if there is no legal impediment. The contentions raised by learned counsel for the parties can be taken care of by the Additional Tahasildar, Puri at the time of adjudication of Mutation Case No.5265 of 2020.

9. In that view of the matter, this Court, without expressing any opinion on the merit of the case of either of the parties in Mutation Case No.5265 of 2020, disposes of the writ petition with a direction that Additional Tahasildar, Puri shall take a decision in Mutation Case No. 5265 of 2020 by passing a reasoned order affording opportunity of hearing to the parties concerned, as expeditiously as possible, preferably within a period of four months from the date of production of certified copy of this order, if there is no legal impediment.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge