

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 6980 OF 2022

Kedarnath Patra and others

Petitioners

Mr. Prabir Kumar Ray, Advocate

-versus-

State of Odisha and others

.... **Opp. Parties**

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

04.05.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. This writ petition has been filed with the following prayer:

“It is therefore prayed that your Lordship may graciously be pleased to admit this writ petition and issue rule nisi calling upon the Opposite Parties to show cause as to;

- i. *Why the order dated 02.07.2019 passed by the Tahasildar, Khurda in Mutation Case No.2355 of 2017 shall not be set aside.*
- ii. *Why the opposite party No.2 shall not be directed to cause an inquiry into the illegal and arbitrary activities in the office of the Opposite Party No.3, Tahasildar, Khurda, pertaining to be proceeding in Mutation cases like in the Mutation Case No.2355 of 2017.*
- iii. *Why the opposite party No.3 shall not be directed to start the Mutation Case No.2355 of 2017 afresh and pass a reasoned order as per law within a stipulated period.*
- iv. *Why any other order(s)/direction(s) as this Hon'ble Court may deem fit and proper, shall not be passed.*

If the opposite parties fail to show cause or show insufficient cause, then the Hon'ble Court may be pleased to make the rule absolute by issuing appropriate writ(s)/direction(s) to grant the reliefs sought for above to secure the ends of justice.

And or pass such other orders (s)/direction(s) as this Hon'ble Court may deem fit and proper in facts and circumstance of the case.

And for this act of kindness, the petitioner shall as in duty bound ever pray."

3. This Court vide order dated 13th April, 2022 directed learned State Counsel to take instruction with regard to the status of Mutation Case No.2355 of 2017 pending before the Tahasildar, Khurda. Today, Mr. Mishra, learned Additional Standing Counsel, on instruction, submits that Mutation Case No.2355 of 2017 has already been disposed of by the Tahasildar, Khurda on 25th April, 2022.

4. Mr. Ray, learned counsel for the Petitioners pointing out several irregularities and illegalities in proceeding with the Mutation Case No.2355 of 2017 has made an endeavour to pursue this Court to hear the matter on merit and to direct the Tahasildar, Khurda to adjudicate Mutation Case No.2355 of 2017 afresh.

5. In view of the fact that Mutation Case No.2355 of 2017 has already been disposed of since 25th April, 2022. I am not inclined to entertain this writ petition, since the Petitioner has a remedy to assail the same by filing an appeal under Rule 42 of the Odisha Survey and Settlement Rules, 1962 before the Sub-Collector, Khurda, who is competent to look into the grievance of the Petitioner and pass necessary order.

6. With the aforesaid observation, this writ petition is disposed of.

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

(K.R. Mohapatra)
Judge