

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7047 of 2022

Baban Charan Sahoo

....

Petitioner

Mr. Basanta Kumar Jena, Advocate

-versus-

Tahasildar, Vyasaganagar and another

....

Opp. Parties

Mr. Swayambhu Mishra,

Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

11.04.2022

Order No.

3.
 1. This matter is taken up through hybrid mode.
 2. This writ petition has been filed for a direction to Tahasildar, Vyasaganagar-Opposite Party No.1 to dispose of Mutation Case No.2580 of 2014 pending before him at an early date.
 3. Taking into consideration the nature of prayer made in the writ petition, this Court vide order dated 28th March, 2022 directed learned State Counsel to take instruction with regard to status of Mutation Case No.2580 of 2014.
 4. Mr. Mishra, learned ASC on receipt of written instruction submits that the matter was posted to 22nd August, 2017, on which date the Petitioner was present in person and he was directed to file affidavit as to whether any appeal against the judgment and decree passed by learned Civil Judge (Senior Division), Jajpur Road in CS No.87 of 201 has been preferred. Since the Petitioner has not complied with the said order no further order could be passed in the said Mutation Case. However, it is submitted by Mr. Mishra, learned ASC that if the

Petitioner furnishes information as required by Tahasildar, Vyasaganar vide order dated 22nd August, 2017, the Tahasildar will be in a position to take a decision in the matter in accordance with law.

5. Mr. Jena, learned counsel for the Petitioner submits that since order dated 22nd August, 2017 was not communicated to the Petitioner he could not take steps to comply with the same.

6. Taking into consideration the submissions of learned counsel for the parties, this Court, without expressing any opinion on the merit of the case of the Petitioner in Mutation Case No.2580 of 2014, disposes of the writ petition with a direction that on production of certified copy of this order along with an affidavit as required by Tahasildar, Vyasaganar- Opposite Party No.1 vide order dated 22nd August, 2017 within a period of two weeks hence, the Tahasildar, Vyasaganar shall consider the same and take a decision in Mutation Case No.2580 of 2014 by passing a reasoned order preferably within a period of three months there from, if there is no legal impediment.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge