

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 7373 of 2019**

***Chudamani Meher***

.....

***Petitioner***

Mr. Amit Prasad Bose, Advocate

*-versus-*

***Sub-Collector, Patnagarh and others***

....

***Opp. Parties***

Mr. Sarojananda Mishra,  
Additional Government Advocate  
(For Opposite Party Nos. 1 and 2)

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**16.05.2022**

**Order No.**

- 6.
1. This matter is taken up through Hybrid mode.
  2. Petitioner in this writ petition seeks to assail the order dated 28<sup>th</sup> February, 2013 (Annexure-1) passed by the Sub-Collector, Patnagarh in Mutation Appeal Case No.15/04 of 2012 and consequential order dated 15<sup>th</sup> May, 2018 (Annexure-4) passed by Tahasildar, Patnagarh in Mutation Case No.862 of 2011.
  3. Mr. Bose, learned counsel for the Petitioner submits that the Petitioner had filed Mutation Case No.862 of 2011, which was allowed vide order dated 28<sup>th</sup> May, 2012. The Opposite Party Nos. 3 to 6 preferred appeal in Mutation Appeal No.15/04 of 2012 after the statutory period without accompanying a petition for condonation of delay along with the appeal memo. However, on the date of appearance of the Opposite Parties/Respondents, i.e., on 28<sup>th</sup> February, 2013, the Sub-Collector, Patnagarh, allowed the appeal without condoning the delay and without assigning any reason in support of his finding

in remitting the matter back to the Tahasildar, Patnagarh for fresh adjudication. The Tahasildar, Patnagarh upon receipt of the case record, without affording any opportunity to the Petitioner, passed the order under Annexure-4. Hence, this writ petition is filed.

4. In course of argument, Mr. Bose, learned counsel for the Petitioner submits that interest of justice will be best served if the Petitioner files a review petition under Rule 43 of the Odisha Survey and Settlement Rules, 1962 before the Tahasildar, Patnagarh for review of order under Annexure-4 and prays for withdrawal of the writ petition.

5. Considering the submission made by learned counsel for the Petitioner, the writ petition is disposed of as withdrawn.

*s.s.satapathy*

