

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 9612 OF 2022

Somya Prakash Otta

Petitioner

Mr. Ashok Kumar Behera, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

13.05.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. This writ petition has been filed for a direction to the Tahasildar, Jatni to dispose of mutation application received Online on 17th August, 2021 to mutate Plot No.795/1191 to an extent of Ac.0.080 decimals under Khata No.418/76 situated in mouza Uppara Basta under Jatani Tahasil in the district of Khurda in his name.
3. Taking into consideration the submission of Mr. Behera, learned counsel for the Petitioner, this Court directed learned State Counsel to take instruction with regard to the status of Online application for mutation as at Annexure-3 series. Mr. Mishra, learned Additional Standing Counsel, on instruction, submits that on receipt of the Online application, Mutation Case No.6092 of 2021 was initiated on the file of Tahasildar, Jatani. But, thereafter, it was rejected on 23rd August, 2021 on the ground that the aforesaid plot is a Greencard lease land. Subsequently, on the prayer of the Petitioner, the mutation case was restored to file and was again dropped for non-prosecution on 21st December, 2021.

Mr. Mishra, learned Additional Standing Counsel also produces a copy of the order sheet in Mutation Case No.6092 of 2021, which is taken on record. He, therefore, submits that the writ petition is liable to be dismissed both on the ground of suppression of material fact and on merit.

4. Mr. Behera, learned counsel for the Petitioner begging unconditional apology submits that the Petitioner had never disclosed the aforesaid fact at the time of drafting of the writ petition.

5. In view of the above, taking a lenient view in the matter, this Court observes that since the Mutation Case No.6092 of 2021 has already been dropped by the Tahasildar, Jatni, no further order is required to be passed in this writ petition.

6. Accordingly, this writ petition stands dismissed.

(K.R. Mohapatra)
Judge