

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 12332 OF 2022

Gyanendra Kumar Nayak

Petitioner

Mr. Amit Prasad Bose, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Sarojananda Mishra,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

20.05.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction for early disposal of Mutation Case No.658 of 2022 pending before the Tahasildar, Sadar, Keonjhar-Opposite Party No.2.
3. Mr. Bose, learned counsel for the Petitioner submits that pursuant to the final decree passed by learned Civil Judge (Senior Division), Keonjhar in Civil Suit No.96 of 2013, the land in question was allotted in favour of the vendor of the Petitioner and possession was handed over to him. Due to his legal necessity, the vendor of the Petitioner, namely, Soumendra @ Soumendra Kumar Rath (Defendant No.3 in the suit) sold the land in question by executing Registered Sale Deed No.1002200395 dated 18th February, 2004 in favour of the Petitioner. The Sub-Registrar, Keonjhar sent the intimation to the Tahasildar, Sadar, Keonjhar-Opposite Party No.2 to mutate the land in favour of the Petitioner. On receipt of the said intimation, Mutation Case No. 658 of 2022 has been initiated. Although Right to Public Service Act, 2015 provides that the Mutation Case should be disposed of within a

period of fifteen days, no step has yet been taken by the Tahasildar, Sadar, Keonjhar to record the land in favour of the Petitioner.

4. Mr. Bose, learned counsel for the Petitioner submits that due to inaction of the Tahasildar, Sadar, Keonjhar, the Petitioner is not in a position to deal with the property independently. In that view of the matter, he prays for early disposal of Mutation Case No. 658 of 2022 pending before the Tahasildar, Sadar, Keonjhar- Opposite Party No.2.

5. Mr. Mishra, learned Additional Government Advocate submits that he has no instruction in the matter. However, from the averments made in the writ petition, it appears that the same is premature.

6. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing any opinion on the merits of the case of the Petitioner disposes of this writ petition with a direction that on production of certified copy of this order within a period of two weeks hence, the Tahasildar, Sadar, Keonjhar- Opposite Party No.2 shall do well to proceed with Mutation Case No. 658 of 2022 in accordance with law and make an endeavour for early disposal of the mutation case as expeditiously as possible preferably within a period of six months therefrom, giving opportunity of hearing to the parties concerned, if there is no legal impediment.

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

(K.R. Mohapatra)
Judge