

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15355 of 2022

Pinky Pradhan

....

Petitioner(s)

Mr. B. Bhuyan,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. S. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE BISWANATH RATH

ORDER

06.07.2022

Order No.

01.

1. Challenging the impugned order an argument is advanced that in the meantime the disputed property is involved in the Mutation Case and there has been recording of the name of the Petitioner in the such mutation proceeding. It is thus alleged that in the mutation appeal since the right of the Petitioner has been affected, she should have been made as a party to such proceeding. In the process a request is made to interfere in the appeal order for being passed behind back of the Petitioner. There is no dispute that the Mutation Appeal involves a fresh sale deed. For the opinion of this Court since the mutation appeal did not involve a challenge to the order passed in the mutation proceeding in favour of the Petitioner, there was no occasion for the Court or the party to bring the Petitioner into the fold of the appeal forum. However considering that the very same land is involved in the mutation appeal, this Court observes, nothing prevented the Petitioner to apply for review before the appellate authority on the grounds

involved. In the process this Court directs, in the event any such application is filed within a period of two weeks for the said purpose before the appellate authority, the same may be considered and a lawful order thereon shall be passed, but however, involving the parties in the miscellaneous appeal.

2. The writ petition stands disposed of with the above observation.

(Biswanath Rath)
Judge

Ayaskanta Jena

