

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.15425 of 2022

**Aarvindam Life Space LLP &
Anr.**

.... **Petitioner(s)**
Mr.H.Mohanty,
Advocate

-versus-

State of Odisha & ors.

.... **Opposite Party(s)**
Mr. S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
08.07.2022**

Order No.

1. Heard learned counsel appearing for the parties.
2. Referring to the development through W.P.(C).No.4014 of 2022, Mr.Mohanty, learned counsel for the petitioner claims, petitioner in disposal of the above application took permission of the Court for undertaking appropriate exercise under Orissa Survey & Settlement Rules, 1962. It is claimed, as a consequence of such relief by this Court, petitioner filed an application before the Tahasildar, Bisra under Annexure-4. Taking this Court to the cause title involving the application under Annexure-4, Mr.Mohanty, learned counsel demonstrated through the cause title that petitioner has undisputedly put the application under Rule 34(e) of the Orissa Survey & Settlement Rules, 1962. It is next taking to the impugned order, Mr.Mohanty, learned counsel alleged that even though the application was filed under Rule 34(e) of the Orissa Survey & Settlement Rules, 1962 but there has been no consideration under the appropriate provision rather there has been mechanical disposal of the mutation case considering it is an application under provision of O.L.R. Act.
3. Counsel for Opposite Parties in his opposition, even though an attempt is made to justify the impugned order but, however, there is no

dispute to the claim of the petitioner under Annexure-4 making an application under provision of Rule 34(e) of the Orissa Survey & Settlement Rules, 1962. Perusal of the impugned order. This Court finds there is no dispute that the proceeding in Mutation Case No.552 of 2022 has been disposed of under the provision of Section 8 of the O.L.R. Act.

4. Considering the rival contentions of the parties, this Court finds there is mechanical disposal of the petition of the petitioner at Annexure-4 vide Annexure-5. In the process, this Court interferes in the order dated 31.05.2022 involving Mutation Case No. 552 of 2022. Since the matter requires re-adjudication under provision of Rule 34(e) of the Orissa Survey & Settlement Rules, 1962, Mutation Case No.552 of 2022 is remitted back to the Tahasildar, Bisra for re-adjudication of the proceeding strictly in terms of Rule 34(e) of the Orissa Survey & Settlement Rules, 1962. Petitioner is directed to serve a certified copy of this order on the Tahasildar at least within a period of ten days hence.

5. In the result the writ petition succeeds.

6. A free copy of this order be handed over to learned State Counsel.

(Biswanath Rath)
Judge