

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 16629 of 2022

Janmejaya Patra

....

Petitioner

Mr. Amit Prasad Bose, Advocate

-versus-

State of Odisha and another

....

Opp. Parties

Mr. S. Ghose, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
13.07.2022**

Order No.

- 1 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. 2. The case is in second round of litigation. In the first round of litigation for the disposal of W.P.(C) No.30819 of 2021, this Court remitted the matter to the Tahasildar to dispose of the Mutation Case involved providing opportunity of hearing to the Petitioner. Mr. Bose, learned counsel for the Petitioner referring to the impugned order under Annexure-1 series dated 26.10.2021 brings to the notice of the Court that even though on 26.10.2021, the case was posted to 10.11.2021, in fact, there is no such posting on the other hand, the mutation case was surprisingly taken up on 29.01.2022 and dismissed in absence of the Petitioner. Mr. Bose, learned counsel for the Petitioner submits that there is no communication for posting of the matter to 29.01.2022, therefore, he seeks indulgences of this Court in the impugned order.
3. 3. Mr. Ghose, learned Additional Government Advocate for the State defending the impugned order in an attempt to defend the impugned order submitted that once the proceeding has been initiated, it

becomes the responsibility of the Petitioner involved therein to check the date of posting and remain vigilant in the matter. There is, however, no information as to what happened on the posting of the case to 10.11.2021.

4. Be that as it may, for this Court finding the mutation case was dismissed in absence of Petitioner's failure to produce the original documents, this Court finds there is no logical disposal of the matter, in such view of the matter and in the interest of justice, this Court interfering the impugned order dated 29.01.2022 in Mutation Case No.3278 of 2021 sets aside the order and remits the matter back to the Tahasildar, Bhograi for fresh disposal of the Mutation Case involving the Petitioner. For there is already recording of the Petitioner for failure to produce the original documents, this Court directs the Petitioner to appear before the Tahasildar, Bhograi on 25.07.2022 at 11.00 A.M. along with the relevant records, if any, to support his claim and take the date of hearing on which date, the Mutation Case shall be concluded.

5. With the aforesaid observation, the writ petition stands disposed of.

6. Issue urgent certified copy as per rules.

(Biswanath Rath)
Judge

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