

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.18098 OF 2022

Shishir Kumar Samal & ors.

....

Petitioners

Mr.M.Mohanty, Adv.

-versus-

Collector, Kendrapara & ors.

....

Opposite Party(s)

Mr.S.K.Ghosh, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
16.9.2022**

Order No.

01.

1. Heard learned counsel for the Parties.
2. This is an unfortunate case where the Mutation Case involves 150 parties as O.Ps. therein and disposal of the same getting held up only non-service of notice on all the O.Ps. Petitioners claimed the request for mutation involves a judgment and decree of the Civil Court. The Petitioners establishing through Page-46 of the Brief draws the attention of this Court that by virtue of disposal of W.P.(C) No.17538/2016, notice has been issued to O.Ps.136. This Court finds, for there involved so many parties, for the interest of justice, the Petitioners should have applied to the Mutation Authority for undertaking paper publication exercise instead of issuing notice of such Parties individually. From the Cause Title this Court again finds so many Parties already above eighty years even.

In the circumstance and as the Mutation Application involved nearly 150 Parties, though this Court is not in a position to target the Mutation Case.

3. In the circumstance, while declining to accede to the request of the Petitioners, this Court however observes, in the event the Petitioners move an Application to the Mutation Authority for undertaking paper publication exercise of service of notice on all such O.Ps. within seven days hence, such Application shall be considered and disposed of within fifteen days thereafter with undertaking of exercise in approving the paper publication notice on submission of draft paper publication within three days of the order and within further four days, there shall be approval of the paper publication by the Tahasildar, Mahakalpada himself, based on such approval giving date of appearance involving all such Parties, who have not been noticed in the meantime. Seven days after the date of appearance, following the date of appearance published in the paper publication, the Proceeding will be taken up for hearing and decided at least within two months thereafter.

4. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge

M.K.Rout