

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.18692 of 2022

Lohit Kumar Mangaraj

....

Petitioner(s)

Mr.S.K.Jethy, Advocate.

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

02.08.2022

Order No.

1.

1. Heard learned counsel appearing for the parties.

2. This writ petition involves maintainability of the Mutation Appeal on the ground that not only the Mutation Appeal is a suo motu initiation by the Addl. Sub-Collector, Berhampur on the basis of some report involved therein but the appeal appears to be having question of disputed nature leaving no such scope for consideration by the Appellate Authority in exercise of power under Mutation Manual. This Court through decisions has already come to hold the role of Appellate Authority under the Mutation Manual is very limited and Appellate Authority under such exercise of power under such Manual have no scope even to get into any complicated question of fact. Petitioner, if so advised, may file his objection raising entertainability of the Mutation Appeal and can also take the help of judgment of this Court in this regard. In the event petitioner raises objection on maintainability of the Mutation Appeal, the question of maintainability of appeal be decided and subject to such outcome further course of action shall be undertaken.

3. The writ petition stands disposed of with the observation and direction made hereinabove.

sks

(Biswanath Rath)
Judge