

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.19298 OF 2022

Amit Kumar Sahu & anr.

....

Petitioners

Mr.B.Baug, Adv.

-versus-

Collector, Cuttack & ors.

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

4.8.2022

Order

No.

2.

1. Heard learned counsel for the Parties.

2. In the first round of litigation, the matter was remitted to the Tahasildar concerned for undertaking a lawful exercise. In the present Writ Petition, it is alleged, after the matter was remitted to the competent Authority in disposal of W.P.(C) No.13449 of 2022, there has been no posting of the case and there has been no opportunity provided to the Petitioners and the matter has been abruptly closed against the Petitioners holding there is no filing of original document.

3. Learned counsel for the Petitioners seriously refutes such observation of the Tahasildar and submits that in spite of proof being filed, the Tahasildar made wrong observation only to victimize the Petitioners.

4. Mr.U.K.Sahoo, learned ASC for the State submits that in spite of opportunity, the Petitioners did not cooperate the Tahasildar leaving him no scope for taking a drastic step.

5. Learned counsel for the Petitioners objects to the allegation of non-cooperation by the Petitioners on the footing that in spite of filing of original document, there is wrong recording by the Tahasildar only to make the Petitioners suffering.

6. Mr.Sahoo, learned ASC producing the record attempts to establish that there is no production of any original and/or certified copy. This Court does not want to enter into such controversy.

7. However, considering the rival contentions of the Parties, this Court finds, even assuming the Petitioners did not bring the foundation record seeking necessary correction in the R.O.R., nothing prevented the Tahasildar for providing one more opportunity and deciding the matter thereafter. This Court deprecates the manner of disposal by the Tahasildar. Consequently, interfering with the order dated 7.5.2022 in Mutation Case No.2526 of 2021, sets aside the same and remits the matter to the Tahasildar concerned for having re-exercise involving Mutation Case No.2526 of 2021. Since the matter is decided in presence of the Petitioners, the Petitioners are directed to appear before the Tahasildar, Niali, O.P.2 along with

original and/or certified copy of the foundation record involving the mutation proceeding on 23.8.2022 and take the date of hearing.

8. With the above order, the Writ Petition stands disposed of.

9. A free copy of this order be supplied to the learned State Counsel.

(Biswanath Rath)
Judge

M.K.Rout

