

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.18562 OF 2019

Susanta Kumar Joshi

....

Petitioner(s)

Mr. D.Mishra,
Advocate

-versus-

The Tahasildar, Cuttack and others

....

Opposite Party(s)

Mr. S.Mishra,
ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
21.06.2022

Order No.

04. 1. On consent of the party, the matter is taken up for consideration of entertainability of the writ. The writ petition involves the following prayer:

“It is therefore, prayed that this Hon’ble Court would graciously please to admit writ LCR be called for after hearing the counsel Rule NISI, be issued calling upon the Opp. Parties to show cause as to why the petitioner name shall not be mutated in place of late Pravabati Joshi on the basis of Annexure-1 & 2. If the Opp. Parties fail to file show cause or shows insufficient cause the prayer of the petitioner be allowed declaring that the Annexure-1 & 2 are not required to be registered for mutation.

And such other writ/s direction/s be passed directing the Tahasildar to allow the mutation in favour of writ petitioner and pass such other order as this Hon’ble Court deems fit and proper to grant complete relief to the petitioner.

And for such act of kindness, the petitioner shall as in duty bound ever pray”.

2. Pleading discloses the Petitioner has a pending application for mutation which was registered vide Mutation Application No.6532 of

2018 dated 03.09.2018, on the basis of some development by way of arbitration award. Looking to the prayer at this stage, this Court finds, once Mutation Application is filed before the Competent Authority, it is for the Authority to take lawful decision. Pendency of Mutation Application, there was no occasion for the Petitioner to approach this Court by way of present writ petition. The writ petition is misdirected one.

3. In the circumstance, this Court finds the writ petition is not entertainable at this stage. However, declaring the writ petition as premature and in disposal of the same accordingly, this Court directs the Tahasildar, Cuttack, in the event of pendency of Mutation Application dated 03.09.2018, to dispose of the same in accordance with law but however involving the parties concerned at least completing the entire exercise within a period of three months from the date of communication of this order.

(Biswanath Rath)
Judge

Swarna