

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.23209 OF 2022

Kailash Magoo

....

Petitioner(s)
Mr.S.Mohanty,Adv.

-versus-

State of Odisha and others

....

Opposite Party(s)
Mr.S.Ghose,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
10.10.2022

Order No.

01. 1. Heard learned counsel for the Parties.
2. Impugned order appears to be at Annexure-14. First of all certified copy of Annexure-14 is not there, accordingly the Writ Petition is not entertainable at this stage. Be that as it may, looking to the nature of proceeding, simply deciding the Mutation Case No.319 of 2007 under the Mutation Manual by the Tahsildar, there is clear remedy of Appeal. Any ground raised herein can very well be agitated and adjudicated in the Appeal jurisdiction. In the circumstance the Writ Petition is otherwise also not entertainable.
3. Mr. Mohanty, learned counsel for the Petitioner to maintain the Writ Petition argues since the Petitioner moves the Writ Petition involving a remand proceeding directed by the Sub-Collector not being worked out by the Tahasildar and this Court directed the Tahasildar, Lathikata-Opposite Party No.5 for disposing of the proceeding in accordance with law. The outcome, if any, at the end of the Tahasildar can be challenged maintaining a Writ Petition.

4. For the opinion of this Court even reading the entire direction of this Court in disposal of W.P.(C) No.9636 of 2012, undisputedly there involved a remand order being passed by the Appellate Authority, the Tahasildar being the original authority was directed to complete the exercise involving the Mutation Case No.319 of 2007. It is in the circumstance, the original authority having passed the impugned order, there cannot be any dispute that Petitioner has a clear remedy of Appeal.

5. The Writ Petition stands dismissed. Petitioner is at liberty to avail the statutory appeal remedy.

(Biswanath Rath)
Judge

Swarna

