

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.23816 OF 2022

Ashok Kumar Khuntia & ors.

....

Petitioners

Mr.R.N.Behera, Adv.

-versus-

State of Odisha & ors.

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
20.9.2022**

Order No.

1. Heard learned counsel for the Parties.
2. For the small question and point of law involved herein, on consent of the Parties, this matter is taken up for final disposal.
3. Question involves in the Writ Petition appears to be once the Additional Tahasildar, Bhubaneswar allows the mutation by his own order dated 27.6.2022, for there is no review power also including recalling power with the same Authority, the order dated 1.8.2022 recalling the earlier order by the Additional Tahasildar if sustainable ? Reading the power of Tahasildar under Mutation Manual Mutation, Manual nowhere provides any provision for review except there is provision for appeal and revision by the party aggrieved. For the opinion of this Court, once the Additional

Tahasildar washed of his hands giving finality of the Mutation Case, it is for the aggrieved party to carry the order further under the other forum and Tahasildar certainly loses his power.

4. In the circumstance, the Additional Tahasildar, Bhubaneswar exceeded his jurisdiction. Further this Court observes, from reading of the impugned order, it appears, the Additional Tahasildar has come to observe, there has been pendency of the Section 15(b) of the O.S.S. Proceeding, further there also involves some Writ Petitions. Even involving such issue also the Additional Tahasildar had no jurisdiction to re-open the case.

5. In the circumstance, this Court interfering with the impugned order dated 1.8.2022, vide Annexure-2 sets aside the same. Setting aside the impugned order does not stand as a bar on the party aggrieved to prefer Appeal involving such order if has any cause of action therein.

6. The Writ Petition thus stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout