

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC NO. 6129 OF 2021

Raghunath Acharya

.....

Petitioner

Mr. Deepak Kumar Mohapatra,
Advocate

-versus-

Jyotsna Rani Sahoo, Tahasildar, Bisra

....

Opp. Party

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

13.05.2022

Order No.

5. 1. This matter is taken up through hybrid mode.
2. The contempt petition has been filed alleging non-compliance of the order dated 7th June, 2021 passed by this Court in W.P.(C) No.15164 of 2021.
3. Mr. Mohapatra, learned counsel for the Petitioner submits that the order dated 13th August, 2020 by which Mutation Case No.1447 of 2018 was complied with partially and R.O.R. in respect of shortfall area was not granted for which the Petitioner had filed W.P.(C) No.15164 of 2021 before this Court. While disposing of the said writ petition, this Court passed the following order:

“1. This matter is taken up through Video Conferencing.

Heard learned counsel appearing for the petitioner.

In this writ petition, petitioner alleges that there is an order already there involving Mutation Case No.1447 (sic) of 2018. Petitioner has appending application for correction of record of right, which is not being considered for long time.

Considering the limited request involved herein, this court disposes of the writ petition with a direction to the Tahasildar Bisra-Opp. Party No.4 to take steps for issuing fresh record of right depending on the result in Mutation case No.1147 of 2018 by completing the entire exercise within a period of six weeks from the date of communication of a copy of this order by the petitioner.

This writ petition stands disposed of with the observation and direction made hereinabove.”

4. It is his submission that pursuant to such direction, the Tahasildar, Bisra never took up Mutation Case No.1447 of 2018 and passed fresh order with regard to the shortfall area and issued R.O.R. Hence, this contempt petition has been filed.

5. Mr. Mishra, learned Additional Standing Counsel submits that even before filing of W.P.(C) No.15164 of 2021, Mutation Case No.1447 of 2018 had already been disposed of vide order dated 13th August, 2020 on consent of learned counsel for the Petitioner. He refers to Annexure-A to the compliance affidavit, the relevant portion of which reads as under:

“In this regard the court has already been issued direction to R.S., R.I. Jagda along with court Amin to do enquiry in the matter and submit the factual status report on the suit land. As per direction issued they have submitted the report on dtd. 16.11.2019.

They have reported that due to non traceable of mutation case record, the map of the effective plots cannot be corrected. The matter was intimated to the petitioner and to that effect, he has filed an affidavit executed before the undersigned and submitted there, that, he has no objection if only the available land as stated/reported by R.I. Jagda will be mutated in the name of him.

Hence, taking into the above facts into consideration, the case is allowed in favour of the applicant as per my order in odia mentioned below.”

6. Since Mutation Case No.1447 of 2018 had already been disposed of pursuant to the order dated 13th August, 2020, there was

no occasion to reopen the same and pass a fresh order. This Court while disposing of W.P.(C) No.15164 of 2021 had also not directed to reopen the Mutation Case No.1447 of 2018. As such, the allegation of the Petitioner is not correct.

7. Taking into consideration the submissions made by learned counsel for the parties and on perusal of the record, it appears that this Court while disposing of W.P.(C) No.15164 of 2021 had only directed to dispose of Mutation Case No.1447 of 2018 and issue fresh R.O.R. But, there is no direction to reopen the mutation proceeding in the order passed in the writ petition. As the Mutation Case No.1447 of 2018 had already been disposed of since 13th August, 2020 on agreement of the Petitioner, there was no occasion on the part of the Tahasildar, Bisra to issue fresh R.O.R. pursuant to the direction of this Court in W.P.(C) No.15164 of 2021.

8. In that view of the matter, I find that there is no violation of the Court's order dated 7th June, 2021 passed in W.P.(C) No.15164 of 2021.

9. Accordingly, the CONTC is dropped.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks