

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.27395 OF 2022

Kumudakanta Majhi

....

Petitioner(s)
Mr.J.Panda,Adv.

-versus-

***The Tahasildar, Kesinga and
another***

....

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

CORAM:
JUSTICE BISWANATH RATH

ORDER
19.10.2022

Order No.

01.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves illegal rejection of Mutation application of the Petitioner solely on the premises of non-registration of will bearing Will Deed No.18 of 2005 dated 20.04.2005. Considering the will has been created in the district of Kalahandi and taking into account a decision of this Court in respect of Kalahandi itself, there is already observations of this Court requiring no registration of will in the entire district of Kalahandi.
3. In the circumstance for the legal position as on date on the aspect of registration of will in the Kalahandi district, this Court finds, there is mechanical disposal of the Mutation Case No.1067 of 2021 and this Court accordingly interferes in the same, sets aside the impugned order dated 05.07.2021 in Mutation Case No.1067 of 2021 passed by the Additional Tahasildar, Kesinga to reconsider the issue of Mutation case and pass appropriate order but however without insisting registration of the will by completing entire exercise within a

period of fifteen days from the date of communication of the order by the Petitioner. It is made clear that in the event there is no other defect, the mutation shall be allowed.

4. The Writ Petition thus stands disposed of.

(Biswanath Rath)
Judge

Swarna

