

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 34260 of 2021

Kumudakanta Majhi

....

Petitioner

Mr.P.K. Mohanty, Advocate

-versus-

Tahasildar, Kesinga and another

Opp. Parties

Mr. Dillip Kumar Mishra,

Additional Government Advocate

CORAM:

JUSTICE K.R.MOHAPATRA

ORDER

03.01.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 5th July, 2021 (Annexure-1) passed by the Additional Tahasildar, Kesinga in Mutation Case No.1067 of 2021.
3. Mr. Mohanty, learned counsel for the Petitioner submits that the Petitioner claims to be recorded in respect of the land in question on the basis of a Registered Will. But, the Tahasildar, Kesinga without considering the settled position of law rejected the mutation case vide order dated 5th July, 2021. Hence, this writ petition has been filed.
4. Mr. Mishra, learned Additional Government Advocate for the State submits that the order impugned herein is appealable under Rule 42 of the Orissa Survey & Settlement Rules, 1962. Hence, he prays for dismissal of the writ petition.
5. Taking into consideration the submissions of learned counsel for the parties, this Court is of the considered opinion that the order impugned herein is appealable one.

6. Hence, I am not inclined to entertain this writ petition. However, the Petitioner, if so advised, may avail the statutory remedy in assailing the impugned order dated 5th July, 2021 (Annexure-1) passed by the Additional Tahasildar, Kesinga in Mutation Case No.1067 of 2021.

7. Accordingly, this writ petition is disposed of.

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

(K.R. Mohapatra)
Judge



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