

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29361 of 2022

Ramesh Prasad Jain

....

Petitioner(s)

Mr. S.B. Panda,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. U.K. Sahoo,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
18.11.2022**

Order No.

01. 1. Heard the submission of learned counsel for Petitioner and the learned State Counsel.
2. Learned Counsel for Petitioner submits that after the remand order involving the Mutation Appeal Case No.5 of 2020, the proceeding vide Mutation Case No.2131 of 2017 was reopened for fresh disposal. At this stage learned counsel for Petitioner alleges that this proceeding has been heard without involvement of the Petitioner.
3. Considering the settled position of law that in the event there is any wrong recording contrary to the actual position on the effective date, it is only for the authority concerned or the Court concerned to remedy it out on an application being filed by the affected party. Keeping this settled position in view this Court permits the Petitioner to move an application to the mutation

authority for making necessary correction and in the event the mutation authority finds, in fact there was no service of notice on the Petitioner to appear for hearing on 10.10.2022 as borne from its own record, then it has to recall the order dated 10.10.2022 and there shall be fresh disposal of the mutation case involving all the parties involved therein. It is also clarified that in the event the record shows, there was appearance of the advocate for the Petitioner on the date of disposal of the matter, the impugned order shall remain intact and the Petitioner may avail the appeal remedy.

4. The Writ Petition stands disposed of with the above order.

(Biswanath Rath)
Judge

Ayaskanta Jena

