

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.29414 OF 2022

Ranjan Kumar Malla

....

Petitioner(s)
Mr.C.Pattnaik,Adv.

-versus-

State of Odisha and others

....

Opposite Party(s)
Mr.U.K.Sahoo,ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
17.11.2022

Order No.

02.

1. Heard learned counsel for the Parties.
2. Considering the rival contentions of the Parties and on perusal of the order-sheet involving Mutation Case No.890 of 2022, this Court finds land schedule in Mutation Case No.890 of 2022 not involved in the Mutation Appeal. However on perusal of Appeal memorandum in Mutation Appeal No.316 of 2022, this Court finds, the aforesaid Mutation Appeal was preferred against the order involving Mutation Case No.39131 of 2021, as appearing from the cause title at page-16 of the brief. Reading the prayer, it appears the prayer involved therein was requiring setting aside the order dated 04.01.2022 in Mutation Case No.890 of 2022. On perusal of schedule land at page-24 involving the Appeal, this Court finds, the schedule property reads as follows:-

SCHEDULE OF PROPERTIES-A

Mouza- Pandara, Tahasil- Bhubaneswar, Dist-Khurda

<u>Khata No</u>	<u>Plot No</u>	<u>Area</u>
1330/5334	1628/11635	Ac.0.188 dec arising out of Ac.0.750 dec
1336/130	1628/7164	Ac.0.16 dec arising out of Ac.0.750 dec.

SCHEDULE OF PROPERTIES-B

<u>Khata No</u>	<u>Plot No</u>	<u>Area</u>
1330/11225	1628/16021	Ac.0.041.32 dec arising out of Ac.0.750 dec

3. It is at this point of time going through the order in Mutation Case No.39131 of 2021, this Court finds, this Mutation case involved Mouza- Bhubaneswar Sahar Unit No.38, Pandara, Khata No.547, Plot No.1628 and area Ac.0.0647. Similarly on perusal of order-sheet in Mutation Case No.890 of 2022, this Court finds, the land schedule involved therein appears to be in Mouza- Subudhipur, Khata No.61/26, Plot No.22/153 and the area Ac.0.0500, area Ac.0.0202. This Court also finds from the impugned order to have a reference of a Civil Suit No.930 of 2019 declining in undertaking the demarcation exercise involving the proceeding vide Annexure-2. Annexure-2, the demarcation proceeding involves land schedule in Mouza- Pandara, Khata No.1330/11225, Plot No.1628/16021 an area Ac.0.041.

4. Considering the rival contentions of the parties and keeping in view the grounds taken in the Writ Petition, this Court finds, there is mechanical disposal by the competent authority vide Annexure-6. In the circumstance, this Court interferes in the order dated 12.10.22 and remands the matter back to the Tahasildar, Bhubaneswar to reconsider on further proceeding in Demarcation Case No.498 of 2022, taking into account the detailed objection required to be filed by the Petitioner on the date of appearance clearly disclosing the land schedule involving the case in the hand of the Tahasildar, Bhubaneswar- Opposite Party No.3 and also involving the Civil Suit No.930 of 2019, Mutation Appeal No.316 of 2022 involving the mutation case therein as well as the land schedule involving Mutation Case No.39131 of 2021 and Mutation Case No.890 of 2022 only after coming to find if the proceeding vide Demarcation Case No.498 of

2022 is being obstructed by any of such pendency of civil suit or Mutation Appeal involved therein to proceed further.

5. Let copy of the Writ Petition with required affidavit be filed by the Petitioner before the Tahasildar, Bhubaneswar-Opposite Party No.3 at least within a period of seven working days, in such event the Tahasildar, Bhubaneswar shall do well to first find-out, if the demarcation proceeding is really obstructed for the pendency of the civil suit and/or the mutation case already involved in Appeal indicated herein and the same shall be concluded at least within a period of one month thereafter also providing hearing of the Petitioner.

Urgent certified copies be supplied to the parties on proper application.

(Biswanath Rath)
Judge

Swarna

