

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 35861 OF 2021

Alekha Rout and others *Petitioners*
Mr. Bhagaban Behera, Advocate
-versus-
State of Odisha and others *Opp. Parties*
Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

Order No. **ORDER**
07.02.2022

3. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition pray for a direction to the Tahasildar, Bhubaneswar-Opposite Party No. 3 for early disposal of Mutation Case No. 22982 of 2017.
3. It is submitted by Mr. Behera, learned counsel for the Petitioners that pursuant to the judgment and decree passed by learned Munsif, Bhubaneswar in T.S. No. 24 of 1990-1, the Petitioners filed Mutation Case No. 22982 of 2017 before the Tahasildar, Bhubaneswar to record the land in question in their name. Since the mutation case was not disposed of, the Petitioners approached this Court in W.P.(C) No. 3742 of 2021, which was disposed of vide order dated 12th April, 2021 taking into consideration the statement made by learned Additional Government Advocate to the effect that said mutation case has already been dropped since 16th February, 2018.
4. After disposal of the said writ petition, the Petitioners applied for certified copy of the final order passed in Mutation Case No. 22982 of 2017 and was intimated that the said record is not traceable.

5. In view of the above, the Petitioners finding no other alternative either to get the order passed in Mutation Case No. 22982 of 2017 or to challenge the same have filed this writ petition.

6. In course of hearing, Mr. Behera, learned counsel for the Petitioners submits that interest of justice will be best served, if the Petitioners are permitted to file a fresh mutation case and a direction may be made for early disposal of the same in accordance with law without being influenced by the order, if any, passed in Mutation Case No. 22982 of 2017.

7. Mr. Mishra, learned Additional Government Advocate does not have any objection to the same. He, however, submits that if such mutation case is filed, the same should be disposed of in accordance with law.

8. Taking into consideration the submissions made by the learned counsel for the parties, this Court without expressing any opinion on the merits of the case disposes of this writ petition with a direction that in the event the Petitioners file an application for mutation of the land involved in T.S. No. 24 of 1990-1 within a period of two weeks hence along with certified copy of this order, the Tahasildar, Bhubaneswar- Opposite Party No.3 shall receive the same and make an endeavour for early disposal of the same as expeditiously as possible preferably within a period of six months therefrom following due procedure of law.

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

(K.R. Mohapatra)
Judge

bks/ms