

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.32217 OF 2022

Santosh Kumar Pattnaik

....

Petitioner

Mr.K.K.Dash, Adv.

-versus-

State of Odisha & anr.

....

Opposite Party(s)

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
4.5.2023**

Order No.

03. 1. Heard learned counsel for the Parties.
2. The Writ Petition involves refusal of mutation on the premises of Will involved therein not being probated in due process of law. Property undisputedly situates in the district of Kalahandi.
3. This Court finds similar issue has already been taken up by this Court in disposal of W.P.(C) No.19001 of 2022 on 12.9.2022 (Siba Sankar Sahoo vrs. The State of Odisha & ors. reported in 2022(II) OLR-1030) also taking into consideration the Administration of Orissa States Orders, 1948. This decision also covers the issue also the land involving the district of Kalahandi as clearly taken note at Paragraph-4 of the said decision. There is no dispute at Bar on application of the above decision to the case at

hand and the impugned order is an outcome of non-consideration of the above decision. This Court, therefore finds, there is wrong decision of the Tahasildar involved herein.

4. In the circumstance, this Court interfering with the impugned order dated 20.4.2022 passed in Mutation Case No.1034/2022 sets aside the same. For requirement of fresh adjudication of Mutation Case No.1034/2022, the case is remitted to O.P.2 for fresh disposal but keeping in view the settled position of law through 2022(II) OLR 1030 by completing the process at least within two months from the date of receipt of this order.

5. The Writ Petition stands disposed of accordingly.

(Biswanath Rath)
Judge

M.K.Rout

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