

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 38717 OF 2021**

***Lokanath Meher and another***

***Petitioners***

Mr. Anam Charan Panda, Advocate

*-versus-*

***State of Odisha and another***

***.... Opp. Parties***

Mr. Dillip Kumar Mishra,

Additional Government Advocate

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**18.05.2022**

**Order No.**

2. 1. This matter is taken up through hybrid mode.
2. 2. The Petitioners in this writ petition pray for a direction to the Tahasildar, Patnagarh-Opposite Party No.2 to correct the R.O.R. pursuant to the order dated 2<sup>nd</sup> March, 1983 passed in OLR case No.8 of 1982.
3. 3. In order to ascertain the position with regard to compliance of the aforesaid order, this Court vide order dated 3<sup>rd</sup> January, 2022 directed learned State Counsel to take instruction in the matter. Today Mr. Mishra, learned Additional Government Advocate, on instruction, produces a copy of the written instruction received from the Tahasildar, Patnagarh vide letter No.139 dated 12<sup>th</sup> January, 2022, which reads as follows:

*“Sir,*

*With reference to your letter No.295 dated 3<sup>rd</sup> January, 2022 on the subject cited above, I am to say that on dated 19.03.2021 Sri Minaketan Meher and Loknath Meher jointly filed a misc petition in this office praying for correction of ROR as per the order passed in OLR Case No.8/1982 dated 02.03.1983. In this connection it is pertinent to mention here that the holding No.91 with total area of Ac.15.653 dec. of mouza-Patnagarh (Ka) P.S.-Patnagarh stands recorded in the name of Trilochan Meher, S/O-Satya Meher, Nityananda Meher S/O-Pada*

*Meher, Chandrama Meher W/o-Pada Meher, Mangalu Meher, Niranjana Meher, Kunja Meher, Ukia Meher, Sarat Meher S/O-Siba Meher, Hara Meher W/o-Siba Meher caste-Bhulia. On dated 31.05.1982 they filed an application U/S-19 (1) (C) of OLR Act before the R.O. and Tahasildar, Patnagarh for partition of the land among co sharers vide OLR Case No.8 of 1982. After observing due formalities the case was allowed and the land was partitioned among co sharers into five shares. But the connected case record does not reveal the reason of non-effecting correction of ROR then.*

*It is pertinent to mention that, after the Misc petition was filed, the case records were examined. While examination of the records of the OLR 19 (1) (C) Case No.08/1982, it was found that, the schedule lands have undergone multiple transactions since then, which the petitioners have not mentioned in their petition. Besides this, share of one co sharer namely Niranjana Meher S/o-Siba Meher has been mutated in his favour vide mutation case No.1329 of 2015 on the basis of order and decree passed in civil suit no.08 of 2013. Due to this the Tahasildar, Patnagarh had to make a detailed enquiry, for which necessary documents were called for from the petitioners **vide letter no.2780 dated 22.11.2021**, (Copy enclosed) which was duly received by them but they did not submit the same, till date, for taking necessary action on their misc petition. The AGP was also served a copy vide memo no.2781/22.11.2021 for necessary action.*

*Since, the Civil Suit has been filed after lapse of 30 years of order passed in OLR Case No.08 of 1982, it is necessary to go through the order and decree of the above suit to know the actual status of the case between the parties. After production of the said document by the parties and filing application for substitution in place of deceased co-sharers further course of action for effecting correction of ROR on the basis of order passed in OLR Case No. 8 of 1982 u/s-19(1) (C) will be taken by this office.”*

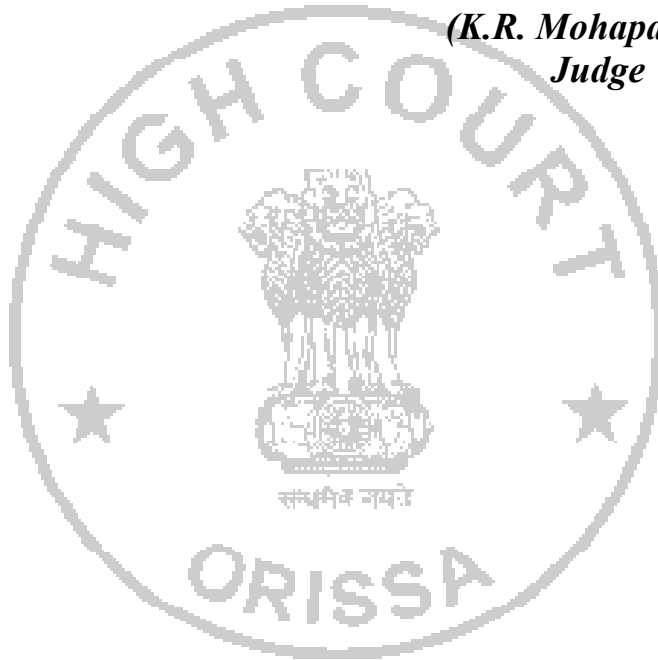
4. In view of the above instruction received, Mr. Panda, learned counsel for the Petitioner submits that the writ petition may be disposed of with an observation that the Petitioners will

pursue the matter before the Tahasildar, Patnagarh in terms of the Letter No.2780 dated 22<sup>nd</sup> November, 2021.

5. In view of such submission, this writ petition is disposed of with an observation that the Petitioners may pursue the matter before the Tahasildar, Patnagarh for necessary orders in misc. case for compliance of the order dated 2<sup>nd</sup> March, 1982 passed in OLR Case No.08 of 1982.

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

**(K.R. Mohapatra)**  
**Judge**



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