

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.39459 of 2021

Renubala Parida

....

Petitioner

Mr. Niranjana Panda, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

12.01.2022

Order No.

1. This matter is taken up through video conferencing mode.
2. The Petitioner in this writ petition prays for setting aside the order dated 30th September, 2021 (Annexure-2) passed by the Sub-Collector, Banki-Opposite Party No.3 in Mutation Appeal No.10 of 2021.
3. Mr. Panda, learned counsel for the Petitioner submits that in the appeal memo, the Appellant-Petitioner inadvertently stated the date of disposal of Mutation Case No.879 of 2020 as 17th November, 2020 whereas the mutation case was disposed of on 14th October, 2020 by the Tahasildar, Damapada. The Sub-Collector, Banki without affording any opportunity to the Petitioner to correct the date of disposal of the mutation case in the appeal memo, rejected the appeal as per the provision under Order VII Rule 11(a) C.P.C.. It is his submission that had the Petitioner given an opportunity to correct the date of disposal of the mutation case in the appeal memo, such a situation would not have arisen. Hence, he prays for setting aside the impugned

order under Annexure-2 and to remit the matter back to the Sub-Collector, Banki to allow the Petitioner to correct the date of disposal of the mutation case as well as to dispose of the appeal on merit.

4. Mr. Mishra, learned Additional Government Advocate for the State submits that since the appeal has already been disposed of, the Petitioner may file an application for recall of the order under Annexure-2 and also file an application to correct the date of disposal of the mutation case in the appeal memo.

5. In view of the submissions made by learned counsel for the parties, this Court disposes of the writ petition with a direction that in the event the Petitioner files an application for recall of the order dated 30th September, 2021 (Annexure-2) passed by the Sub-Collector, Banki-Opposite Party No.3 in Mutation Appeal No.10 of 2021 along with a petition to correct the date of disposal of the mutation case in the appeal memo within a period of two weeks hence enclosing an authenticated copy of this order, the Sub-Collector, Banki shall consider the same and pass a reasoned order thereon giving opportunity of hearing to the parties concerned as expeditiously as possible preferably within a period of four months therefrom.

5. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 modified by Notice No.4798 dated 15th

April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(K.R. Mohapatra)
Judge

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