IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1224 of 2026
W.P.(C) No.1495 of 2026
W.P.(C) No.1497 of 2026
W.P.(C) No.1512 of 2026
W.P.(C) No.1517 of 2026
W.P.(C) No.1549 of 2026
W.P.(C) No.1609 of 2026
W.P.(C) No.1814 of 2026

(Applications under Articles 226 and 227 of the Constitution of India)

W.P.(C) No.1224 of 2026

AFR **Ratna Manjari Prusty ..... Petitioner**

-Versus-

The Union of India & Others ..... Opp. Parties

Advocate(s) appeared in this case:-

For Petitioner : Mr. R.R. Sahoo, Advocate

For Opp. Parties : Mr. P.K. Parhi,
Deputy Solicitor General of India
with Mr. S.S. Kashyap,
Senior Panel Counsel

Mr. S.N. Patnaik,
Addl. Government Advocate

W.P.(C) No.1495 of 2026

Sarojini Nayak ..... Petitioner

-Versus-

The Union of India & Others ..... Opp. Parties

Advocate(s) appeared in this case:-

For Petitioner : Mr. R.R. Sahoo, Advocate

For Opp. Parties : Mr. P.K. Parhi,
Deputy Solicitor General of India
with Mr. K. Panda,
Central Government Counsel

Mr. S.N. Patnaik,
Addl. Government Advocate

W.P.(C) No.1497 of 2026

Bidyutprava Satapathy ..... Petitioner

-Versus-

The Union of India & Others ..... Opp. Parties

Advocate(s) appeared in this case:-

For Petitioner : Mr. R.R. Sahoo, Advocate

For Opp. Parties : Mr. R.K. Mahapatra,
Senior Panel Counsel

Mr. S.N. Patnaik,
Addl. Government Advocate

W.P.(C) No.1512 of 2026

Deepak @ Diapk Kumar Samal ..... Petitioner

-Versus-

The Union of India & Others ..... Opp. Parties

Advocate(s) appeared in this case:-

For Petitioner : Mr. R.R. Sahoo, Advocate

For Opp. Parties : Mr. B.B. Mishra, Senior Panel Counsel

Mr. S.N. Patnaik,
Addl. Government Advocate

W.P.(C) No.1517 of 2026

Pratap Chandra Das ..... **Petitioner**

-Versus-

The Union of India & Others ..... **Opp. Parties**

Advocate(s) appeared in this case:-

For Petitioner : Mr. R.R. Sahoo, Advocate

For Opp. Parties : Mr. K.K. Nayak, Senior Panel Counsel

Mr. S.N. Patnaik,
Addl. Government Advocate

W.P.(C) No.1549 of 2026

Dillip Kumar Swain ..... **Petitioner**

-Versus-

The Union of India & Others ..... **Opp. Parties**

Advocate(s) appeared in this case:-

For Petitioner : Mr. R.R. Sahoo, Advocate

For Opp. Parties : Mr. P.K. Parhi,
Deputy Solicitor General of India
with Mr. S.K. Samantray,
Central Government Counsel

Mr. S.N. Patnaik,
Addl. Government Advocate

W.P.(C) No.1609 of 2026

Biswajit Panda ..... **Petitioner**

-Versus-

The Union of India & Others ..... **Opp. Parties**

Advocate(s) appeared in this case:-

For Petitioner : Mr. R.R. Sahoo, Advocate

For Opp. Parties : Mr. P.K. Parhi,
Deputy Solicitor General of India]
with Mr. D. Gochhayat,
Central Government Counsel]

Mr. S.N. Patnaik,
Addl. Government Advocate

W.P.(C) No.1814 of 2026

Sarat Kumar Mohanty ..... Petitioner

-Versus-

The Union of India & Others ..... Opp. Parties

Advocate(s) appeared in this case:-

For Petitioner : Mr. R.R. Sahoo, Advocate

For Opp. Parties : Mr. A.K. Mohanty,
Senior Panel Counsel

Mr. S.N. Patnaik,
Addl. Government Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

JUDGMENT
7th April, 2026

SASHIKANTA MISHRA, J. The petitioners seek to challenge the order dated 07.01.2026 passed in Revenue Misc. Appeal Case

No.07/2025, whereby the Sub-Collector, Dhenkanal rejected the petition filed for grant of leave to prefer appeal, arising out of Revenue Misc. Case No.695/2025, as well as the consequential order dated 15.12.2025 passed by the Tahasildar, Dhenkanal in the said RMC Case, pursuant to the order dated 19.11.2025 passed in Mutation Appeal No.38/2025 by the Sub-Collector, Dhenkanal. The petitioners have further assailed the eviction notice dated 26.12.2025 issued by the Opposite Party No.3.

2. Since all the writ petitions involve common questions of fact and law, they were heard analogously and are being disposed of by this common judgment. For the sake of convenience, the facts of W.P.(C) No.1224 of 2026 are taken into consideration for adjudication of the issues involved.

3. The facts of the case, briefly stated, are that the petitioner claims to have purchased a piece of land measuring Ac.0.03 decimals out of Hal Plot No.24/308 under Khata No.103/8 situated at Mouza-Shyamacharanpur under Dhenkanal Tahasil by virtue of a registered sale deed dated 27.06.2001 and to have been delivered possession thereof. It is

stated that said land was subsequently mutated in her favour in Mutation Case No.2498/2002 and ROR was issued in her name, whereafter she has been in peaceful possession of the same by constructing a shop room thereon and regularly paying rent and holding tax.

While the matter stood thus, the petitioner was served with a notice dated 26.12.2025 issued by the Opposite Party No.3 directing her to vacate the land on the ground that the same forms part of Railway land. On receipt of the said notice, the petitioner made enquiries and came to know that her recorded land had been taken away from her khata and merged with Khata No.112 standing in the name of the Railway authorities pursuant to the order dated 19.11.2025 passed in Mutation Appeal No.38/2025 and the consequential order dated 15.12.2025 passed in RMC Case No.695/2025.

It is the specific case of the petitioner that she was neither impleaded as a party nor issued any notice in the aforesaid proceedings, though her recorded right and possession was directly affected thereby. The entire proceeding

was conducted behind her back in gross violation of the principles of natural justice.

The mutation appeal preferred by the Opposite Parties was founded on Mutation Case No.1843/1998, which according to her, relates to a different land situated in a different mouza and has no nexus with the land purchased by her. It is thus alleged that the authorities, without proper verification of records and without affording opportunity of hearing have illegally cancelled her ROR and initiated steps for eviction.

4. Counter affidavit has been filed by the Opposite Party Nos. 1 to 3 contending that land in question forms part of Government land recorded in the name of the Railway under Khata No.112 as per the settlement records and that the petitioner has no right, title or interest over the same. It is their specific case that the creation of Khata No.103/8 in favour of one Arun Shankar Ghosh was the result of a fraudulent mutation proceeding, namely Mutation Case No.1843/1998, whereby a portion of Railway land was illegally carved out and recorded in a separate khata. The petitioner, being a

subsequent purchaser, cannot claim any better title than her vendor.

It is stated that upon detection of such irregularity during verification of records, the Railway authorities preferred Mutation Appeal No.38/2025 before the Sub-Collector, Dhenkanal, who, upon consideration of the materials on record, set aside the said mutation and directed restoration of the land to the original Khata No.112. Consequent thereto, the Tahasildar, Dhenkanal initiated RMC Case No.695/2025 and corrected the ROR in terms of the appellate order.

It is also stated that the petitioner was not a necessary party to the mutation appeal proceedings as the very foundation of her title stands vitiated and the writ petition is not maintainable inasmuch as it involves disputed questions of fact relating to title and possession.

5. Counter affidavit has also been filed by Opposite Parties Nos.6 and 7. Opposite party Nos.6 and 7, while supporting the stand taken by the Railway authorities have stated that the mutation in favour of Arun Shankar Ghosh was

erroneous and without jurisdiction, and accordingly the same has been rightly set aside by the appellate authority.

6. Heard Mr. R.R Sahoo, learned counsel for the petitioners, Mr. P.K Parhi, learned DSGI with Mr. S. Pattanaik, learned CGC for the Railways and Mr. S.N. Patnaik, learned Additional Government Advocate for the State.

7. Mr. R.R Sahoo would argue that the petitioner is a bonafide purchaser having acquired the land in the year 2001 and has been in continuous possession thereof ever since, pursuant to mutation in her favour and issuance of ROR. He submits that the proceedings in 19.11.2025 and 15.12.2025 were conducted behind the back of the petitioner without impleading her as a party and without issuing any notice. Such action, according to him, is in gross violation of the principles of natural justice and on that ground alone, the impugned orders are liable to be set aside.

He further argues that the very foundation of the mutation appeal is erroneous inasmuch as the authorities have relied upon Mutation Case No.1843/1998, which, in fact, relates to a different land in a different mouza and pertains to

entirely different persons having no nexus with the land in question. He argues that without proper verification of the records and by relying upon incorrect and irrelevant materials, the authorities have proceeded to cancel the petitioner's ROR, which renders the entire proceeding vitiated.

He also submits that the mutation appeal was entertained after inordinate delay running into decades without assigning any reason for condonation of such delay and further the proceeding has been initiated against a person who was already dead without impleading his legal heirs, thereby rendering the order nullity in the eye of law. He further submits that the petitioner not being a party to the earlier proceedings had no opportunity to avail any alternative remedy

8. Per contra, Mr. P.K Parhi would argue that the land in question forms part of Government land recorded in the name of the Railway under Khata No.112 as per the settlement records and the petitioner has no manner of right, title or interest over the same.

He submits that the creation of Khata No.103/8 in favour of Arun Shankar Ghosh was the result of a fraudulent

mutation proceeding, namely Mutation Case No.1843/1998, whereby a portion of Railway land was illegally carved out and recorded in a separate khata. According to him, once the very foundation of title is found to be vitiated by fraud, all subsequent transactions, including the purchase made by the petitioner, automatically stand nullified. He further submits that upon detection of such irregularity during verification of records, the Railway authorities preferred Mutation Appeal No.38/2025, and the Sub-Collector, Dhenkanal, upon due consideration, rightly set aside the mutation and directed restoration of the land to the original Khata No.112. Consequent thereto, the Tahasildar, Dhenkanal has rightly corrected the ROR in RMC Case No.695/2025.

He also argues that the petitioner was not a necessary party to the mutation appeal proceedings, inasmuch as her claim is derived from a void and fraudulent transaction and therefore no separate notice was required to be issued to her. Proceeding was duly conducted by resorting to substituted service through publication, which satisfies the requirement of law.

Lastly, he submits that the writ petition is not maintainable as the same involves disputed questions of fact relating to title and possession.

9. Mr. S.N Patnaik supports the argument made by the Mr. Parhi and submits that the mutation in favour of Arun Shankar Ghosh having been found to be erroneous and without jurisdiction, the appellate authority has rightly exercised its power in setting aside the same. He submits that the Tahasildar has only carried out the consequential correction of the ROR in obedience to the appellate order.

10. From the facts of the case and the rival contentions, it is evident that order dated 19.11.2025 passed by the Sub-Collector, Dhenkanal in Mutation Appeal No.38 of 2025, order dated 15.12.2025 passed by the Tahasildar, Dhenkanal in RMC No.695 of 2025 and order dated 07.01.2026 passed by the Sub-Collector in RMAC No.7 of 2026 are under challenge. Order dated 15.12.2025, passed by the Tahasildar in RMC No.695 of 2025 is a consequential order passed on the basis of order dated 19.11.2025 passed in Mutation Appeal No.38 of 2025.

11. It is not disputed that the petitioners were not impleaded as parties in the said RMC and appeal case and hence, were deprived of opportunity to put forth their contentions. It further appears that Mutation Case No.1843 of 1988 does not belong to late Arun Shankar Ghosh, the principal vendor. In order dated 07.01.2026, it is mentioned that the mutation case record is not traceable. It has been forcefully argued that reference to Mutation Case No.1843 of 1998 in the 'Bhulekh' portal is a typographical error.

12. Thus, this Court finds that seriously disputed questions of fact are involved, which obviously cannot be adjudicated by the writ Court. However, the parties claim title over the lands in question on the basis of sale deeds duly executed by their vendors. The lands were also recorded in their favour in appropriate mutation proceedings. Therefore, any subsequent change in the records could not have been done without hearing them. That apart, whether Mutation Case No.1843 of 1988 actually relates to the principal vendor Arun Shankar Ghosh or not has to be ascertained with certainty. There also seems to be some doubt as to against which order

the Railways had preferred Mutation Appeal No.38 of 2025. The question of delay also appears to have escaped notice.

13. For all the above reasons therefore, this Court is of the considered view that the application filed by the petitioners seeking leave to appeal should not have been rejected merely by relying upon the earlier order passed in appeal and the consequential order passed by the Tahasildar. The matter therefore, needs to be heard afresh by the Sub-Collector. This Court is conscious of the fact that the lands in question are sought to be acquired by the Railways for laying new railway tracks. Said work being done for the general public welfare should not be halted at the instance of a few. It has been argued that the amount sanctioned for the development work in favour of the Railways shall have to be surrendered in the absence of actual work being undertaken at the close of the financial year. While, this is a procedural aspect that may cause disruption in the development work, yet fact remains that valuable rights of some persons are involved that needs consideration. Both these aspects are to be balanced.

14. It is true that in case of acquisition of lands for development work, these persons would be compensated in monetary terms but a clear picture as regards right and ownership over the land in question needs to emerge at first. This can happen only by way of adjudication of the factual and legal issues involved.

15. For the foregoing reasons therefore, the writ applications are allowed. The impugned orders are set aside. The matter is remitted to the Sub-Collector, Dhenkanal to conduct fresh hearing after granting opportunity to all concerned and to pass a reasoned order determining the rights of the parties. The whole exercise should be completed within four weeks from today. Till such time, *status quo* with regard to the lands in question as on date shall be maintained by both parties.

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Sashikanta Mishra,
Judge

Signature Not Verified
Digitally Signed
Signed by: PUSPANJALI GHADAI
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 08-Apr-2026 11:12:00