IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P. (C) No.2599 of 2026

Ajay Kumar Behera .... ***Petitioner***

Mr. Amiya Kumar Tarai, Advocate

-versus-

State of Odisha and others .... ***Opposite Parties***

Mr. Debashis Tripathy, Addl. Government Advocate

CORAM:
THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER
09.04.2026

Order No.

01. ***1.*** Challenging the order dated 15.07.2013 passed by the Assistant Settlement Officer, Bhubaneswar (opposite party No.3) *vide* Annexure-6, by virtue of which, the land purchased by the mother of the petitioner has been directed to be recorded under Government Khata, the instant writ petition invoking jurisdiction under Articles 226 and 227 of the Constitution of India has been filed.

2. Heard Mr. Amiya Kumar Tarai, learned Advocate appearing for the petitioner and Mr. Debashis Tripathy, learned Addl. Government Advocate appearing for the opposite parties-State.

3. Though the matter is listed under the heading "Fresh Admission", on consent of learned counsel for both sides, the matter is taken up for disposal.

4. It is submitted that the deceased mother of the petitioner purchased the land in question by virtue of a registered Sale Deed from Siba Kumari Dhariwala. The petitioner after the

death of his mother filed Objection Case bearing No.5089/4322 of 2013. It is explained that since the mother of the petitioner was the title holder of the property in question, the petitioner could not file the present case immediately after rejection of the said Objection Case.

4.1. It is submitted by Mr. Tarai, learned Advocate that the Assistant Settlement Officer, Bhubaneswar without examining the document (s) along with objection, dropped the case.

5. Mr. Debashis Tripathy, learned Addl. Government Advocate objecting to the contentions raised in the writ petition submitted that the document (s) showing title of the mother of the petitioner were not submitted before the authority concerned, which warranted rejection of said Objection Case filed at the behest of the petitioner.

6. Perusal of documents enclosed with the writ petition revealed that the petitioner is one of the sons (legal heir) of Smt. Pramila Behera, wife of Nilamani Behera and mother of the petitioner.

7. Since the documents made available for perusal of this Court have not been furnished before the authority concerned for consideration of the Objection Case, in order to ascertain the source of title of the recorded tenant, it is felt apposite to *set aside* the order dated 15.07.2013 passed by the Assistant Settlement Officer, Rental Colony, Bhubaneswar (opposite party No.3). The matter is now remitted to the opposite party No.3 for fresh decision in the aforesaid Objection Case No.

5089/4322 of 2013. In order to avail such opportunity, the petitioner is directed to appear before the opposite party No.3 within a period of two weeks from date and is at liberty to furnish evidence/document(s), if any, to indicate the source of title from the recorded tenant.

7.1. Upon hearing the petitioner and the documents to be furnished by the petitioner, the opposite party No.3 shall take a decision within a period of six weeks from the date of appearance of the petitioner. Needless to say, the decision so taken shall be communicated to the petitioner forthwith.

8. It is made clear that this Court has not entered into the disputed questions of fact and expressed any opinion on the merits of the case. It is also made clear that in the event the petitioner does not appear before the authority as directed herein above within the period stipulated, the order impugned shall stand revived automatically.

9. The writ petition is accordingly disposed of.

(M.S. Raman)
Judge

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Signature Not Verified
Digitally Signed
Signed by: BICHITRANANDA SAHOO
Designation: Secretary
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 09-Apr-2026 19:18:50