IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.10304 of 2026
CNR No. ODHC010222152026

Lily Mishra ..... **Petitioner**

Represented by Adv. - Chakradhar Singh

-versus-

State Of Odisha and Others ..... **Opposite Parties**

Represented by Adv. - M/S. Sanjay Kumar Ray, O.P. Nos. 5 to 8

Mr. S.S. Routray, ASC

CORAM:
MR. JUSTICE SASHIKANTA MISHRA

ORDER
04.11.2026

Order No. 05

1. This matter is taken up through hybrid mode.

2. The petitioner has filed this application with the following prayer:

> *"The petitioner therefore humbly prays that this Hon'ble Court may be pleased to:*
> *(i) quash the order dated 30.10.2025 passed by the Member, Board of Revenue in OSS Case No. l35 of 2024;*
> *(ii) quash the order passed in Review Case No. 405 of 2025;*
> *(iii) direct the Tahasildar, to correct of the Record of Rights relating to the case land in favour of the Petitioner;*
> *(iv) direct the opposite parties not to disturb the petitioner's possession;*
> *(v) And pass any other order / orders, direction / directions as would be deemed fit and proper."*

3. The facts of the case are that the petitioner filed a revision before the Board of Revenue, registered as OSS Case No.135 of 2024 under Section 15(b) of the OSS Act for correction of the Hal ROR of the suit land finally published on 07.06.1988. By order dated 30.10.2025, the Revisional Authority dismissed the revision by

holding that the petitioner's vendor being a '*Mehentar*' belongs to the Schedule Caste community. He not having obtained permission under Section 22 of the OLR Act, the sale was invalid. The petitioner sought review of the order specifically on the ground that '*Mehentar'* has not been notified as a member of the Schedule Caste in Odisha and therefore, the revision could not have been rejected. Said review also came to be rejected by order dated 08.01.2026.

4. Learned counsel for the petitioner submits that unless a particular caste is included in the Presidential Order for Schedule Castes/Schedule Tribes, he cannot be treated as a member of the said community. He further refers to a letter dated 05.02.2021 of the Sub-Collector, Bhubaneswar, wherein it is clearly mentioned that '*Mehentar'* belongs to the general category.

5. Mr. Routray, learned Addl. Standing Counsel fairly submits that unless a community is included in the Presidential Order, he cannot be treated as Schedule Caste/Schedule Tribe.

6. After hearing learned counsel for the parties and on perusal of the Constitution (Schedule Castes) Order, 1950, copy enclosed as Annexure-8 and 9, this Court finds that in so far as the State of Odisha is concerned, the list of Schedule Castes does not contain '*Mehentar'*, though the sub-caste '*Mehtar or Bhangi'* has been mentioned at serial No.60. However, it is the settled position of law that whatever is mentioned in the Constitution Order has to be accepted and no change whatsoever can be effected to the status of a person. Even the spelling of the word mentioned therein cannot be altered.

7. In such view of the matter, this Court is of the view that the Revisional Authority committed gross error of law in holding the petitioner's vendor as a member of Schedule Caste without the

backing of the Constitution (Schedule Caste) Order, 1950. For the above reason, the impugned orders cannot be sustained in the eye of law. The writ application succeeds and is therefore, allowed. The impugned orders are set aside. The matter is remitted to the Revisional authority to hear the revision afresh on merits.

(Sashikanta Mishra)
Judge

A.K. Rana

Signature Not Verified
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Signed by: AJAYA KUMAR RANA
Designation: P.A.
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 04-Nov-2026 19:26:41