IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.596 of 2026

Dr. Ashok Kumar Das ***.....*** ***Petitioner***

Represented by Adv. –
Mr. Upendra Kumar Samal
(Sr. Adv.)

-versus-

1) State of Odisha ***.....*** ***Opposite Parties***

2) The Executive Engineer, Salandi Irrigation Division, Bhadrak

Represented by Adv. –

Smt. S. Nayak, ASC

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
09.04.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard Mr. U.K. Samal, learned Senior counsel for the Petitioner as well as learned counsel for the State. Perused the CMP application as well as the prayer made therein.

3. By filing the present CMP application the Respondent in RFA No.45 of 2025 has approached this Court for a direction to the learned First Appellate Court i.e. the District Judge, Bhadrak to dispose of the petition dated 19.08.2025 at Annexure4 to the CMP application.

4. Learned counsel for the Plaintiff-Petitioner at the outset contended that initially the Petitioner filed a suit for declaration which was decreed against the Defendant on 18.09.2000. Basing upon the decree passed in the abovenoted suit, the Petitioner

moved the mutation authorities to permit mutation of the case land. He further contended that since the State-Opposite Parties have preferred an appeal bearing RFA No.45 of 2025 25 years after the decree, that such appeal memo is not in proper form and is not accompanied by a certified copy of the impugned judgment and decree. Even the appeal memo is not accompanied by an application for condonation of delay which is evident from order dated 17.03.2025 at Annexure-3 to the CMP application.

5. Leaned senior counsel for the Petitioner at this juncture contended that the mutation authority rejected the prayer of the Petitioner by taking the ground that the fact that the State-Opposite Parties have preferred RFA No.45 of 2025. Assailing the aforesaid grounds taken by the mutation authority, learned senior counsel for the Petitioner contended that since there is delay in presentation of the appeal and such delay has not been condoned, it cannot be presumed that there exists any appeal in the eyes of law. Therefore the conduct of the mutation authority in rejecting the application of the Petitioner for mutation based on decree dated 18.09.2000 is absolutely illegal.

6. Being aggrieved by such conduct of the Defendant-Appellant in filing an appeal after 25 years of passing a judgment and decree in the abovenoted suit, the Petitioner filed an application on 19.08.2025 at Annexure-4, seriously disputing the maintainability of the appeal. The grievance of the Petitioner in the present CMP application is that although such application has been filed since long, however, the same is not been taken up for consideration.

7. Learned counsel for the State on the other hand contended that there is no instruction in the matter. However, it was further submitted that in the event a direction was given to the learned trial Court to take up such application by providing ample opportunity to affected Parties, he will have no objection to the same.

8. Considering such submissions made by the learned senior counsel for the Petitioner as well as learned counsel for the State, this Court deems it proper to dispose of the present CMP application by directing the learned District Judge, Bhadrak to take up the petition dated 19.08.2025 at Annexure-4 filed by the Petitioner and dispose of the same within a period of eight weeks, after providing opportunity to the both sides, by passing a speaking and reasoned order.

9. With the aforesaid observation and direction, the CMP application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified
Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: PERSONAL ASSISTANCE
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 15-Apr-2026 15:07:20