IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10415 of 2026

Sanjukta Chand .... **Petitioner**

Mr. S.K. Baral, Advocate

-versus-

State of Odisha and Others .... **Opp. Parties**

Mr. S. Das, ASC

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
10.04.2026

Order No

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

2. Heard learned counsel for the parties.

3. The present Writ Petition has been filed *inter alia* with the following prayer:-

> *"In the circumstances, it is prayed therefore your Lordships would be graciously pleased to admit the application, issue notice to the 0pp. Parties and after hearing the parties quash the letter No-3686, Dated 23.09.3035 issued by the Opp. party No-5 under Annexure-4 and direction be issue to the 0pp.Party No-5 to re-open/re-consider the legal hair application of the present petitioner bearing application No. E-LHC/2025/ 138670, Dated 02.06.2025 within a stipulated time preferably within one month.*
>
> *And pass any other order/orders, direction/directions as deems just and proper in the circumstances of the case."*

4. It is contended that petitioner's application to get the benefit of Legal Heir Certificate when was rejected, he preferred an appeal. In the appeal so preferred, a fresh report was called for and the same was submitted vide letter dated 09.09.2025 under Annexure-3. But Tahasildar, Gondia-Opp. Party No.5 instead of taking a fresh decision on the application which was earlier rejected basing on Annexure-3, passed the impugned communication by directing the petitioner to make a fresh application to get the benefit of the certificate.

4.1. Learned counsel for the petitioner contended that since after rejection of the claim and on filing of appeal, a fresh report has come under Annexure-3, Opp. Party No.5 instead of taking a fresh decision by re-opening the matter, would not have asked the petitioner to make a fresh application.

4.2. It is accordingly contended that the impugned order issued under Annexure-4, requires interference of this Court.

5. Learned Addl. Standing Counsel on the other hand contended that, under the provisions of Miscellaneous Certificate Rules, there is a provision for filing of Review. It is accordingly contended that instead of availing that remedy, the present Writ Petition since has been filed, is not maintainable.

6. Having heard learned counsel for the parties and considering the submission made, it is found that application made by the petitioner to get the Legal Heir Certificate when was rejected under Annexure-1, petitioner moved the appellate authority. Even though such an appeal as per the considered view of this Court, was not filed in the proper format, but as found a fresh report was submitted by the concerned Revenue Inspector, vide his letter dated 30.08.2025 so available under Annexure-3.

After receipt of the said report and instead of taking a fresh decision on the claim of the petitioner, the impugned communication has been issued, directing the petitioner to make a fresh application.

6.1. Since after filing of the appeal, a fresh report has been submitted by the Revenue Inspector vide his letter dated 30.08.2025 so available under Annexure-3, it is the view of this Court that Tahasildar, Gondia should have re-decided the issue, instead of asking the petitioner to make a fresh application.

6.2. In view of the aforesaid analysis, this Court permits the petitioner to file an appropriate application before the Tahasildar-Opp. Party No.5, for review of the decision under Annexure-4, taking into account the report submitted by the R.I. on 30.08.2025 under Annexure-3.

6.3. It is observed that if any such application will be moved before Opp. Party No.5 within a period of 2(two) weeks from today, Opp. Party No.5 shall take a lawful decision on the same within a period of 4(four) weeks from the date of receipt of such application.

7. The Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Basudev

Signature Not Verified
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Signed by: BASUDEV SWAIN
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 15-Apr-2026 16:55:37