IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10697 of 2026

Raja Laxmi Mishra **....** ***Petitioner***
Represented by

Mr. Budhiram Das, Advocate

-Versus-

State of Odisha & Others **....** ***Opp. Parties***
Represented by

A.S.C.

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
10.4.2026.

Order No.
01.

1. This matter is taken up through hybrid mode.

2. The petitioner has approached this Court with the following prayer:-

> *"It is, therefore, humbly, prayed that Your Lordships would be graciously pleased to admit the Writ Petition, issue notice to the opposite parties, call for the L.C.R. and after hearing the counsels for the parties, the impugned order vide Annexure-4 be set-aside and further pleased to direct the Tahasildar to keep the status of the land as Stitiban instead of Pattadar as it was earlier.*
> *And/or any other order/s, direction/s, writ/s be passed as this Hon'ble Court may deem fit and proper.*
> *And for this act of kindness, the petitioner shall as in duty bound ever pray."*

3. By a *suo motu* mutation case registered by the Tahasildar, Bhubaneswar, the land in question recorded in the name of the petitioner under *Stitiban* status, was converted to *Pattadar s*tatus

purportedly on the basis of the Revenue and Disaster Management Department Circular dated 02.07.2025.

4. Mr. Das, learned counsel for the petitioner submits that the initiation of proceeding as well as the order passed therein is entirely contrary to the law long settled that operation of a Government circular/notification shall always be prospective. Mr. Das refers to a judgment passed by a Coordinate Bench of this Court in the case of ***Chandra Prakash Rath V. State of Odisha & Others (W.P.(C) No.31150 of 2025),*** wherein the Coordinate Bench, after taking note of several Supreme Court judgments on the point, held as follows:-

> *"So, in view of the propositions of law enunciated in the ratio of the aforesaid decisions, the operation of all the notification and resolutions of the Government are prospective in nature, but the same will have no retrospective effect.*
> *6. It is the judicial coronary that, when the initial order is held to be illegal, then the documents/orders prepared on the basis of the said initial orders shall be deemed to be non-est in the eye of law.*
>
> *On this aspect, the propositions of law has already been clarified in the ratio of the following decisions:-*
>
> *(i)In a case between* ***Badrinath Vrs. Government of Tamilnadu & Others (2000) 8 SCC 395*** *that,*
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> *Once the basis of a proceeding is gone, may be at a later point of time by order of superior authority, any intermediate action taken in the meantime would fall to the ground. This principle of consequential orders which is applicable to judicial and quasi-judicial proceedings is equally applicable to administrative orders.*
>
> *(ii)In a case between* ***State of Kerala Vrs. Puthenkavu N.S.S. Karayogam and Another*** *reported in* ***(2001) 10 SCC 191*** *that,*
>
> *Once the main impugned order is set aside any other consequential order made pursuant to the same would automatically become ineffective. (Para 9)*
>
> *(iii)In a case between* ***Mangal Prasad Tamoli (dead) by LRs Vrs. Narvadeshwar Mishra (dead) by LRs*** *reported in* ***2005 (3) SCC 422*** *that,*
>
> *If remand order was bad under law, then all further proceedings consequent thereto would be non-est and have to be necessarily set aside.*

(iv)In a case between ***State of Pubjab Vrs. Davinder Pal Singh Bhullar & Others etc.,*** *reported in* ***2012 (51) OCR (SC) 220*** *that,*

If initial action is not in consonance with law, all subsequent and consequential proceedings would fall through for the reasons that illegality strikes at the root of the order."

5. Learned State counsel fairly submits that the petitioner's case is covered by the ratio decided in the cited case.

6. Since the law has been settled, the writ application is disposed of directing the Tahasildar, Bhubaneswar to consider the matter strictly in light of the judgment of this Court referred above and pass appropriate orders within four weeks from today. Till such time, the order dated 22.8.2025 shall not be acted upon.

(Sashikanta Mishra)
Judge

AKB

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Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 10-Apr-2026 18:55:44