IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.12191 of 2026
ODHC010261342026

Panchami Mandal & Others **....** ***Petitioners***
Represented by
Mr. S.K. Deivedy, Advocate

-Versus-

State of Odisha & Others **....** ***Opp. Parties***
Represented by
Mr. S.S. Routray,
Additional Standing Counsel

CORAM:
MR. JUSTICE SASHIKANTA MISHRA

ORDER
25.11.2026

Order No.
05.

1. This matter is taken up through hybrid mode.

2. Heard learned counsel for the Petitioners and learned Additional Standing Counsel for the State.

3. The petitioners have approached this Court with the following prayer:-

> *"In the facts and circumstances of the case, it is most respectfully prayed that this Hon'ble Court be graciously pleased:*
> *a)to quash the impugned rejection order dated 26.04.2025(Annexure-l) passed by the Opp. Party No.4 and direct the Opp. Party No.4 to allow the Mutation Case 11272/2022.*
> *b)to pass any other and further orders as this Hon'ble Court deems fit and proper in the facts circumstances of this case."*

4. Originally, the mutation case filed by the petitioners was rejected against which, they carried appeal. The appellate Court by order dated 04.07.2023 set aside the order of rejection and directed recording of the land in question in favour of the petitioners. Pursuant to such order,

the mutation case was reopened but was again rejected on the ground of non-submission of the desired documents by the petitioners.

5. Perusal of the order sheet of the mutation case reveals that on 28.11.2023, the Revenue Inspector observed in his order that the petitioners did not submit the Original Sale Deed/Gift Deed/Partition Deed/RSDs etc. However, it was specifically mentioned that during the field enquiry the petitioners were in peaceful possession over the suit land. Despite such observations, the Tahasildar deemed it proper to reject their application.

6. Firstly, the order amounts to overreaching the order passed by the superior authority, which in the present case is the Sub-Collector. In view of the clear direction of the appellate authority to record the land in favour of the petitioners, a contrary view could not have been taken by the Tahasildar.

7. In such view of the matter, the Writ Petition is allowed. The impugned order is set aside. The Tahasildar, Balasore is directed to strictly act upon the directions of the appellate authority as contained in his order dated 04.07.2023 as early as possible. However, if any document is required for the purpose, the Tahasildar shall call upon the petitioners to furnish the same and in such event, it shall be the duty of the petitioners to produce all necessary documents in support of their claim.

(Sashikanta Mishra)
Judge

Signature Not Verified
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Signed by: PUSPANJALI GHADAI
Designation: JUNIOR STENOGRAPHER
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 25-Nov-2026 18:54:34
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