IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.31347 of 2026
CNR No. ODHC010734362026

Bhagaban Mishra ..... Petitioner

Represented by Adv.
Mr. Sukanta Kumar
Nayak

-versus-

State of Odisha and others ..... Opposite Parties

Represented by

Mr. S.S.Routray,ASC

CORAM:
MR. JUSTICE SASHIKANTA MISHRA

ORDER
09.11.2026

Order No. 01

1. This matter is taken up through hybrid mode.

2. Heard learned counsel for the petitioner and learned Addl. Government Advocate for the State.

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

> "*The Petitioner therefore prays that; the Hon'ble Court be pleased to admit this writ application and after hearing the petitioner's advocate, issue a writ in the nature of certiorari or any other suitable writ, setting aside the order passed vide Annexure-2;*
>
> *And/or pass any other order(s)/direction(s) as this Hon'ble Court thinks just and proper;*
>
> *And for this act of kindness the petitioner as in duty bound shall ever pray."*

4. The petitioner approached the Tahasildar, Anandapur for mutation of the land in question in his favour on the basis of a decree passed by Civil Judge (Senior Division), Anandapur. His mutation

application was registered as Mutation Case No.1236 of 2026. After noting the facts, the Tahasildar passed the following order:-

> *"The case record is taken up today. It is seen that the Hon'ble Court of the Civil Judge (Sr. Division), Anandapur has been pleased to order settlement of Ac.0.2 dec. of land in favour of the petitioner. However, upon verification of the manual khatiyan and relevant revenue records, it is found that the said land pertains to Khata Abada Jogya Anabadi, which is Governmental land. Since the matter involves a substantial extent of Government land, the Addl. Government Pleader, Anandapur has been requested to prefer an appeal before the competent court in order to protect Government land and safeguard the interest of the State. In view of the above facts and circumstances, the implementation of the order of the Hon'ble of the Civil Judge (Sr. Division), Anandapur shall be kept in abeyance until final adjudication by the competent Court. Hence, the case is hereby dropped."*

5. This Court wonders as to how the Tahasildar could arrogate to himself the power to decide whether an appeal is to be filed or not by the State. It goes without saying that he is under a statutory obligation to abide by the decree of the Civil Court. Rule 35 of the OSS Rules makes it mandatory for him. The Tahasildar appears to have entirely gone off at a tangent and passed the impugned order, which cannot, under any circumstance, be countenanced in law.

6. The writ petition is allowed. The impugned order is set aside. The matter is remitted to the Tahasildar, Anandapur to conclude the mutation proceeding, strictly abiding by the decree passed by the Civil Court.

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Signed by: BHIGAL CHANDRA TUDU
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 10-Nov-2026 09:57:45

(Sashikanta Mishra)
Judge