IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.32487 of 2026
ODHC010767152026

Duryadhan Kundu **....** ***Petitioner***
Represented by
Mr. D.P. Mohanty, Advocate

-Versus-

State of Odisha & Others **....** ***Opp. Parties***
Represented by
Mr. A.R. Dash,
Additional Government Advocate

CORAM:
MR. JUSTICE SASHIKANTA MISHRA

ORDER
30.10.2026

Order No.
01.

1. This matter is taken up through hybrid mode.

2. Heard learned counsel for the Petitioner and learned Additional Government Advocate for the State.

3. The grievance of the petitioner is that Opposite Party No.4's name has been mutated over Ac.0.16 decimals and 25 Kadi of the joint family property under Mutation Case No.1812 of 2026, without notice to the petitioner and other co-sharers. It is stated that the property originally belonged to Late Gopinath Kundu and devolved upon his wife, one daughter and three sons, but remains joint and undivided without partition by metes and bounds. The mutation was confirmed by the Tahasildar solely on the basis of the R.I.'s report, without considering the rights of the other co-sharers. It is also stated that despite the petitioner's representation dated 07.08.2026 regarding unauthorized dumping of earth by opposite party No.4 over the agricultural land and attempted conversion thereof into a road, no action has been taken.

4. Surprisingly, by order dated 01.07.2026, the Tahasildar confirmed the order passed by the R.I. in Mutation Case No.1812 of 2026 and directed correction of the ROR. No reason whatsoever has been assigned in the order. Nothing has been said as to how the report submitted by the R.I. is correct or otherwise acceptable. The Tahasildar has only confirmed the order of the R.I. without recording any independent satisfaction or reasons for such confirmation. In short, the order is bald and non-speaking, which cannot be sustained in the eye of law.

5. The Writ Petition is, therefore, allowed. The impugned order dated 01.07.2026 is hereby set aside. The Tahasildar, Tigiria, is directed to hear Mutation Case No.1812 of 2026 afresh after issuing notice to the petitioner, the other co-sharers and Opposite Party No.4 and affording them opportunity of hearing, while taking note of the report submitted by the R.I. The Tahasildar shall also consider the petitioner's representation dated 07.08.2026 regarding the alleged unauthorized dumping of earth over the agricultural land and take appropriate action in accordance with law. It goes without saying that a reasoned and speaking order shall be passed. The entire exercise shall be completed within four weeks from the date of production of a certified copy of this order by the petitioner.

(Sashikanta Mishra)
Judge

Puspanjali

Signature Not Verified
Digitally Signed
Signed by: PUSPANJALI GHADAI
Designation: JUNIOR STENOGRAPHER
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 30-Oct-2026 15:51:51