IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.32877 of 2025
CNR No. ODHC010818802025

Jashobanta Narayan Nanda ..... **Petitioner**

Represented by Adv. – Mr. Biplaba P.B. Bahali

-versus-

State Of Odisha and Others ..... **Opposite Parties**

Represented by Adv. –

Mr. S.N. Patnaik, AGA

Mr. Prakash Ranjan Barik, O.P. No.5

CORAM:
MR. JUSTICE SASHIKANTA MISHRA

ORDER
10.11.2026

Order No. 05.

1. This matter is taken up through hybrid mode.

2. Mr. P.R. Barik, learned counsel for the opposite party No.5 files counter affidavit in the Court. Copy of the same has already been served on learned counsel for the other side.

3. Heard Mr. B.P.B. Bahali, learned counsel for the petitioner; Mr. S.N. Patnaik, learned Addl. Government Advocate for the State and Mr. P.R. Barik, learned counsel for opposite party No.5.

4. The petitioner has approached this Court with the following prayer.

> *"It is therefore, respectfully prayed that, this Hon'ble Court will be graciously pleased to admit this writ application and issue rule NISI calling for the records and after hearing the parties to this writ petition, this Hon'ble Court may be pleased to Issue the writ in the nature of certiorari or any other appropriate writ*

(i) Quashing order dated 24.07.2025 passed by the Tahasildar, Kususmi under Annexure-5;

(ii) directing the 0pp. Party No.4 Tahasildar, Kusumi to record the name of the petitioner pertain to Khata No 493 total area Ac.35 decimal, portion of Plot No.521(Ac.0.11 dec out of Ac.0.33 dec), Plot No.522(Ac.0.07 dec out of Ac.0.44 dec), Plot No.630(Ac.0.10 dec out of Ac.0.21 dec), Plot No.622(Ac.0.03 dec out of Ac.0.09 dec), Plot No.l492(Ac.0.04 dec out of Ac.0.12 dec) of Mouza- Jaypur as per Annexure-1.

And

Pass such other order/orders as this Hon'ble Court may deem fit and proper in the circumstances.

And

For this act of kindness, the petitioner shall as in duty bound, ever pray."

5. It is submitted by Mr. Bahali, learned counsel for the petitioner that the impugned order is entirely contrary to the direction issued by the appellate authority while remanding the matter for fresh hearing. Elaborating his submission, he contends that the direction was to consider the effect of Section 44 of the T.P. Act while deciding the Mutation Case, but the Tahasildar entered into other areas and rejected the mutation case. As a Subordinate Officer, he cannot act contrary to the directions issued by the superior authority.

6. Mr. S.N. Patnaik, learned Addl. Government Advocate submits that the impugned order was passed basing on the prevalent guidelines issued by the Government as well as the position of law relating to Section 44 of the T.P. Act.

7. Mr. P.R. Barik, learned counsel for private opposite party submits that if the petitioner is aggrieved, he can always prefer appeal instead of directly approaching this Court.

8. After hearing learned counsel for the parties at length, this Court is of the view that since alternative statutory remedy of appeal is available, the petitioner should avail the same. The writ petition is therefore, disposed of granting liberty to the petitioner to prefer appeal within two weeks from today along with application seeking

condonation of delay. The delay shall be condoned and the appeal shall be heard on merits granting opportunity of hearing to the parties and disposed of as early as possible, preferably within two months from the date of filing of the appeal.

9. Status quo with regard to the suit property shall be maintained till disposal of the appeal.

(Sashikanta Mishra)
Judge

A.K. Rana

Signature Not Verified
Digitally Signed
Signed by: AJAYA KUMAR RANA
Designation: P.A.
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 11-Nov-2026 11:12:29