IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31607 of 2024
ODHC010894432024

Bharati Patra ..... ***Petitioner***

Represented by
Mr.K.K.Mishra,
Advocate

-versus-

Asst. Commissioner Consolidation and Settlement, Berhampur, Ganjam and others ..... ***Opposite Parties***

Represented by
Mr. G. Mohanty,
S.C.

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER

Order No. **04.11.2026.**

05. 1. This matter is taken up through hybrid mode.

2. Heard learned counsel for the Petitioner and learned Standing Counsel for the State.

3. Instructions have been obtained by the State counsel.

4. The Petitioner has approached this Court seeking the following relief:-

"*In the aforesaid circumstances the petitioner humbly prays that this Hon'ble court may graciously be pleased to Issue notice to the Opp. parties calling upon them to show cause as to why the order passed in mutation case No. 1139 of 2020 dtd.14.11.2024 under annexure-5 shall not be declared as without jurisdiction as the same is passed during the pendency of the Revision application under Section 15(b) of the Orissa Survey and Settlement Act.*

If the 0pp. Parties fail to show cause or show insufficient cause then issue appropriate writ/writs by quashing the order dtd.14.11.2024 passed in mutation case No. 1139 of 2020 under annexure-5.

And or to pass such other order or orders as this Hon'ble court deem just and proper in the facts and circumstance of the case."

4. In course of hearing, it is stated at the bar that the order of the revisional authority basing on which the impugned order was passed had already been set aside as per order dated 13.4.2017 passed by this Court in W.P.(C) No.15928/2015. This fact appears to have escaped notice of the Tahasildar while considering the application for mutation.

5. Such being the factual position, nothing further remains to be decided in the Writ Petition, which is disposed of by setting aside the impugned order and by remitting the matter for decision afresh considering the fact that the revisional order is no longer in existence having been set aside by this Court. Further, the parties are at liberty to bring to the notice

of the Tahasildar the fact of pendency of the revision before the appropriate authority. In such event, the Tahasildar shall consider whether he has jurisdiction to proceed further in the matter.

6. To cut-short the delay, both the parties are directed to appear before the Tahasildar, Berhampur on 25.11.2026.

7. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

AKB

Signature Not Verified
Digitally Signed
Signed by: ASHOK KUMAR BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 05-Nov-2026 11:00:42