



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3222 of 2026

Bhagabat Mahanta

....

Petitioner

Represented by

Mr. P.C. Acharya, Advocate

-Versus-

State of Odisha & Another

....

Opp. Parties

Represented by

Mr. S.S. Routray,

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.02.2026

I.A. No.3944 of 2026

Order No.

02.

1. This matter is taken up through hybrid mode.
2. This an application filed by the petitioner seeking permission to amend the writ application to the extent of replacing Annexure-1. It is stated that instead of the order passed in Ceiling Lease Case No.40 of 2003, a wrong document was enclosed.
3. Learned State counsel has no objection to the replacement of the Annexure.
4. Considering the submissions as above, the I.A. is allowed.
5. The petitioner is permitted to substitute Annexure-1 with the document enclosed to this I.A.
6. Office to carry out necessary correction.

(Sashikanta Mishra)
Judge



W.P.(C) No.3222 of 2026

Order No.

03.

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

“The petitioner therefore, prays that your lordship would be graciously pleased to admit this Case, call for records from Court below and after hearing the parties allow the same with cost and issue a writ in the nature of mandamus/certiorari or any other or further writs direction quashing Annexure-3 and further direct the Opposite Party No.2 to comply order under Annexure-2 by preparing a separate khata in respect of suit land i.e., Hal Khata No.180 Plot No.225, Area. Ac.0.60dec as per order under Annexure-2 in favour of the petitioner in accordance with law under Rule-34 & 35 of OSS Rules, 1962 within a specified period for ends of justice or may be pleased to pass any other order as this Hon’ble Court deems fit and proper;

And for which act of kindness the petitioner shall remain obliged before this Hon’ble Court forever.”

2. The facts of the case are that the petitioner being a landless person was settled with Ac.0.60dec of land as per order passed in Ceiling Case No.40 of 2003 on 27.01.2004 by the Tahasildar, Betnoti. Since then he claims to be in possession of the land. His prayer for mutation of the land in his favour not being acceded to, he approached the RDC, Cuttack in a revision being R.P. No.37 of 2019.

3. After considering the case in detail including the relevant records and materials, the revision was allowed with the following directions:-

“In view of the above Ceiling Lease Case and other supporting documents, the plea of the petitioner has prima facie merit and hence allowed. The flow of title is clear and moreover the Opposite Parties have not raised any objection to the claim of the petitioner.

With above facts and findings of this Court, I direct the Tahasildar, Betnoti to record the suit land in favour of the petitioner in a separate khata and correct the map within a period not more than three months from the date of receiving.”

4. Pursuant to such order the Mutation Case No.1903 of 2021 was



registered before the Additional Tahasildar, Betnoti. Instead of carrying out the order, the Tahasildar dropped the case by holding that the provisions under Sections 45 and 45(A) of the OLR Act have not been followed in the settlement. Said order is impugned in the present writ application.

5. Heard Mr. P.C. Acharya, learned counsel for the petitioner and Mr. S.S. Routray, learned Additional Standing Counsel for the State.

6. Mr. Acharya would submit that once the revisional authority has disposed of the matter in a particular manner issuing specific directions to the Tahasildar, it is not open to the Tahasildar to take a different view. In fact, he has no other option but to implement the order. Mr. Acharya cites the judgment of a Division Bench of this Court in the case of *Sanatan Acharya Vs. Tahasildar, Panposh & Others (2017) 123 CutLT 537* to drive home his point.

7. Mr. Routray, learned Additional Standing Counsel fairly submits that as per Rule 35 and 62 of the OSS Rules, the Tahasildar is obliged to carry out the order of the superior Court with regard to entry in the ROR.

8. Having heard learned counsel for the parties and on perusal of the order passed by the revisional Court, this Court is of the view that the direction being clear and unambiguous, it was not open to the Tahasildar to take a contrary view. It would be profitable at this stage to refer to Rule 35 of the Rules, which reads as follows:-

“35. Registration of proceedings- All proceedings commenced on a report, application or otherwise under this Chapter shall be registered as mutation cases and each such case shall be numbered and entered in register in Form No.8 to be called the Mutation Register:

Provided that changes in any entry of the record-of-rights arising out of an order or decree of Revenue or a Civil Court or the order of a Tribunal constituted under any law for the time being in force shall be numbered and entered in the Register as separate cases and carried out by the Tahasildar immediately on receipt of such order or decree, as the case may be, and it shall not be necessary to commence a Mutation Proceeding for that purpose.”



9. From a plain reading of the above provision, it becomes manifestly clear that the Tahasildar has no jurisdiction to interpret the order passed by the Superior Court. Moreover, he has no option than to implement the order. In the case of *Sanatan Acharya(supra)* a Division Bench of this court held as follows:-

“As such, the Opposite Party No.1-Tahasildar, Panposh, Kuanarmunda has exceeded his jurisdiction in rejecting the application of the petitioner in Misc. Case No.1 of 2014. In that view of the matter, the impugned order dated 12.03.2014 passed by the Tahasildar, Panposh district Sundargarh is quashed. The Tahasildar, Panposh is directed to carry out the direction given by the Additional Commissioner in R.P. Case No.240 of 2012 forthwith by correcting the ROR in the name of the petitioner and also take appropriate steps to act in accordance with the ancillary direction given by the Additional Commissioner.”

10. The ratio decided in the above case squarely fits into the facts of the present case.

11. For the foregoing reasons therefore, this Court is of the considered view that the impugned order cannot be sustained in the eye of law.

12. The writ application is therefore, allowed. The impugned order is set aside. The matter is remitted to the Additional Tahasildar, Betnoti to implement the directions issued by the revisional authority in letter and spirit and as early as possible, preferably within six weeks from the date of production of certified copy of this order by the petitioner.

(Sashikanta Mishra)
Judge