



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 13671 of 2026

Surendra Kumar Rout

...

Petitioner

Mr. Budhiram Das, Adv.

-Versus -

State of Odisha and others

...

Opp. Parties

Mrs. J. Sahoo, ASC

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

04.05.2026

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State
3. The petitioner has approached this Court with the following prayer:

"It is, therefore, humbly, prayed that Your Lordships would be graciously pleased to admit the Writ Petition, issue notice to the opposite parties, call for the L.C.R. and after hearing the counsels for the parties, the impugned order dtd.08.09.2025 vide Annexure-2 be set aside and further pleased to direct the O.P.No.3 to convert the agricultural land to homestead land or recommend the mutation case for fresh consideration by giving an opportunity of hearing to the petitioner.

And/or pass any other order/s, direction/s, writ/s be passed as this Hon'ble Court may deem fit and proper.

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

4. Mr. Budhiram Das, learned counsel appearing for the petitioner draws attention of this Court to order dated 08.09.2025 passed by the Tahasildar, Bhubaneswar in Mutation Case No.13975 of 2025. He submits that the order is based entirely on



the recommendation of the Revenue Inspector and does not reflect any independent application of mind by the mutation authority.

5. Mrs. J. Sahoo, learned Additional Standing Counsel fairly concedes that there is no provision in the OSS Rules for delegation of power of the mutation authority on any other officer, much less to the Revenue Inspector.

6. Having regard to the submissions as above and given the scheme of the Rules, particularly with reference to Rule 34 of the OSS Rules, this Court is of the view that the mutation authority has to apply his independent mind to the fact and circumstances of the case before deciding the mutation application finally. Of course, the report of the R.I. can be taken into consideration but the same cannot form the sole basis for deciding the mutation application bereft of independent application of judicial mind by the mutation authority.

7. The impugned order cannot therefore, be sustained. The writ application is allowed and the impugned order is set aside. The matter is remitted to the Tahasildar, Bhubaneswar to consider the aforementioned mutation case afresh after granting opportunity of hearing to all concerned. It goes without saying that while the report of the R.I. may be taken into consideration yet the final decision in the case shall be based on independent application of mind by the mutation authority.

(Sashikanta Mishra)
Judge