



ORISSA HIGH COURT : CUTTACK

WP(C) No.16838 of 2025

An application under Articles 226 & 227 of the Constitution of India.

* * *

Sabita Agrawala

...

Petitioner.

-VERSUS-

State of Odisha & Others

...

Opposite Parties.

Counsel appeared for the parties:

For the Petitioner : Mr. D.P. Dhal, Sr. Advocate
Assisted by Mr. S. Mohapatra (2), Adv.

For the Opposite Parties : Mr. G. Mohanty, Standing Counsel.

P R E S E N T:

**HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA**



Date of Hearing : 09.10.2025 :: Date of Judgment : 09.10.2025

JUDGMENT

ANANDA CHANDRA BEHERA, J.—

1. This writ petition under Article 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner praying for setting aside the impugned order dated 25.04.2025 passed in RMA (Mutation) Case No.01/2024 (Annexure-6) by the Sub-Collector, Boudh (Opp. Party No.4) wherein, the application under Section 5 of the Indian Limitation Act, 1963 for condonation of delay in preferring the Mutation Appeal No.1 of 2024 was allowed.

2. Heard from the learned Senior Counsel for the petitioner and the learned Standing Counsel for the Opp. Parties.

3. The impugned order dated 25.04.2025 (Annexure-6) for condonation of delay in preferring the Mutation Appeal No.1 of 2024 has been passed by the Opp. Party No.4 assigning the reasons that,



“The appeal is meant for the greater interest of the public, as the case land has been erroneously recorded in the name of the intervenor-Sabita Agrawala. Therefore, the petition under Section 5 of the Limitation Act is accepted and allowed”

4. It is the settled propositions of law that, at the time of consideration of the petition/application under Section 5 of the Indian Limitation Act, 1963 for condonation of delay, the Court or the Authority cannot delve into the merits of the case and as per law the dealings of the Courts or Authorities should be limited to the cause and reason of delay, but not beyond that.

5. When, here in this matter at hand, the Appellate Authority i.e. Sub-Collector, Boudh (Opp. Party No.4) has passed the impugned order under Section 5 of the Indian Limitation Act, 1963 in RMA (Mutation) Case No.01/2024 (Annexure-6) on dated 25.04.2025 allowing the petition for condonation of delay only expressing the merits of the appeal without expressing anything about the cause and reason of delay, then, such impugned order passed by the Sub-Collector, Boudh (Opp. Party No.4) in RMA (Mutation)



Case No.01/2024 (Annexure-6) cannot be sustainable under law.

6. Therefore, the impugned order dated 25.04.2025 (Annexure-6) passed in RMA (Mutation) Case No.01/2024 by the Sub-Collector, Boudh (Opp. Party No.4) is quashed.

7. The matter vide RMA (Mutation) Case No.01/2024 (Annexure-6) is remitted back to the Sub-Collector, Boudh (Opp. Party No.4) to decide the application under Section 5 of the Indian Limitation Act, 1963 filed by the appellant in Mutation Appeal No.1 of 2024 afresh after giving opportunity of being heard to the parties in full compliance of the principles of natural justice and giving observations relating to the cause and reason of delay.

8. The parties are directed to appear before the Sub-Collector, Boudh in RMA (Mutation) Case No.01/2024 on dated 22.10.2025 for the purpose of receiving the direction of the Sub-Collector, Boudh as to further proceeding of the RMA (Mutation) Case No.01/2024 on the basis of the observations made above in this Judgment.



9. Registry is directed to communicate this Judgment immediately to the Sub-Collector, Boudh (Opp. Party No.4).

10. As such, this writ petition filed by the petitioner is disposed of finally.

(ANANDA CHANDRA BEHERA)
JUDGE

High Court of Orissa, Cuttack
The 09.10.2025// Rati Ranjan Nayak
Sr. Stenographer

Signature Not Verified

Digitally Signed
Signed by: RATI RANJAN NAYAK
Reason: Authentication
Location: High Court of Orissa, Cuttack, India.
Date: 10-Oct-2025 19:54:20

