



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.18028 of 2025

ODHC010446272025

Jayanta Samantaray

....

Petitioner

Represented by

Mr. S.K. Sarangi, Sr. Advocate with

Mr. A.K. Nayak, Advocate

-Versus-

State of Odisha & Others

....

Opp. Parties

Represented by

Mr. G. Mohanty,

Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

19.08.2026

Order No.

11.

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

“The petitioner therefore, prays that your Lordships shall graciously be pleased to admit this Writ petition, issue Rule nisi calling upon the opposite parties to show cause:

a) As to why the order dated 17.03.2025 appearing in Annexure-2 shall not be quashed;

b) As to why learned Tahasildar shall not be directed to reconsider the case of the petitioner vide Annexure-3 for mutation of the land.

c) As to why the learned Tahasildar shall not be directed to take steps for mutation of the property pursuant to her application so made vide Annexure-3 and

d) And to pass such order or orders as this Hon'ble Court deems fit and proper;

And on their failure to show cause or showing insufficient cause this Hon'ble Court be pleased to make the said RULE absolute by way of issuance of appropriate writ or writ, order or orders in the facts and circumstances of the present case.

And for this act of your Lordships' kindness, the petitioners as in duty bound, shall ever pray. ”



4. It is submitted that only because the Additional Tahasildar observed basing on the report of the Revenue Inspector that the case land stood recorded in the name of Lord Lingaraj Mahaprabhu in the Sabik-ROR, the case was rejected by holding that there was no valid permission under Section 19 of the OHRE Act, 1951.

5. Mr. S.K. Sarangi, learned Senior Counsel appearing with Mr. A.K. Nayak, learned counsel for the petitioner submits that the property arising out of the same Khata has already been mutated in favour of the other persons. Mr. Sarangi has referred to the certain RORs issued by the authority enclosed under Annexure-4 to the Writ Petition.

6. Mr. Mohanty, learned Standing Counsel submits that since the property stands recorded in the name of the deity, it is incumbent to obtain permission under Section 19 of the OHRE Act before affecting any said transaction relating thereto.

7. After hearing learned counsel for the parties, this Court is of the view that if the Additional Tahasildar found that the property originally stood recorded in the name of Lord Lingaraj Mahaprabhu then he should have done well to issue notice to the deity instead of rejecting the application for mutation. Further, the copies of the RORs enclosed to the Writ Petition under Annexure-4 prima facie reveals that different portions of the very same land have apparently been mutated in the names of other persons. All these aspects need to be considered in the proper perspective by the Additional Tahasildar in the mutation proceeding.

8. The Writ Petition is therefore, allowed. The impugned order is set aside. The matter is remitted to the Additional Tahasildar,



Bhubaneswar for deciding the mutation case afresh after granting opportunity of hearing to all necessary parties including the deity and specifically taking note of the materials to be produced by the petitioner regarding mutation of different portions of the same land in favour of the other persons.

(Sashikanta Mishra)
Judge

Puspanjali