



IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.20598 of 2026**

***Bandita Biswwal & Others***

....

***Petitioners***

Mr. A. Tripathy, Advocate

-versus-

***State of Odisha & another***

....

***Opp. Parties***

Mr. U.C. Behura, AGA

**CORAM:**

**THE HON'BLE MR. JUSTICE CHITTARANJAN DASH**

**ORDER**

**09.07.2026**

**Order No.**

01. 1. Heard learned counsel for the Parties.
2. By means of this application, the Petitioners seek the following prayer:-

*“i1) hold and declare that the impugned unilateral initiation of sou-moto Mutation Misc. Case No.5035/2025 and orders passed thereon based on Govt. RDM Dept. letters dt.02.07.2025 under Annexure-3 is not applicable to petitioners Plot No. 1684/2623 in Khata No.761/15 of Mouza: Kalarahanga and thereby further hold and declare that the impugned change of Status of the plot in question to "Pattadar" in Annexure-4 as bad, illegal and void abinitio being contrary to law and thereby quash the impugned order passed in sou-moto Mutation Misc. Case No.5035/2025 and the impugned ROR in Annexure-4 and thereby;*

*ii) Direct the OP.No.2 to record Plot No.1684/2623 in Khata No.761/15 of Mouza: Kalarahanga in the name of the petitioners under Stitiban status'\* in term of recent judgment in Annexure-5 within a stipulated period;”*

3. By a suo motu mutation case registered by the Additional Tahasildar, Bhubaneswar, the land in question recorded in the name of the petitioners under ***Stitiban*** status, was converted to



**Pattadar** status purportedly on the basis of the Revenue and Disaster Management Department Circular dated 02.07.2025.

4. Mr. Tripathy refers to a judgment passed by a Coordinate Bench of this Court in the case of **Chandra Prakash Rath vs. State of Odisha & Others (W.P.(C) No.31150 of 2025)**, wherein the Coordinate Bench, after taking note of several Supreme Court judgments on the point, held as follows:-

*“So, in view of the propositions of law enunciated in the ratio of the aforesaid decisions, the operation of all the notification and resolutions of the Government are prospective in nature, but the same will have no retrospective effect.*

*6. It is the judicial coronary that, when the initial order is held to be illegal, then the documents/orders prepared on the basis of the said initial orders shall be deemed to be non-est in the eye of law.*

*On this aspect, the propositions of law have already been clarified in the ratio of the following decisions:-*

*(i) In a case between **Badrinath Vrs. Government of Tamilnadu & Others (2000) 8 SCC 395** that,*

*Once the basis of a proceeding is gone, may be at a later point of time by order of superior authority, any intermediate action taken in the meantime would fall to the ground. This principle of consequential orders which is applicable to judicial and quasi-judicial proceedings is equally applicable to administrative orders.*

*(ii) In a case between **State of Kerala Vrs. Puthenkavu N.S.S. Karayogam and Another** reported in **(2001) 10 SCC 191** that, Once the main impugned order is set aside any other consequential order made pursuant to the same would automatically become ineffective. (Para 9)*

*(iii) In a case between **Mangal Prasad Tamoli (dead) by LRs Vrs. Narvadeshwar Mishra (dead) by LRs** reported in **2005 (3) SCC 422** that,*



*If remand order was bad under law, then all further proceedings consequent thereto would be non-est and have to be necessarily set aside.*

*(iv) In a case between **State of Punjab Vrs. Davinder Pal Singh Bhullar & Others etc.**, reported in 2012 (51) OCR (SC) 220 that,*

*If initial action is not in consonance with law, all subsequent and consequential proceedings would fall through for the reasons that illegality strikes at the root of the order.”*

5. Learned State counsel fairly submits that the petitioner's case is covered by the ratio decided in the cited case.

6. Since the law has been settled, the writ application is disposed of directing the Additional Tahasildar, Bhubaneswar to consider the matter strictly in light of the judgment of this Court referred above and pass appropriate orders within four (04) weeks from today.

**(Chittaranjan Dash)**  
**Judge**

*Bijay*