



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20430 of 2026

M/s. Z Harsh Priya, Cuttack ***Petitioner***
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 No.

ORDER
09.07.2026

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

*“i) Hold and declare that Govt. RDM Dept. letter dt.02.07.2025 under Annexure-4 was /is not applicable to petitioner's Plot in Khata No.761/433 of Mouza: Kalarahanga and thereby further hold and declare that the impugned unilateral initiation of sou-moto Mutation Misc. Case No.5995/2025 and orders passed thereon and impugned change of Status of the plot in question from "Dakhal Satwa Sunya-Gharabari status" to "Pattadar" in Annexure-5 as bad, illegal and void abinitio being contrary to law settled by this Hon'ble court in **Kunjalata (supra)** and also violative of the mandatory principles of natural justice and a nullity in the eye of law; and thereby;*

*ii) quash the sou-moto Mutation Misc. Case No.5995/2025 and orders passed thereon with impugned ROR in Annexure-5 with a direction to the OP.No.2 to correct the ROR of petitioner's PlotNo.1678 in KhataNo.761/433 of Mouza: Kalarahanga and prepare afresh with Stitiban Status in terms of recent decision in **Gargi Das vs. State of Odisha & others** & batch 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 V. 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