



ORISSA HIGH COURT : CUTTACK

WP(C) No.23197 of 2025

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

* * *

Nabaghan Mallick

...

Petitioner.

-VERSUS-

State of Odisha & Others

...

Opposite Parties.

Counsel appeared for the parties:

For the Petitioner : Mr. J.K. Majhi, Advocate

For the Opposite Parties : Mr. S. Nayak, Addl. Standing Counsel.

P R E S E N T:

**HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA**

Date of Hearing : 21.08.2025 :: Date of Judgment : 21.08.2025



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 directing the Tahasildar, Nimapara (O.P. No.3) for implementation of its own order passed on dated 30.07.2021 in Misc. Case No.359 of 2021 for preparation of R.o.R of the case land i.e. Ac.0.07 dec, out of Ac.0.60 dec. of Plot No.222, Khata No.485 in Mouza-Bhobanipur under Nimapara Tahasil in the district of Puri in the name of the petitioner. Because, on the basis of the direction given by the Commissioner Consolidation, Odisha, Bhubaneswar in S.R.P. No.96 of 2014, Misc. Case No.359 of 2021 was initiated by the Tahasildar, Nimapara (O.P. No.3) and the Tahasildar, Nimapara (O.P. No.3) had passed the final order on dated 30.07.2021 in the said Misc. Case No.359 of 2021 for recording of the case land in the name of the petitioner. But, in spite of such final order dated 30.07.2021 passed by the Opp. Party No.3 for recording the case land in the name of the petitioner, the Opp. Party



No.3 (Tahasildar, Nimapara) is not implementing that order till yet.

Therefore, without getting any way, the petitioner approached this Court by filing this writ petition praying for directing the Tahasildar, Nimapara (Opp. Party No.3) to prepare the R.o.R of the case land in his name on the basis of the final order dated 30.07.2021 passed by the said Tahasildar, Nimapara (Opp. Party No.3) in Misc. Case No.359 of 2021.

2. Heard from the learned counsel for the petitioner and the learned Addl. Standing Counsel for the Opp. Parties and perused the final order dated 30.07.2021 passed by the Tahasildar, Nimapara (Opp. Party No.3) in Misc. Case No.359 of 2021.

3. It appears from the final order dated 30.07.2021 passed in Misc. Case No.359 of 2021 by the Tahasildar, Nimapara (Opp. Party No.3), that the Opp. Party No.3 had passed that order for recording of the case land in the name of the petitioner.



4. The law has already been settled by the Apex Court in the ratio of the decision reported in ***Jayamma & Others Vrs. Deputy Commissioner, Hassan, Dist., Hassan & Others (Para No.10)*** reported in ***III (2013) CLT 94 (SC)*** that,

"It is the duty of the Authority/ Court who has passed the order to implement the same practically and the said Authority shall not remain silent without implementing its order, if the order passed by it is not varied/ altered/ set aside in any higher forum."

5. Here in this matter at hand, the final order dated 30.07.2021 passed in Misc. Case No.359 of 2021 by the Tahasildar, Nimapara (Opp. Party No.3) for recording of the case land in the name of the petitioner on the basis of the directions of the Commissioner, Consolidation, Odisha Bhubaneswar in S.R.P. No.96 of 2014, has not been varied/ altered/ set aside in any higher forum. For which, in view of the dictum of the Apex Court in the ratio of the aforesaid decision ***Jayamma & Others Vrs. Deputy Commissioner, Hassan, Dist., Hassan & Others (Para No.10)*** reported in ***III (2013) CLT 94 (SC)***, the Tahasildar, Nimapara (Opp. Party No.3) should implement the final order dated 30.07.2021 passed in Misc. Case No.359 of



2021 by him immediately for recording of the case land in the name of the petitioner. For which, there is no justification under law to disallow the writ petition filed by the petitioner.

6. Therefore, the writ petition filed by the petitioner is allowed.

7. The Tahasildar, Nimapara (Opp. Party No.3) is directed to prepare the R.o.R. of the case land i.e. Ac.0.07 dec, out of Ac.0.60 dec. of Plot No.222, Khata No.485 in Mouza-Bhobanipur under Nimapara Tahasil of Puri district in the name of the petitioner within 7 days from the date of production of the certified copy of this Judgment by the petitioner before the Opp. Party No.3 and to provide the corrected R.o.R of the case land in his name to him (petitioner).

8. Registry is directed to transmit the copy of this Judgment to the Tahasildar, Nimapara immediately for preparation of the R.o.R of the case land in the name of the petitioner on the basis of his Order passed on dated



30.07.2021 in Misc. Case No.359 of 2021 by the Opp. Party
No.3 as per the directions made in this Judgment.

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

(ANANDA CHANDRA BEHERA)
JUDGE

High Court of Orissa, Cuttack
The 21 .08. 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: 22-Aug-2025 19:34:47

