



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23981 of 2025

Sunita Senapati

....

Petitioner

Mr. S. Swain, Advocate

-versus-

State of Odisha and others

....

Opp. parties

Mr. S. B. Panda, AGA

**CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO**

**ORDER
10.10.2025
*Hybrid Mode***

Order No.

- 01. 1.** It is submitted by the learned counsel for the petitioner that the petitioner is aggrieved by the rejection of mutation case filed by her under the Odisha Survey Settlement Rules, 1962. By order dated 17.07.2025 passed by the Additional Tahasildar, Bhubaneswar Mutation Case No.6825/2025 was rejected, which was initiated as directed by the co-ordinate Bench in order dated 16.05.2025 passed in W.P.(C) No.13987 of 2025.

It is submitted that the Additional Tahasildar assumed wrong facts inasmuch as it wrongly recorded certain facts with regard to the property being seized by EOW/CID CB, Odisha.

- 2.** The learned Additional Government Advocate in response submits that the petitioner has more efficacious remedy inasmuch as the order impugned suffers from factual errors as alleged.



The learned Additional Government Advocate refers to Rules 41 & 42 of the Orissa Survey Settlement Rules, 1962 for convenience of the reference, the said Rules are reproduced herein:

“41. Manner of disposal of mutation applications - *The mutation applications and the petitions of objection, if any, shall be disposed of after giving the parties an opportunity of being heard and the enquiry to be so held shall be summary in nature.*

Provided that when all co-shares or ; recorded tenant(s) sell the plot part or in full, the mutation application shall be disposed of without hearing or in full, the mutation application shall be disposed of without hearing of the parties and (further) without holding the field inquire, so that disposal of such mutation case is ensured within a week.

42. Appeal – (1) *An appeal from any final order made under Rule 41 shall lie –*

(i) if the original order was made by an Assistant Settlement Officer exercising the powers of the Tahasildar under those rules and working under the administrative control of the Settlement Officer, to the Settlement Officer; and

(ii) if the original order was made by any other officer exercising the powers of the Tahasildar under these rules, to Sub-divisional Officer.

(2) Every such appeal shall be presented within 180 (one hundred eighty) days from the date of order appealed against.

Provided that the appeal period shall not be a bar for correction of records in respect of mutation case, where all co-shares or recorded tenants sell the plot part or in full.”

3. It is submitted by the learned counsel for the petitioner that he shall approach the appropriate appellate authority under the Odisha Survey Settlement Rules, 1962 read with



Odisha Mutation Manual, 1962 for redressal of her grievances by filing properly constituted appeal.

4. Having heard the learned counsel for the petitioner and the learned Additional Government Advocate, the petitioner is granted liberty to move the appropriate appellate authority under the Odisha Survey Settlement Rules, 1962 read with Odisha Mutation Manual, 1962 challenging the order dated 17.07.2025 passed by the Additional Tahasildar in Mutation Case No.6825/2025.

5. It is directed if the appropriate appeal is filed within a period of four weeks with an application for condonation of delay (if any) in filing the appeal the period of pendency of writ petition before this Court shall be excluded for condoning the delay. The appeal shall be considered by the appellate authority, after giving due opportunity of hearing to the petitioner as well as all others concerned/affected.

6. It is expected that the appellate authority shall deal with the matter expeditiously preferably within a period of six months from the date of filing of the appeal along with certified copy of this order.

7. The writ petition is accordingly disposed of.

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(Mruganka Sekhar Sahoo)
Judge