



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34277 of 2025

(An application under Articles 226 and 227 of the Constitution of India, 1950)

Suman Shirke

....

Petitioner

-versus-

State of Odisha and Another

....

Opposite Parties

Appeared in this case by Hybrid Arrangement

(Virtual/Physical Mode):

For Petitioner - Mr. R.N. Behera,
Advocate.

For Opposite Parties - Mr. S. Nayak,
Addl. Standing Counsel.

CORAM:

HON'BLE MR. JUSTICE A.C.BEHERA

Date of Hearing and Judgment :16.12.2025

A.C. Behera, J. This writ petition under Articles 226 & 227 of the Constitution of India, 1950 has been filed by the petitioner challenging the impugned order dated 16.10.2025 passed in Mutation Case No.8434 of 2025 by the Tahasildar, Banapur (O.P. No.2) on the ground of non-providing of opportunity of being heard to the petitioner.

2. Heard from the learned counsel for the petitioner and learned ASC for the State.

3. The impugned order dated 16.10.2025 passed in Mutation Case No.8434 of 2025 by the Tahasildar, Banpur (O.P. No.2) does not reveal



about the providing of any opportunity of hearing to the petitioner for passing of such impugned order.

4. When, the impugned order does not reveal about the providing of any opportunity of hearing to the petitioner, then at this juncture, it is held that, the impugned order has been passed by the O.P. No.2 violating the principles of natural justice. For which, the impugned order vide Annexure-5 cannot be sustainable under law.

Therefore, the impugned order dated 16.10.2025 (Annexure-5) passed in Mutation Case No.8434 of 2025 by the Tahasildar, Banpur (O.P. No.2) is liable to be quashed.

For which, it is held that, there is merit in the writ petition filed by the petitioner. The same is to be allowed.

5. In result, the writ petition filed by the petitioner is allowed.

The impugned order dated 16.10.2025 (Annexure-5) passed in Mutation Case No.8434 of 2025 by the Tahasildar, Banpur (O.P. No.2) is quashed (set aside).

The matter vide Mutation Case No.8434 of 2025 is remitted back (remanded back) to the Tahasildar, Banpur (O.P. No.2) to decide the same afresh as per law within a period of two months from the date of appearance of the parties in the said Mutation Case No.8434 of 2025 after providing opportunity of being heard to the parties thereof including the petitioner in full compliance of the principles of natural justice.



6. The parties to this writ petition are directed to appear before the Tahasildar, Banpur (O.P. No.2) in Mutation Case No.8434 of 2025 on dated 08.01.2026 and to produce the certified copy of this judgment for the purpose of receiving the directions of O.P. No.2 as to further proceedings of the said Mutation Case No.8434 of 2025.

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

(A.C. Behera),
Judge.

Orissa High Court, Cuttack.
16.12.2025//Rati Ranjan Nayak//
Senior Stenographer