



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 36261 of 2023

Banamali Prusty

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Petitioner

Mr. P.K. Rath, Advocate

-Versus -

Biswambar Sahoo & Others

...

Opp. Parties

Mr. S.N. Patnaik, AGA

Mr. T.K. Mishra, Adv. for O.P. No.6

Mr. B. Mohapatra, Adv. for O.P. No.7

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

07.05.2026

Order No.
10.

1. This matter is taken up through hybrid mode.
2. Heard learned Counsel for the petitioner and learned Addl. Government Advocate for the State.
3. The petitioner challenges the order dated 19.06.2023 passed by the Addl. Commissioner Land Records and Settlement, Jajpur in RP Case No 143 of 2021.
4. It is submitted by learned counsel for the petitioner that though the order refers to the compromise decree passed in T.S. No. 53 of 2003 of the Court of learned Civil Judge, Senior Division, Jajpur, yet the reference to Sabik Plot No. 422/3021 in Sabik Khata No. 174(P) is erroneous, inasmuch as the compromise does not cover such plot.
5. Attention of this Court is drawn to the compromise petition, which forms part of the decree and enclosed as Annexure-5. Reference to the compromise petition, in the schedule property clearly shows that in so far as the allotment of Jyotish Chandra Das is



concerned one of the Plots mentioned therein is Plot No.422/3022. There is no mention whatsoever of plot No. 422/3021. Prima facie, this Court finds force in the submission of learned counsel for petitioner that the impugned order suffers from error of record.

6. Learned State Counsel and learned counsel appearing for the private opposite parties do not dispute the position.

7. However, Mr. Mishra, learned counsel private opposite parties submits that the petitioner having preferred an appeal against the order passed by the Mutation Authority, cannot be permitted to pursue two remedies simultaneously. To this, Mr. Rath learned counsel for the petitioner submits that his client shall not press the mutation appeal but pursue the revision.

8. Having regard to the submissions as above as also the materials on record, the writ application is allowed. The impugned order is set aside. The matter is remitted the Revisional Court for disposal of the revision afresh strictly on the basis of the compromise decree and in particular, referring to the properties mentioned therein. The Revisional Court shall make an endeavor to dispose of revision as early as possible preferably, within six weeks from the date of production of certified copy of this Court by the petitioner. The revision shall be disposed of after granting opportunity of hearing to all concerned. It shall be open to the petitioner to seek appropriate interim relief by filing necessary application. If such application is submitted, the same shall be considered at the first instance.

(Sashikanta Mishra)
Judge

A.K. Rana

Signature Not Verified

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Signed by: AJAYA KUMAR RANA
Designation: P.A.
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTACK
Date: 07-May-2026 18:02:57

