



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.36579 of 2025

Srimanta Kumar Das

....

Petitioner

Represented by

Mr. P.K. Mohanty, Sr. Advocate

-Versus-

State of Odisha & Others

....

Opp. Parties

Represented by

Mrs. U.R. Padhy,

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

27.02.2026

Order No.

01.

1. This matter is taken up through hybrid mode.
2. The petitioner has approached this Court with the following prayer:-

“It is therefore, prayed that this Hon’ble Court may graciously be pleased to issue Rule Nisi, in the nature of writ of certiorari and/or any other appropriate writ/writs, direction/directions and order/orders, calling upon the O.Ps to show cause as to why the impugned order dated 18.01.2024 passed in the application for conversion of the Petitioner in Mutation Case No.11234 of 2023 as under Annexure-7 shall not be quashed with further direction to the O.P.Nos.3 and 4 to allow the application for conversion of the land, as per the schedule described above in the writ petition i.e., also ROR vide Annexure-1 from the nature agriculture to non-agriculture (homestead purpose) and to maintain the status of the land as ‘Sthitiban’ in the ROR vide Annexure-1 by considering the representation/objection dated 14.08.2025 vide Annexure-4, within a particular time;

And also for declaration/holding that, the R & DM Department circular vide Annexure-8 is neither applicable in the instant case nor create any constraint either for conversion of the nature of land and status of land of ROR vide Annexure-1.

If the O.P.s fails to show cause and/or show insufficient and/or false cause, make the said Rule Nisi absolute,

And/or pass any other order as deemed proper,

And for this act of kindness, the petitioner as in duty bound shall ever pray.”



3. By a *suo motu* mutation case registered by the Additional Tahasildar, Jatani the land in question recorded in the name of the petitioner 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. Mohanty, learned counsel for the petitioners submits that the initiation of proceeding as well as the order passed therein is entirely contrary to the law long settled that operation of a Government circular/notification shall always be prospective. Mr. Mohanty 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 has 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, Jatani to consider the matter strictly in light of the judgment of this Court referred above and pass appropriate orders within four weeks from today. Till such time, the order dated 23.07.2025 shall not be acted upon.

(Sashikanta Mishra)
Judge