



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.207 of 2026**

***Badani Nayak and others*** .... ***Petitioners***  
*Mr. P.K. Rath, Advocate*

*-versus-*

***State of Odisha and others*** .... ***Opposite Parties***  
*Mr. Bibekananda Nayak,*  
*Additional Govt. Advocate*

**CORAM: JUSTICE SANJAY KUMAR MISHRA**

**ORDER**  
**20.03.2026**

**Order No.**

- 01.** This matter is taken up through hybrid mode.
- 2.** Heard learned Counsel for the Petitioners so also Mr. Nayak, learned AGA, who represents the Opposite Parties and admits to have received copy of the writ petition.
- 3.** Mr. Nayak, learned AGA, drawing attention of this Court to the operative portion of the impugned order passed by the Additional Tahasildar, Sadar, Cuttack raises the issue regarding the maintainability of the writ petition.
- 4.** However, learned Counsel for the Petitioners, drawing attention of this Court to the order dated 20.12.2022 passed by the Sub-Collector, Sadar, Cuttack, in Mutation Appeal No.127 of 2015, as at Annexure-6, so also the judgment and decree dated 14.05.1992 passed by the learned Munsif, II Court, Cuttack in T.S. No.67 of 1991, as at Annexure-2, submits that in view of the provisions enshrined under sub-Section (2) of Section 42 of the



Orissa Survey and Settlement Act, 1958, the impugned order is bad and the writ petition is maintainable.

**5.** Mr. Nayak, learned AGA prays for four weeks' time to take instruction and file the Counter Affidavit, which is allowed.

**6.** The matter be listed in the week commencing from 27<sup>th</sup> April, 2026 before the regular Bench, having assignment.

**7.** Counter Affidavit, if any, be filed in the meantime after serving copy thereof on the learned Counsel for the Petitioners.

**(S.K. Mishra)**  
**Judge**

*Mona*