



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32612 of 2024

Jagannath Patsani

..... *Appellant (s)*
Ms. Sujata Jena, Adv.

-Versus-

The Collector, Cuttack & Ors.

..... *Opposite Party (s)*
Mr. Debasish Nayak, AGA

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

10.12.2025

Order No.

12.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. In filing this Writ Petition, the Petitioner has challenged the order dated 17.12.2024 passed by the Sub-Collector, Athagarh in encroachment Appeal No.28 of 2024 confirming the order dated 12.11.2024 passed by the Tahasildar, Badamba directing to evict the Petitioner from the Hal Plot No.893 of Hal Khata No.962.
4. Learned counsel for the Petitioner submits that challenging the order of the Tahasildar, Badamba in rejecting the application of the Petitioner for correction of map and Sabik hal Co-relationship, the Petitioner had preferred an appeal vide Encroachment Appeal No.28/2024 before the Sub-Collector, Athagarh. In the said appeal it was specifically pleaded that the Petitioner has also preferred a mutation appeal vide Mutation Appeal No.64 of 2024



before the Sub-Collector, Athagarh. However, the Sub-Collector did not consider the same and rejected the encroachment appeal.

5. Learned counsel for the Petitioner further contends that the said Mutation Appeal No.64 of 2024 is still pending for adjudication. She further submits that unless the said appeal is decided by the Sub-Collector, the issue raised by the present Petitioner is still under cloud. The Hal and Sabik land has not attained its finality. The Sub-Collector, Athagarh should also ensure that such correlation is done at the time of hearing of the matter as has been directed by the Commissioner, Land Records.
6. In such view of the matter and considering the submission made by the parties, this Court directs the Sub-Collector, Athagarh to decide the Mutation Appeal No.64 of 2024 within a period of two months from the date of receipt of a certified copy of this order in accordance with law.
7. It is further directed that till a decision on the above noted appeal at the instance of the Petitioner is taken, the order of eviction dated 12.11.2024 passed by the Tahasildar, Baramba which was later confirmed by the Sub-Collector, Athagarh vide order dated 17.12.2024 shall not be given effect to.
8. This Writ Petition is, accordingly, disposed of.

(*Dr. Sanjeeb K Panigrahi*)
Judge