



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.1798 of 2026

Pradeep Rout @ Pradeep Kumar Rout ***Petitioners***
and another

Mr. Shambhu Charan Nath Sharma, Advocate

-versus-

Additional Commissioner (S & C), ***Opposite Parties***
Kendrapara and others

Mr. Debashis Tripathy, AGA

CORAM:

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

01.

ORDER

09.04.2026

1. Learned counsel appearing for the petitioner submitted that the petitioners are in possession of the subject property, which was under consideration in the Revision Petition No.298 of 2016 before the Additional Commissioner, (S & C), Kendrapara. The Revision Petition was filed under Section 15(b) of the Odisha Survey and Settlement Act, 1958 for correction of Record of Rights in favour of the petitioners, who are vendees in respect of the property belonging to one of the co-sharers.
 - 1.1. He submitted that the finding recorded by the Revisional Authority is perverse as he did not take into consideration the registered gift deed, which was executed in the year 1988. He further submitted that an amendment in Odisha Survey and Settlement Rules, 1962 has been brought into force by virtue of the Odisha Survey and Settlement (Amendment) Rules, 2025,



wherein Rule 34(g) has been inserted after 34(f), which reads as under:-

“(g) That, any person interested for an entry in the Record-of Rights arising out of any valid registered transfer deed executed prior to publication of Final ROR establishing proper flow of title:

Provided that nothing contained in clause (g) shall be applicable to any land classified as Government, Leasehold land or land vested in, owned, possessed or administered by any Government Department, statutory authority or Government Corporation and the land belonging to any religious institution or Deity:

Provided further that mutation of any ROR shall not affect any order if passed by the Board of Revenue under clause (b) of Section 15 of the Act or under Section 37 of the Odisha Consolidation of Holding and Prevention of Fragmentation of Land Act, 1972 (Odisha Act 21 of 1972).”

- 1.2. He submitted that in view of the said amendment, the Tahasildar being the custodian of the Record of Right, he can be directed to consider the plight of the petitioner as adumbrated in the writ petition.
2. Issue notice to the opposite parties.
3. Mr. Debashis Tripathy, learned Additional Government Advocate appears and waives service of notice on behalf of opposite party nos.1 & 2 and seeks a short accommodation to obtain instruction in this regard.



4. Issue notice to the opposite party nos.3 to 7 by Speed Post with A.D., requisites for which shall be filed within three working days. In the event of furnishing such requisites within the period stipulated, the Office shall send the notice to the said opposite parties by fixing a short returnable date.
5. List this matter in the week commencing 4th May, 2026.

(M.S. Raman)
Judge

Laxmikant