

(2025) 11 OHC CK 1911
In the Orissa High Court
Case No : Writ Petition (C) No. 23081 Of 2025

Bhagyalaxmi Padhy

APPELLANT

Vs

Settlement Officer

RESPONDENT

Date of Decision : 17-11-2025

Acts Referred:

Constitution Of India, 1950 — Article 226, 227
Orissa Survey And Settlement Act, 1958 — Section 22

Citation : (2025) 11 OHC CK 1911

Hon'ble Judges : A.C.Behera, J

Bench : Single Bench

Advocate : Geetarani Mallick, G. Mohanty

Final Decision : Disposed Of

Judgement

A.C. Behera, J

1. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner praying for directing the Settlement Officer, Jobra at Cuttack (Opposite Party No.1) to accept the appeal memo under Section 22 of the Orissa Survey and Settlement Act, 1958 and to dispose of the same as per law.
2. Heard from the learned counsel for the petitioner and learned Standing Counsel for the State.
3. An appeal under Section 22 of the Orissa Survey and Settlement Act, 1958 during the currency of the settlement operation is entertainable against an order passed by the Assistant Settlement Officer during the stage of rent, but, in this writ petition, the petitioner has not stated about the passing of any order by the Assistant Settlement Officer, to which, the petitioner is wanting to challenge by preferring an appeal under Section 22 of the Orissa Survey and Settlement Act, 1958.

4. Here, in this matter at hand, when there is not any impugned order passed by the Assistant Settlement Officer to be challenged by the petitioner under Section 22 of the Orissa Survey and Settlement Act, 1958 before the Settlement Officer, then at this juncture, the question of giving any direction to the Settlement Officer to accept any appeal under Section 22 of the Orissa Survey and Settlement Act, 1958 of the petitioner does not arise.

5. It is the submissions of the learned counsels of both the sides that, the case land is situated in Mouza-Sampur in respect of which, the settlement operation is going on and the RoR thereof has not been published finally by the Settlement Authorities. The petitioner is a purchaser of the case land through a sale deed, to which, he(petitioner) is interested to record in his name in the settlement, in which, his vendor has no objection.

6. As per the Notification No.42648 dated 12.11.2025, the properties acquired through the registered documents/deeds prior to the settlement operation, can be mutated by the Tahasildars to the names of the beneficiaries of said deeds even after final publication of the RoRs in respect of the said properties by the Settlement Authorities.

7. Here this matter at hand, when the petitioner is interested for recording of his purchased case land in his name during the currency of settlement operation, to which, his vendor has no objection, then at this juncture, in view of the aforesaid submissions of the learned counsels of both the sides and Notification No.42648 dated 12.11.2025 of the Government, there is no impediment under law to direct the Assistant Settlement Officer, Jobra at Cuttack to receive the application of the petitioner for recording of his purchased land and to dispose of the same as per law.

8. As such, with the aforesaid observations, this writ petition filed by the petitioner is disposed of finally directing the Assistant Settlement Officer, Jobra at Cuttack to receive the application, if filed by the petitioner annexing certified copy of this judgment for recording of the case land in his name and to dispose of the same as per law.