

(2025) 12 OHC CK 1911

In the Orissa High Court

Case No : Writ Petition (C) No. No. 35243 Of 2025

Biswanath Mishran

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 24-12-2025

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2025) 12 OHC CK 1911

Hon'ble Judges : Ananda Chandra Behera, J

Bench : Single Bench

Advocate : G. Mishra, S. Nayak

Final Decision : Disposed Of

Judgement

Ananda Chandra 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 a direction to the Tahasildar, Satyabadi (Opp. Party No.3) for registration of his application filed on dated 04.01.2022 as a Mutation Case and to proceed with the same for its disposal as per law, because in spite of filing of the application (Original of Annexure-2 series) by the petitioner before the Tahasildar, Satyabadi (Opp. Party No.3), the Tahasildar, Satyabadi (Opp. Party No.3) is not registering his application i.e. original of Annexure-2 series as a Case, for which, the petitioner has filed this writ petition praying for directing Tahasildar, Satyabadi (Opp. Party No.3) for registration of his application i.e. original of Annexure-2 series as a Mutation Case and to dispose of the said Mutation Case as per law.

2. I have already heard from the learned counsel for the petitioner and the learned Addl. Standing Counsel for the State.

3. The law in respect of registration of an application of a party by the Court or authority without sitting over the same has already been clarified in the ratio of the following decision:

In a case between Sunil Kumar Yadav Vs. District Magistrate & Others reported in 2025 (3) Civ.C.C. (Allh.) 159 that, if any party files an application before any authority or Court, the said authority or Court cannot sit over that application, but to register the same as per law and to dispose of the same according to law. The said Court or authority cannot retain the same idle without acting upon that application or petition.

4. In view of the principles of law enunciated in the ratio of the aforesaid decision, it was the duty of the Tahasildar, Satyabadi (Opp. Party No.3) to register the application i.e. original of Annexure-2 series as a Mutation Case and to proceed with the same for its disposal as per law, but, the Tahasildar, Satyabadi (Opp. Party No.3) has not done so.

For which, there is justification under law to direct the Tahasildar, Satyabadi (Opp. Party No.3) through issuance of a Writ of Mandamus for registration of the application i.e. original of Annexure-2 series as a Mutation Case and after registering the same as Mutation Case, he (Tahasildar, Satyabadi -Opp. Party No.3) shall dispose of the same as per law.

Therefore, the writ petition filed by the petitioner is allowed.

The Tahasildar, Satyabadi (Opp. Party No.3) is directed to register the application dated 04.01.2022 of the petitioner i.e. (original of Annexure-2 series) pending before him as a Mutation Case on the very same date of filing of the certified copy of this Judgment before him by the petitioner and to proceed with the same for its disposal as per law following the guidelines/circular issued by the Government of Orissa vide Notification No.10186 dated 24.03.2021.

5. As such, this writ petition filed by the petitioner is disposed of finally.