

(2025) 11 OHC CK 1908
In the Orissa High Court
Case No : Writ Petition (C) No. 11812 Of 2025

Pratap Kumar Patel

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 17-11-2025

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2025) 11 OHC CK 1908

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

Bench : Single Bench

Advocate : B. Dash, G. Mohanty

Final Decision : Allowed

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 Sub-collector, Sundargarh(Opposite Party No.2) to register mutation appeal, which was filed by the petitioner on dated 10.10.2018 challenging the final order dated 23.06.2014 passed in Mutation Case No.436 of 2013 by the Tahasildar, Lephripada(Opposite Party No.3). Because, till yet, the Sub-Collector, Sundargarh(Opposite Party No.2) is not registering his mutation appeal, which was filed by him(petitioner) on dated 10.10.2018. For which, the petitioner filed this writ petition praying for a direction to the Sub-Collector, Sundargarh (Opposite Party No.2) through issuance of a writ of mandamus for registration of the mutation appeal on the basis of the appeal memo submitted by him(petitioner) on dated 10.10.2018.

2. Heard from the learned counsel for the petitioner and learned Standing Counsel for the State.

3. The law relating to non-registration of a case or appeal on presentation by the applicant or appellant has already been clarified in a case between Sunil Kumar Yadav vrs. District Magistrate, Lucknow and others : reported in 2025(3) Civil

Court Cases-159 (Allahabad) that,

whenever an application or appeal is filed by any party before any authority or court, then it is the duty of such court or authority to register the same and after registration, the authority shall proceed with the same for its disposal as per law.

4. So, in view of the propositions of law enunciated in the ratio of the aforesaid decision, the Sub-Collector, Sundargarh (Opposite Party No.2) has no authority to keep the mutation appeal dated 10.10.2018 of the petitioner pending without registering the same as an appeal.

5. Therefore, by applying the above principles of law enunciated in the ratio of the above decision to this matter at hand, I find no justification to disallow this writ petition filed by the petitioner.

6. So, the writ petition filed by the petitioner is to be allowed.

In result, this writ petition filed by the petitioner is allowed.

The Sub-collector, Sundargarh (Opposite Party No.2) is directed to register the appeal on the basis of the appeal memo (which was filed by the petitioner on dated 10.10.2018) and to proceed with the same for its disposal as per law making it clear that, in case of non-availability of such appeal memo in the office of the Opposite Party No.2 for any reason, the Sub-collector, Sundargarh (Opposite Party No.2) is at liberty to register the mutation appeal on the same day, if the exact copies thereof is filed by the petitioner annexing the certified copy of this judgment and the Opposite Party No.2 shall treat the same as the original on the basis of the direction made by this Court in this judgment and to proceed with the same for its disposal as per law.

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