
(2025) 12 OHC CK 1903
In the Orissa High Court
Case No : Writ Petition (C) No. 37000 Of 2025

Srinivas Pathisharma

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 1903

Hon'ble Judges : Ananda Chandra Behera, J

Bench : Single Bench

Advocate : L.Pradhan, G.Mohanty

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 directing the Tahasildar, Baliapal (Opp. Party No.3) to receive the application for Demarcation, if filed by the petitioner, because, the Tahasildar, Baliapal (Opp. Party No.3) orally refused to receive the application for Demarcation of the petitioner.

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

3. The law concerning refusal of the Tahasildar to receive an application for Demarcation submitted by a party like the petitioner has already been clarified in the ratio of the following decision:

I. 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 authority or Court cannot orally refuse to accept that application, but, as per law, he is to receive the same and to register the same as a case as per law and then, to proceed with the same for passing necessary

order as per law, but, any authority or Court cannot orally refuse to receive the application of a party.

4. Here in this matter at hand, when the Tahasildar, Baliapal (Opp. Party No.3) orally refused to receive the application for Demarcation of the petitioner, then, in view of the principles of law clarified in the ratio of the aforesaid decision, the above conduct of the Tahasildar, Baliapal (Opp. Party No.3) i.e. his oral refusal to receive the application for Demarcation of the petitioner is not in conformity with the law. For which, necessary direction can be issued to the Tahasildar, Baliapal (Opp. Party No.3) to receive the application for Demarcation of the petitioner, if presented by him (petitioner).

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

6. The Tahasildar, Baliapal (Opp. Party No.3) is directed to receive the application for Demarcation, if filed by the petitioner annexing the certified copy of this Judgment for its registration and after registration of the same, the Tahasildar, Baliapal (Opp. Party No.3) shall dispose of the said Demarcation Case within a period of 1 month from the date of its registration following the guidelines/ circular issued by the Government of Odisha vide Notification No.38869 dated 13.12.2016.

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