

(2025) 10 OHC CK 1327

In the Orissa High Court

Case No : Writ Petition (C) No. 10031 Of 2013

Susanta Kumar Das

APPELLANT

Vs

Sub Collector, Bhubaneswar And Others

RESPONDENT

Date of Decision : 23-10-2025

Acts Referred:

Constitution Of India, 1950 — Article 226, 27
Orissa Survey And Settlement Rules, 1962 — Rule 42
Limitation Act, 1963 — Section 14
Orissa Survey And Settlement Act, 1958 — Section 32

Citation : (2025) 10 OHC CK 1327

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

Bench : Single Bench

Advocate : R.K. Mohanty, S. Mohanty, A. R. Dash, D. Tripathy

Final Decision : Disposed Of

Judgement

A.C. Behera, J

1. This writ petition under Articles 226 & 227 of the Constitution of India, 1950 has been filed by the petitioner praying for quashing the impugned order dated 02.11.2012 (Annexure-1) passed in Mutation Appeal No.42 of 2009 by the Sub-Collector, Bhubaneswar (O.P. No.1).

2. Heard from the learned senior counsel for the petitioner, learned counsel for O.P. No.3 and learned AGA for the State (O.P. Nos.1 & 2).

3. It has been clarified in a decision reported in J.B.R. 1997 (II) 35 (at Page 41) that,

“against an order of the Tahasildar, an appeal lies before the Sub-Collector under Para 92 of the Mutation Manual read with Rule 42 of the O.S. & S Rules and thereafter, revision lies before the Board of Revenue under Para 111 of the Mutation Manual read with Section 32 of the O.S. & S. Act.”

4. Here in this matter at hand, when the petitioner has filed this writ petition praying for quashing (setting aside) the impugned order passed by the Sub-Collector, Bhubaneswar (O.P. No.1) in Mutation Appeal No.42 of 2009 instead of filing revision against the same, then at this juncture, in view of the propositions of law enunciated in the ratio of the aforesaid decision, the petitioner should have filed revision instead of this writ petition against the impugned order passed in Mutation Appeal No.42 of 2009 by the Sub-Collector, Bhubaneswar (O.P. No.1). For which, this writ petition is required to be disposed of finally giving liberty to the petitioner to approach the Revisional Court against the impugned order.

The learned counsel for O.P. No.3 and learned AGA for the State did not dispute to the aforesaid conclusion relating to the final disposal of this writ petition giving liberty to the petitioner for filing revision before Reason: Authentication Location: High Court of Orissa, Cuttack Date: 24-Oct-2025 11:02:59 the Revisional Court challenging the impugned order passed by the Sub-Collector, Bhubaneswar (O.P. No.1) in Mutation Appeal No.42 of 2009.

5. Therefore, on the basis of the aforesaid observations as well as the submissions of the learned counsels of both the sides, it is felt proper to dispose of this writ petition finally giving liberty to the petitioner to approach the Revisional Authority by filing revision challenging the impugned order dated 02.11.2012 (Annexure-1) passed in Mutation Appeal No.42 of 2009 by the Sub-Collector, Bhubaneswar (O.P. No.1) annexing the certified copy of this judgment.

In case of filing revision by the petitioner annexing the certified copy of this judgment, the Revisional Authority shall entertain the same without questioning about the limitation invoking the provisions under Section 14 of the Indian Limitation Act, 1963, as the petitioner had approached the wrong forum bonafidely by filing this writ petition and the Revisional Authority shall decide the said revision on merit as per law as expeditiously as possible within a period of four months from the date of filing of the same after giving opportunity of being heard to the parties in full compliance of the principles of natural justice.

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