GOVERNMENT OF ODISHA

J O U R N A L
OF THE
BOARD OF REVENUE, ODISHA

(Containing important Orders of different Revision Courts under the Board of Revenue, Odisha.)

VOLUME – II

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J.B.R. 2026 (II)

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FOREWORD

It is a matter of great pleasure that the second volume of the Journal of the Board of Revenue is being published in 2026.

The responsibility falls squarely upon the Presiding Officers of the Revision Courts to pass rational, comprehensive and judicious orders.

It is hoped that this publication will be immensely helpful to Revenue Officers and concerned legal professionals. Substantial efforts are needed to adjudicate land disputes in a transparent manner and enforce the protective framework available for common property resources, forest land, Deity endowments and lands belonging to ST and SC persons.

I hope this compilation will help in refreshing memory and building proficiency of all concerned thereby, facilitating qualitative and expeditious disposal of pending revenue cases at different levels.

Suggestions for improvement are solicited and shall be appreciated.

Sd/-
Satyabrata Sahu
Member,
Board of Revenue, Odisha, Kataka

Date : 01.09. 2026
Kataka

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Misc. Case No. 47 of 2018
(Arising out of OSS Case No. 109 of 2014)

Decided on 30.06.2026

(Order by Shri Satyabrata Sahu, I A S.,
Member, Board of Revenue, Odisha,Cuttack.)

Bimala Sahoo ..... **Petitioner**

-Versus-

Shree Jagannath Mahaprabhu Bije, Puri Marfat Managing Committee through the Administrator, Sri Jagannath Temple Managing Committee, Puri & others ..... **Opp. Parties**

For the petitioner ... Mr. K. M. Samal, Advocate & Associates
For Opposite Party No. 1 ... Mr. S.S. Das, Advocate
For Opposite Party No. 2 & 3 .... Mr. K.K. Das, Standing Counsel

Odisha Board of Revenue Act, 1951—Section 7—Orissa Board of Revenue Rules, 1959—Rule 4—Review of Revision Order- Debottar Property of Lord Jagannath- Alienation of Deity Land—Absence of Clear Flow of Title—Limitation—Error Apparent on the Face of Record.

Held: The review petition seeking review of the order dated 09.03.2018 passed in O.S.S. Revision Case No. 109 of 2014 was dismissed. The disputed land, though recorded in the 1986 Hal RoR in the petitioner's name under Stitiban status, was historically recorded in the 1929 and 1970 RoRs as **"Debottar Amruta Manohi Lakhraj Bahel"** with Shri Jagannath Mahaprabhu, Bije Puri, as the Lakhrajdar. The petitioner relied upon a registered sale deed of 1978 but failed to establish a clear and lawful flow of title from the vendor. In view of the Government and Board of Revenue guidelines issued pursuant to the Shri Jagannath Temple Act, 1954, lands belonging to Lord Jagannath are required to be recorded in the name of the deity Marfatdar Shri Jagannath Temple Managing Committee and alienations of such lands without competent permission are impermissible. The review petition was also filed beyond the prescribed period of limitation by 117 days, for which no satisfactory explanation was furnished. Finding the prayer to be not bona fide and no ground for interference with the order dated 09.03.2018, the Board dismissed the review petition.

. DECISION

1. This review petition has been filed by the petitioner, u/s 7 of the Odisha Board of Revenue Act, 1951 read with Rule 4 of the Odisha Board of Revenue Rules,1959 for review of order dated 09.03.2018 passed by this Court in O.S.S Case No. 109/ 2014 which was filed by the present petitioner u/s 32 of the O.S.S Act, 1958 read with Para- 111 of Mutation Manual against the Order dated 04.07.2014 of the Sub-Collector, Cuttack passed in Mutation Appeal Case No. 83/2007.

SCHEDULE OF PROPERTY

Village- Sukarpada, Tahasil- Nischintakoili, District- Cuttack.

	Khata No.	Chaka no.	Plot No.	Area	RT
HAL ROR published on 29.03.1986	28	252/685 Mula Ghai	590/2400	Ac.0.367dec.	Shri Jagannath Mahaprabhu Bije Puri Marfat Shri Jagannath Temple Managing Committee, Puri

2. The background of the case in brief is that the petitioner claims to have been recorded as a Stitiban Rayat of the suit land where Shri Jagannath Mahaprabhu of Puri was recorded as Khewat no.2 in the Hal RoR published in the year 1986. However, Tahasildar, Nischintakoili, instituted a *suo motu* mutation case no.1275/ 2007 and passed an order dtd.31.03.2007 to record the case land in favour of Shri Jagannath Mahaprabhu Bije Puri Marfat Shri Jagannath Temple Managing Committee Puri in Sthitiban status. Consequently, the petitioner challenged the mutation order before the Sub Collector, Cuttack Sadar, by filing a mutation appeal case no. 83/ 2007. The learned Sub Collector held that there was no irregularity in the order of Tahasildar Nischintakoili and dismissed the mutation appeal filed by the petitioner vide his order dtd. 04.07.2014. Being aggrieved by the appeal order, the petitioner filed O.S.S RC No. 109 of 2014 in this Court u/S 32 of the O.S.S Act, 1958 read with para 111 of the Odisha Mutation Manual,1962. The learned Advocate for the petitioner and the Standing Counsel for the Government officials were heard on merit by this Court and the revision was dismissed as not maintainable on dt.09.03.2018. The petitioner has filed the present review petition on dt.04.07.2018 praying for re-adjudication of the matter on merit.

3. The petitioner and the OPs are legally represented by their respective learned Advocates. Heard the learned Advocates for petitioners and OP no.1 in the presence of the learned Standing Counsel who represents Respondent No. 2 & 3. Learned Counsel for the petitioner was present on different dates of hearing but has failed to file his written note justifying reasons for allowing the review petition even though he was asked to file the same on three(3) different court dates i.e. 05.08.2025, 31.03.2026 and 02.06.2026.

4. The certified copies of order sheets in the primary revision case, mutation case, appeal case, photocopies of RSD, RoRs and written note along with the relevant legal citations filed by the learned Advocate for the OP no.1 are a part of the case record. The case has been taken up based on the documents on record.

5. It is observed from the photocopies of the RoRs and the RSD submitted by the petitioner and enclosed in the primary case record that –

(i) In the RoR of year 1929, the Sattwa was noted as 'Debottar Amruta Manohi Lakhraj Bahel' and Lakhrajdar was Shri Jagannath Mahaprabhu Bije Puri Sebayat Taponidhi Benudhara Giri Gosain Chela Kunja Bihari Guru Gosain and others.

(ii) In the RoR of year 1970, the Sattwa was noted as 'Debottar Amruta Manohi Lakhraj Bahel' and Lakhrajdar was Shri Jagannath Mahaprabhu Bije Puri Sebayat Taponidhi Benudhara Giri Gosain Chela Kunja Bihari Guru Gosain and others.

(iii) One RSD was executed in the year 1978, a registered sale deed for the transfer of the suit land was executed by one Chakradhara Baral in favour of the petitioner.

(iv) The suit land got recorded in the name of the petitioner as RT in the RoR published in the year 1986 under 'Sthitiban' Sattwa and Khewat name as Shri Jagannath MahaprabhuBije Puri Sebayat Taponidhi Benudhar Giri Gosain oger 2nd part Khewat no.2. However, there is no clarity on the flow of title on the basis of which the name of the petitioner was recorded in the RT column.

6. It will not be out of place to quote the relevant excerpts of some relevant guidelines of the Government in light of Shri Jagannath Temple Act, 1954 (Act 11 of 1955) ***:***

(i) As per the Govt. Circular no. EA-II-7/92-17920/R, dtd. Bhubaneswar, the 3rd April,1992, it is mentioned that *Section 33(1) of the Act 11 of 1955 provides that the Committee shall be entitled to take and be in possession of all movable and immovable properties belonging to the temple. This provision is clearly meant to apply to properties that are not in possession of the temple, being properties in the possession of the Mathas and other marfatdars.* It has also been clarified that *the properties endowed to Lord Jagannath are outside the purview of the Odisha Hindu Religious Endowment Act. The estate is clearly, according to vesting notification belongs to Lord Jagannath. Hence, claims under section 6 & 7 of O.E.A Act by a recorded Marfatdar other than Shri Jagannath Temple Managing Committee in respect of estates of Lord Jagannath are not maintainable.*

(ii) As per the Board of Revenue Circular no. XLII-7/92-16935/LRS, dtd. 26.12.1992, it was specified that all such lands recorded in the old RoR in the name of *Lord Jagannath under rayati or Sthitiban status irrespective of whether the Marfatdar is a Sevak or Math or Private individuals should be recorded in the name of the deity with Shri Jagannath Temple Managing Committee constituted under the said Act as Marfatdar.* Further, it was stated that *Lord Jagannath at Puri has been declared as a privileged Rayat under the OLR Act, 1960. The deity can induct Bhag Tenants on its lands but no tenancy right would accrue over the suit land. Besides all cases of alienation of lands of Lord Jagannath without permission of the competent authority before the commencement of Sri Jagannath Temple Act or thereafter should be treated as illegal and the land records should not be prepared in the name of the transferred. In such cases, the records may be prepared in the name of deity.*

7. For easy reference, the provisions of the section 7 of the Odisha Board of Revenue Act, 1951 and the rule 4 of the Odisha Board of Revenue Rules,1959 are being cited below :

(i) Section 7 of the Odisha Board of Revenue Act, 1951 –

7. (1) The Board may either on its own motion or on the application of any person aggrieved by any order of the Board, review any order passed by itself and pass such order in reference thereto as it thinks fit: Provided

that no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

(2) Every application under Sub-section (i) for a review of any order shall be made within three months from the date of the order: Provided that the Board may in its discretion in any case extend such period, if sufficient reasons be shown for so doing.

(ii) Rule 4 of the Odisha Board of Revenue Rules, 1959 –

With the prior approval of the State Government, the Member shall, in the absence of the authority which passed the original order, hear applications for review in the capacity of his successor in office.

8. In view of the above factual matrix, Government guidelines and the legal position , I do not find any valid ground to entertain the review petition as :-

- There is no error apparent on the face of the record;
- This cannot be an appeal in disguise;
- There is no circumstance of a substantial and compelling character that makes it necessary to allow the review;
- The review petition was filed beyond the period of limitation (117 days) which still remains unexplained;

9. It is evident that the prayer of petitioner is not bonafide and hence, merits no consideration. I am not inclined to interfere with the order dtd. 09.03.2018 of my predecessor in O.S.S RC no. 109 of 2014.

Resultantly, this review petition is dismissed.

Free certified copies of the order to be forwarded to the Sub Collector, Cuttack and Tahasildar, Nischintakoili for information. Original lower Court case records, if any, be returned to the concerned Courts by keeping an attested copy thereof. Original/ Certified copies of the documents filed be returned to the parties by keeping attested photocopies thereof.

Pronounced the order in the open Court today, the 30th day of June, 2026.

Sd/-
Member,
Board of Revenue, Odisha, Cuttack

OSS Revision Case No. 222 of 2023

Decided on 04.08.2026

(Order by Shri Satyabrata Sahu, I A S.,
Member, Board of Revenue, Odisha, Kataka.)

Golakh Bihari @ Golak Mahapatra & others ..... **Petitioners**

-Versus-

Sub-Collector Banki & others ..... **Opp. Parties**

For the petitioner ... Mr. Ch. N.C. Das, Advocate & Associates

For Opposite Party No. 1 & 2 .... Mr. K.K. Das, Standing Counsel

For Opposite Party No. 3 to 9 ... None

Odisha Survey & Settlement Act, 1958—Section 32—Odisha Mutation Manual, 1962—Paragraph 111—Mutation—Registered Sale Deeds—Civil Court Decree declaring Title—Correction of Record-of-Rights—Rule 34 of Odisha Survey & Settlement Rules, 1962—Prima Facie Title Coupled with Possession—Revenue Entries—Fiscal Purpose.

Held: The revision petition was allowed and the order dated 08.06.2022 passed by the Sub-Collector, Banki in Mutation Appeal Case No.01 of 2018 was set aside. The petitioners had purchased an aggregate area of **Ac.0.27 decimals** of the disputed land through two registered sale deeds executed in 1963 and were in possession thereof. Though the land was subsequently recorded jointly in the names of the predecessors of the private opposite parties during the Hal Settlement, the petitioners' right, title and interest over the entire purchased area had been declared by the competent Civil Court in **Civil Suit No.29 of 2007**, which decision was affirmed in appeal and further upheld by the Hon'ble High Court in **RSA No.32 of 2015**. Despite the said decree, the Tahasildar mutated only **Ac.0.20 decimals** in favour of the petitioners and the Sub-Collector upheld the same on the ground that only Ac.0.20 decimals was available for mutation. The Board observed that under **Rule 34 of the Odisha Survey & Settlement Rules, 1962**, the Record-of-Rights is liable to be corrected where an entry has been declared erroneous by a Civil Court decree or is inconsistent with such decree. Further, under **Clause 47 of the Odisha Mutation Manual, 1962**, prima facie title coupled with possession, orders of competent Courts and documents of transfer of title are relevant considerations in mutation proceedings. The executed registered sale deeds and the Civil Court decree confirming the petitioners' ownership over the entire Ac.0.27 decimals remained legally valid and binding. The subsequent partition among the co-sharers could not legally diminish the area already purchased by the petitioners through registered sale deeds. Accordingly, the matter was **remanded to the Tahasildar, Banki for mutation of the suit land in accordance with the judgment in Civil Suit No.29 of 2007**, Rule 34 of the Odisha Survey & Settlement Rules, 1962 and Clause 47 of the Odisha Mutation Manual, 1962.

D E C I S I O N

1. This revision petition has been filed u/s- 32 of O.S.&S. Act, 1958 read with Paragraph 111 of Odisha Mutation Manual, 1962 challenging the order dated 08.06.2022 of the Sub Collector, Banki, in mutation appeal case no.01 of 2018 arising out of mutation order dated 17.11.2017 of the Tahasildar, Banki in mutation case no. 962/2017.

SCHEDULE OF PROPERTY

Mouza- Sunapatana, Tahasil- Banki, District- Kataka.

	Khata No.	Plot No.	Area (in Acre)	Kisam	RT name
Sabik	20	313(part)	Ac.0.27dec.	Sarada II	Ratan Mallick,S/o. Madhu Mallick Nabaghana Mallick S/o. Madhaba Mallick, Jagannath Mallick S/o. Bana Mallick
Hal (Date of final publication 07.04.1962)	28	204(part)	Ac.0.27dec.	Sarada II	Bana Mallick, S/o- Dina Mallick Jagannath Mallick, S/o- Bana Mallick, Nabaghana Mallick, S/o- Madhab Mallick, Ratan Mallick, S/o- Madhu Mallick

2. The subject matter of the case is that the suit land was a joint property recorded in the names of predecessors of OP No. 3 to 9 in Sabik records. The petitioner no. 1 and the father of petitioner no. 2 to 4 purchased an area of Ac.0.13dec.5 Kadi each (total area Ac.0.27dec.) through 02 RSDs from RT Nabaghana Mallick vide RSD no.1905 dtd. 22.04.1963 and Biki Bewa W/o. Late Ratana Mallick vide RSD no. 1758 dtd. 16.04.1963. Consequently, the petitioners had constructed a residential building over the suit land and were in possession but had not mutated the records in their names.

During the Hal settlement, the suit land was recorded jointly in the names of the original RTs instead of vendees. The legal heirs of deceased original RTs got the suit land partitioned amicably vide Tahasildar's order dtd. 23.04.2002 in OLR case no. 19/2001 u/s 19(1)C of the OLR Act,1960. Consequently, the petitioners filed Civil Suit No. 29/2007 in the Court of Civil Judge (SD), Banki. The right, title and interest over the case land were declared in favour of the petitioners. The OPs were also necessary parties in the said Civil Suit. The OP no.7 challenged the order of Civil Suit No. 29/2007 in RFA No. 89/2010 before the Civil Judge (SD), Banki. The said appeal was dismissed vide order dtd.30.07.2014 and the final order passed in Civil Suit No. 29/2007 was confirmed. OP no.7 had further challenged the order passed in RFA No. 89/2010 by filing one RSA No. 32/2015 before the Hon'ble High Court. The RSA was dismissed on dt. 21.04.2016. The ownership of petitioners to the extent of area of Ac.0.27dec. has been upheld by the judgements of the Civil Courts and remains in force till date as stated by the petitioners.

3. The petitioners filed mutation case no. 962/2017before the Tahasildar Banki for recording the case land in their favour on the basis of the final order passed in the Civil Suit no. 29 of 2007. However, the concerned Tahasildar recorded an area of Ac.0.20dec. instead of an area of Ac.0.27dec. in favour of the petitioners vide his order dtd.17.11.2017. The petitioners filed a mutation Appeal case bearing no. 01 of 2018 before the Sub Collector Banki against such order of Tahasildar Banki, wherein the Sub Collector vide his order dtd.08.06.2022 has upheld the order of the Tahasildar citing that an area of Ac.0.20dec. was available for mutation. Hence, being aggrieved with the impugned appeal order, the petitioner has filed the present revision.

4. The petitioners have been legally represented by the learned Advocate Mr.Ch.N.C.Das and associates. Individual notices were issued to the OP no.3-9 through registered post vide letter no. 4263/Peskar (Gen.) dtd. 27.09.2023. No un-served notices have been received with respect to the private OPs. So, the service of notice is deemed to be sufficient. However, no one appears on behalf of OP no.3-9. Learned Standing Counsel has represented the Government officials who are OP no.1&2. The case was finally heard on dt.30.06.2026 in the presence of the learned Advocate for the petitioner and the learned Standing Counsel. All the interested parties

were directed to file their respective written notes within fifteen days but no such written remarks have been received from any of the involved parties.

5. Perused the enclosed LCRs, para wise comments of the Sub Collector, Banki, field verification report/status report of the Tahasildar, Banki along with annexure, photocopies of land records, orders passed in Civil Suit and other relevant documents filed by the petitioners.

6. In the context of the facts of this revision case, the settled principles of law are elaborated below.

Under the Transfer of Property Act 1882, Section 54 deals with how a sale of immovable property is deemed to be completed. If the contract for sale that has been entered between the parties is registered, the sale would be deemed to have been completed. A Division Bench of the Hon'ble Supreme Court, comprising of Justice M.R. Shah and Justice B.V. Nagarathna, passed a Judgement dated 11.04.2022 while deciding the case of P. Ramasubbamma v. V. Vijaylakshmi & ors., Civil Appeal No. 2095 of 2022 and held that once the execution of agreement to sell and the payment/receipt of advance sale consideration is admitted by the vendor, thereafter nothing further is required to be proved by the vendee.

Thus, once a document comes to be duly registered, it becomes fait accompli. The only remedy available to an aggrieved person is to institute appropriate proceedings before a competent court for cancellation or annulment of the instrument.

- As per the Rule 34 of the Orissa Survey and Settlement Rules,1962,

  Grounds on which correction of the record-of-rights and map is to be made are as follows -

  The Tahasildar may on application in that behalf of any person interested or on receipt of a report from any of his subordinate officers or on receipt of a notice from the Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908, or from a Court or on his own motion, order, any charge

of any entry in the record-of-rights according to the rules hereinafter prescribed on any one or more of the following grounds, namely : (a) that all persons interested in any entry in the record-of-rights wish to have it changed; (b) that by a decree in a civil suit, any entry therein has been declared to be erroneous; (c) that being founded on a decree or order of a Civil Court or on the order of any competent authority, the entry therein is not accordance with such decree or order; (d) that such decree or order has subsequently been varied on appeal, revision or review; (e) that any entry therein has no relationship with the existing facts; and (f) that by preparation of a survey record under Chapter II of the Act, any change is necessitated in the record-of-rights.

- As per the clause 47 of the Odisha Mutation Manual, 1962,

Prima facie title coupled with possession is sufficient to merit full recognition in the record-of-rights. The following are some of the more important points which are relevant for deciding mutation cases, namely

(a) the possession under the colour of any title;

(b) the person or persons from whom rent is being received without any objection;

(c) the connection of the present disputants with the persons recorded in the record-of-rights;

(d) orders of competent Court dealing with titles; and

(e) documents of transfer of title,

In the instant revision case, the Tahasildar Banki has submitted his status report vide letter no. 2242 dtd. 29.06.2026 according to which the shortfall area of Ac.0.07dec. which is the subject matter of the case, is in possession of the petitioners even though plot no. 204/253 is recorded in the name of Nilamani Mallick and plot no. 204/256 is recorded in the name of Prafulla Mallick. Moreover, the executed

RSDs and the final order passed in the Civil Suit no. 29/2007 are still legally acceptable and binding with respect to the question of ownership of the land in question.

- In addition to above, it will not be out of place to cite the case of *Suraj Bhan Vs. Financial Commissioner, (2007) 6SCC186, wherein it was observed by Hon'ble Supreme Court that an entry in revenue records does not confer title upon person whose name appears in Record of Rights. Entries in the revenue records or Jamabandi have only 'fiscal purpose'. So far as title is concerned, it can only be decided in a competent Civil Court.*

7. In the context of the present revision case, a civil court decree declaring right, title and interest confirms ownership of the entire area as purchased by the petitioners through registered sale deeds in the year 1963. The subsequent partition in the year 2001 by the co-sharers, vendors and/or their successors cannot legally reduce the petitioners' purchased area. It was improper for the co-sharers to partition the suit land, which rightfully belonged to the petitioners after the Registered Sale Deeds (RSDs) had been executed long before.

8. Resultantly, the revision is allowed.

The impugned order dtd. 08.06.2022 of the Sub Collector, Banki, in mutation appeal case no.01 of 2018 is set aside. The matter is remanded to the Tahasildar, Banki to mutate the suit land records as per the judgment dtd.20.07.2010 in the Civil Suit no. 29 of 2007. Such mutation of the case land will be in consonance with Rule 34 of the O.S.&S. Rules, 1962 and clause 47 of the Odisha Mutation Manual, 1962.

Original lower Court case records, if any, be returned to the concerned Courts by keeping an attested copy thereof. Original/ Certified copies of the documents filed be returned to the parties by keeping attested photocopies thereof.

Pronounced the order in the open Court today, the 04th day of August, 2026.

Sd/-
Member,
Board of Revenue, Odisha, Cuttack

OSS Revision Case No. 1223 of 2025

Decided on 11.08.2026

(Order by Shri Satyabrata Sahu, I A S.,
Member, Board of Revenue, Odisha, Kataka.)

Nagarjuna Sahu ..... **Petitioner**

-Versus-

Rajkishore Sahu & others ..... **Opp. Parties**

For the Petitioner	...	Mr. M.K. Mishra, Advocate & Associates
For the O.P No. 1	....	Mr. R. K. Sahu, Advocate
For the O. P. No. 2 & 3	....	None
For the O.P. No. 4	....	Mr. K.K. Das, Standing Counsel
For the O. P. No. 5 to 7	...	Mr. M.K. Mohapatra, Advocate & Associates

Odisha Survey & Settlement Act, 1958—Section 32—Odisha Mutation Manual, 1962—Paragraph 111—Mutation—Auction Sale under SARFAESI Act, 2002—Equitable Mortgage—Civil Suit and Interim Status Quo Order—Rights of Secured Creditor—Section 34 of SARFAESI Act—Auction Purchaser—Sale Certificate—Mutation of Revenue Records.

Held: The revision was **allowed** and the order dated 25.07.2025 passed by the Sub-Collector, Anugola in Mutation Appeal Case No.03/ 2014 was set aside. The disputed land had been equitably mortgaged with the Bank of Baroda in 2007 and upon default and classification of the loan account as NPA, the Bank initiated proceedings under the **SARFAESI Act, 2002** and sold the property by public auction. The petitioner, being the bona fide auction purchaser, was issued a registered Sale Certificate and possession was delivered to him. The subsequent civil suit and interim *status quo* order could not override the Bank's statutory rights under the SARFAESI Act, particularly when the Bank was not a party to the interim application. In view of **Sections 34 and 35 of the SARFAESI Act**, the civil court could not restrain measures lawfully taken by the secured creditor under the said Act. Accordingly, the **Tahasildar, Anugola was directed to mutate the suit land in favour of the petitioner on the basis of the Sale Certificate issued under the SARFAESI proceedings**, leaving the parties at liberty to approach the competent court for adjudication of their right, title and interest

D E C I S I O N

1. This revision petition has been filed u/s- 32 of O.S.&S. Act, 1958 read with Para- 111 of Odisha Mutation Manual, 1962 challenging order dtd.25.07.2025 of Sub Collector, Anugola passed in Appeal Case No.03/2014.

SCHEDULE OF SUIT PROPERTY

Mouza- Sankhapur, Tahasil- Anugola, District- Anugola.

(Date of final publication – 23.04.1982)

Khata No.	Plot No.	Area (in Acre)	Kisam	RT name
Before mutation case no.5603/2023 and after mutation appeal case no. 03/2014				
01	634	Ac.0.160	Gharabari	Ainthu Sahu, S/o- Arakhita Sahu
After mutation case no.5603/2023				
501/280	634	Ac.0.160	Gharabari	Nagarjuna Sahu, S/o- Khirod Kumar Sahu
****No plot is available under the Khata no.501/280 as the plot has been deleted vide Revenue Misc. Case No. 277/2025 following the order in mutation appeal case no. 03/2014.				

2. As per the plaint and the certified copy of the impugned order, the suit land was recorded in the name of one Ainthu Sahu. Two of his sons, OP no.2 and father of OP no.3 availed cash credit loan from the Bank of Baroda. The suit land and building over the suit plot was on equitable mortgage securing the cash credit account and OP no.1 acted as the guarantor for the cash credit facility availed by his brothers. The loan was not repaid in time and became a Non Performing Asset (NPA). The bank auctioned the suit land under the SARFAESI Act,2002 (Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act,2002) after issuing public notice for auction in newspapers The Orissa Post and The Sambad on dt. 28.10.2023 and the highest bidder i.e. the petitioner in the instant revision case was issued with a registered sale certificate and delivered possession vide e-Stamp certificate no. IN-OD08017051897881V and RSD no. 10012305871

dtd.12.12.2023 . The present Petitioner is the son of OP no.2 and grandson of the deceased RT. Based on the land transfer, the suit land was mutated in the name of the petitioner vide order dtd.08.02.2024 in mutation case no. 5603/2023 by the Tahasildar, Anugola.

3. When the matter stood thus, the OP no.1, third son of deceased RT and brother of OP no.2 filed a mutation appeal case no. 3/2024 before the Sub Collector Anugola on the ground that Civil Suit no. 165/2021 and status quo order in I.A No. 60/2021 are pending in the Court of Senior Civil Judge-cum-Women's court, Anugola. The Appeal was disposed of with direction to restore the suit land to its previous status until the disposal of the pending Civil Suit and related proceedings. Hence, the petitioner being aggrieved with the order of the appeal court, has filed this revision.

4. The petitioners have been legally represented by the learned Advocate Mr.M.K.Mishra and associates. Individual notice was issued to the OP no.1 who has been represented by the learned Advocate Mr.R.K.Sahu. Similarly, individual notices were issued to the OP no.5, 6 & 7 and learned Advocate, Mr. M.K.Mohapatra and associates have appeared on their behalf. Learned Standing Counsel has represented the Government official who is OP no.4. OP no.2 & 3 were issued with individual notices vide letter no. 795/Peskar(Gen) dtd. 13.02.2026. No notice has returned unserved with remarks. So, it is deemed that the service of notices has been sufficient upon the OPs. The case was finally heard on dt.07.07.2026 in the presence of the respective learned Counsels for the petitioner, OP no.1, OP no.5-7 and the learned Standing Counsel for OP no.4. All the interested parties were directed to file their respective written notes within fifteen days. Accordingly, the written notes of submission have been filed by the corresponding learned Advocates for the petitioner and the private OPs i.e. OP no.1 and OP no.5-7.

5. Perused the enclosed Lower Court Records, para wise comments of the Sub Collector, Anugola, field verification report/status report of the Tahasildar, Anugola along with annexure, photocopies of land records, pending Civil Suit orders, other relevant documents and written notes filed by the petitioner and the OPs.

6. In view of the facts of this case, it is imperative to examine the following legal aspects so as to conclude the matter:-

i. ***What are the rights of a financial institution/bank as a mortgagee of an asset/immovable property?***

It is a fact that an equitable mortgage was created over the suit land in favour of the Bank of Baroda, Karatapatta Branch on dt.12.10.2007 so as to secure the cash credit account opened in the names of Khirod Kumar Sahu and Pramod Kumar Sahu, sons of the deceased RT Ainthu Sahu. The third son of deceased RT, Rajkishore Sahu (OP no.1)remained as a guarantor for the loan account.

In an equitable mortgage under section 58(f) of the Transfer of Property Act,1882, the borrower/mortgagor retains legal title, ownership and physical possession of the case land whereas the lender/mortgagee receives an equitable interest that acts as financial security for the loan. The bank or financial institution which acted as a lender or equitable mortgagee in this case, acquired a specific and non-possessory financial charge over the land since the date of mortgage i.e.12.10.2007 and was empowered to sell or auction the land if a default occurred after following due procedure.

ii. Analysis of the relevant provisions of the SARFAESI Act, 2002 vis-a vis Civil Suit orders;

In this context, when a bank acts as a mortgagee (the lender), it holds specific legal and statutory rights over the pledged immovable property to recover its loan if the borrower (mortgagor) defaults. These rights are governed by general property laws (such as the Transfer of Property Act) and special banking recovery legislations like the SARFAESI Act. Under the SARFAESI Act, 2002, a mortgage gives a bank powerful enforcement rights to recover dues from a defaulting borrower without needing long court battles. Once a loan turns into a Non-Performing Asset (NPA), the bank can directly enforce its security interest. The Bank has the following rights in this regard -

- Right to Issue Notice: The bank can serve a 60-day demand notice under Section 13(2) requiring the borrower to clear the full debt.
- Right to Take Possession: If the borrower fails to pay within 60 days, the bank can take physical or symbolic possession of the secured asset.
- Right to Sell or Lease: The bank can sell the mortgaged property through public auction, private treaty or lease it to recover the outstanding loan amount.

Further, the auction sale by the bank is generally valid because Section 34 of the SARFAESI Act,2002 expressly bars civil courts from granting any injunction or staying measures taken by a secured creditor, making any interim *status quo* order affecting the actions under the SARFAESI Act,2002 non-est in the eyes of the law. Section 34 of the SARFAESI Act explicitly bars Civil Courts from granting injunctions in respect of any action taken or to be taken by a secured creditor (bank) under the Act. Section 35 is the non-obstante clause which states that the provisions of the SARFAESI Act override any other conflicting laws or orders in force. Therefore, a civil status quo order passed in a partition suit cannot supersede the statutory Sale Certificate issued to the petitioner.

As per the written note filed by the respondent Bank, it is observed that due to deliberate default of payment of loan dues, the cash credit account was classified as Non Performing Asset (NPA) on dt.31.12.2015. Thereafter, the provisions of the SARFAESI Act were invoked by issuing the Demand Notice dtd.20.01.2016 u/S 13(2) of the said Act. It is crystal clear from the copy of plaint in the Civil Suit no. 165/2021 and the I.A. No.60/2021 arising out of the primary suit (both applications dtd.05.07.2021) that the Civil Suits have been filed after the respondent Bank had initiated steps for recovery of the default amount as per the SARFAESI Act,2002.

It will not be out of place to cite the matter of *Jagdish Singh v. Heeralal & Ors. (2014) 1 SCC 479* wherein The Hon'ble Apex Court held that the expression "any matter" under Section 34 of the SARFAESI Act is wide enough to include a partition suit. A civil court has no jurisdiction to entertain a partition suit or grant any injunction/status quo regarding a property where the bank has already initiated action under the SARFAESI Act. Further in the matter of *M. Rajendran v. KPK Oils and Proteins India Pvt. Ltd. (2025)*, the Hon'ble Supreme Court has ruled that once an auction purchaser pays the full consideration and a Sale Certificate is issued, they acquire a vested right that cannot be defeated or pulled backward.

iii. Did the lower Court proceed on an appropriate legal premise in passing the appeal order?

It is observed that the learned Sub Collector, Anugola in his order dtd.25.07.2025 in Mutation Appeal Case No.03/2014 has ignored the settled position of law that an Interim Application (IA) under Order 39 Rule 1 & 2 of the CPC,1908 results in an *in personam* order (binding only upon the specific parties to that specific application). Since the Bank was excluded from the IA, the *status quo* order does not legally bind the Bank or restrain it from exercising its statutory power of sale.

Secondly, the equitable mortgage was created in the year 2007 and Demand Notice dtd.20.01.2016 u/S 13(2) of the said Act was issued thereby, establishing a prior statutory right under Section 13 of the SARFAESI Act,2002. A civil suit filed much later in 2021 cannot retrospectively freeze a secured creditor's rights, especially when the recovery action is executed under a special Central Act.

As per the clause 47 of the Odisha Mutation Manual, 1962, *prima facie* title coupled with possession is sufficient to merit full recognition in the record-of-rights. As per the field verification report of the Tahasildar, Anugola vide letter no. 3661 dtd.06.07.2026, it is found that the petitioner Nagarjuna Sahu, his father Khirod Kumar Sahu and their family are in possession of the case land. The sale certificate and the delivery of possession of the auctioned property have also been well documented by the authorised Officer of the Bank of Baroda in favour of the auction purchaser/ petitioner on dt. 04.12.2023. The Hon'ble Supreme Court has reiterated in several judgments that mutation entries in revenue records do not confer, create or extinguish a title. They are purely for "fiscal purposes". Revenue Officers cannot decide the validity of an auction purchase; they must mutate the land based on the official Sale Certificate issued under the Central law, leaving the actual title dispute to be settled by the competent court.

7. In light of the above discussion, the revision is allowed. The impugned appeal order dtd.25.07.2025 of the Sub Collector, Anugola in Mutation Appeal Case No.03/ 2014 is set aside. The Tahasildar, Anugola is directed to mutate the suit land records in the name of the petitioner who is the bonafide auction purchaser of the land in question as per the relevant provisions of the SARFAESI Act, 2002. The aggrieved parties are at liberty to approach the competent Court of law for adjudication of right, title and interest over the suit land, if so advised.

Free certified copies of the order be forwarded to the Sub Collector, Anugola and the Tahasildar, Anugola for necessary compliance within four weeks.

Original lower Court case records, if any, be returned to the concerned Courts by keeping an attested copy thereof. Original/ Certified copies of the documents filed be returned to the parties by keeping attested photocopies thereof.

Pronounced the order in the open Court today, the 11th day of August, 2026.

Sd/-
Member,
Board of Revenue, Odisha, Cuttack

OSS Revision Case No. 2020 of 2016

Decided on 09.07.2026

(Order by Shri Satyabrata Sahu, I A S.,
Member, Board of Revenue, Odisha, Kataka)

Shree Jagannath Mahaprabhu Bije -Puri
Marfat Shree Jagannath Temple Managing Committee
Taraf Administrator, Shree Jagannath Temple, Puri
… … … **Petitioner**

-Versus-

Gourimani Dubey & others .....**Opp. Parties**

For the Petitioner	…	Sri Ambika Prasad Mishra
For O.P No. 1 to 5	…	Sri Ashok Kumar Mohapatra & Associates
For O.P No. 6	…	Mr. K.K Das, Standing Counsel

Orissa Survey & Settlement Act, 1958—Section 15(b)—Record-of-Rights—Shree Jagannath Temple Property—Ekharajat Mahal—Validity of Long-term Lease—Section 58 of the Orissa Hindu Religious Endowments Act, 1939—Prior Sanction of Commissioner of Endowments—Orissa Estates Abolition Act, 1951—Section 8—Raiyati Rights—Shree Jagannath Temple Act, 1954—Correction of Record-of-Rights—Validity of Settlement Entry.

Held: The revision petition was **allowed**. The Hal ROR recording the disputed land in favour of the predecessor of the opposite parties was held legally unsustainable as it was founded upon a **40-year lease dated 15.09.1951** executed by the Temple Superintendent without proof of the mandatory prior sanction under **Section 58 of the Orissa Hindu Religious Endowments Act, 1939**. Mere registration of the lease could not validate a transaction prohibited by statute. The opposite parties also failed to establish that their predecessor was a **raiyat entitled to protection under Section 8(1) of the O.E.A. Act, 1951**. In view of the special statutory protection accorded to the properties of Lord Jagannath, the long-standing settlement entry could not confer lawful title. Accordingly, the **Tahasildar, Jatni was directed to correct the Hal ROR and record the name of Shree Jagannath Mahaprabhu Bije, Puri Marfat Temple Managing Committee, Puri, in Anabadi status with Puratan Patita kisam**

DECISION

1. This Revision Petition under Section 15(b) of the Orissa Survey and Settlement Act, 1958 has been filed by the petitioner Shree Jagannath Mahaprabhu Bije, Puri Marfat Shree Jagannath Temple Managing Committee, Puri, seeking correction of the finally published Record-of-Rights in respect of Hal Khata No. 1401 of Mouza-Kudiary under Jatni Tahasil corresponding to Sabik Khata No. 1085.

Land Schedule

Mouza- Kudiary, P.S.- Jatni, Tahasil- Jatni, District- Khurda.

Sabik Khata No.	Sabik Plot No.	Area	Kisam	Name of tenant
1085	371378379	Ac.30.54 dec Ac.43.75 dec Ac.29.25 dec	"Puratan Patita" "Puratan Patita" "Puratan Patita"	Sri Jagannath Mahaprabhu Marfat Superintendent Raja Sri Ramchandra Dev

The above Sabik suit land corresponding to following Hal Khata:-

Hal Khata No.	Hal Plot No.	Area	Kisam	Name of tenant
1401	733 819 820 821	Ac.16.460 dec Ac.0.020 dec Ac.26.480 dec Ac.0.060 dec	"Puratan Patita" "Ghara" "Puratan Patita" "Ghara"	Gopabandhu Glass & Pottery Works Ltd., Represented through Nilamani Dubey

2. The petitioner seeks deletion of the names of the predecessors of Opposite Parties Nos.1 to 5 from the Hal Record-of-Rights and consequential recording of the disputed properties in favour of Shree Jagannath Mahaprabhu Bije Puri represented through the Temple Managing Committee on the plea that the lease granted in favour of Nilamani Dubey and the alleged industrial concern was void ab initio and consequently the Record-of-Rights prepared on the basis of such lease is liable to be declared illegal and corrected.

3. The records reveal that the present revision was originally registered as R.P. Case No.310 of 2014 and subsequently renumbered as OSS Case No.2020 of 2016. The matter was earlier disposed of by Board of Revenue, order dated 02.08.2016

wherein the revision petition was allowed ex-parte and directions were issued to correct the Hal Record-of-Rights in favour of the petitioner. The said order was assailed before the Hon'ble High Court of Orissa in W.P.(C) No.4541 of 2017 by the legal representatives of late Nilamani Dubey mainly on the ground that no effective notice had been served upon them before disposal of the revision.

4. After examining the original records of this Board, the Hon'ble High Court found that although copies of notices were available on record, there was no material establishing that the notices had actually been dispatched through registered post so as to attract the statutory presumption under Section 27 of the General Clauses Act, 1897. Consequently, the Hon'ble High Court, by order dated 20.02.2025, set aside the earlier order dated 02.08.2016 solely on the ground of violation of principles of natural justice and remitted the matter to this Board for fresh adjudication after giving adequate opportunity of hearing to all the parties.

5. Accordingly, after remand, both parties entered appearance through their respective learned counsel. Written notes of submissions, documentary evidence and subsequent reports called for from the Tahasildar, Jatni were also received and taken on record. It is therefore evident that the present adjudication is not an appeal against the earlier order but is a fresh decision on merits pursuant to the remand made by the Hon'ble High Court.

6. The petitioner has pleaded that Sabik Khata No.1085 formed part of the Ekharajat Mahal of Lord Jagannath Mahaprabhu and stood recorded in the Sabik Settlement in the name of Shri Jagannath Mahaprabhu Marfat Superintendent Raja Rama Chandra Deb in Anabadi status. It is asserted that the said property constituted a specific endowment of Lord Jagannath and, therefore, Raja Rama Chandra Deb acted only as Superintendent or Manager without possessing any proprietary authority to alienate the endowed property. The petitioner has further pleaded that after enforcement of the Orissa Hindu Religious Endowments Act, 1939, every lease exceeding five years required previous sanction of the Commissioner of Endowments under Section 58 of the said Act. According to the petitioner, despite the statutory prohibition, a lease for forty years came to be executed in favour of Nilamani Dubey representing Gopabandhu Glass and Pottery Works Ltd./Utkal Chemical and Oil Industries Ltd. without obtaining sanction of the Commissioner of Endowments.

It is further pleaded that:

a. the alleged industries never came into existence;

b. no industrial establishment was ever set up over the suit land;

c. the nature of the land remained Puratan Patita even during Hal Settlement;

d. no rent receipts were ever produced;

e. possession was never delivered to the lessee; and

f. consequently, the Hal Record-of-Rights prepared in 1965 was wholly illegal.

7. The petitioner has relied heavily upon the judgment of the Hon'ble Supreme Court in Shri Jagannath Temple Managing Committee versus Siddha Math and connected matters to contend that properties vested under Sections 5 and 30 of the Shri Jagannath Temple Act, cannot be divested under the provisions of the Orissa Estates Abolition Act. On such premises, correction of the Record-of-Rights has been prayed for.

8. Upon remand, Opposite Parties Nos.1 to 5 filed written objection opposing the revision. Their principal defence may be summarized as follows:

Firstly, it is contended that the lease dated 08.01.1948 was legally executed by the then Superintendent of Shri Jagannath Temple and possession of the disputed land was duly delivered to late Nilamani Dubey.

Secondly, it is asserted that Ekharajat Mahal is fundamentally different from the specific endowed properties known as Amruta Manohi and that the petitioner has wrongly equated the two.

Thirdly, according to the opposite parties, the Ekharajat Estate represented an intermediary interest transferred in favour of the Raja Superintendent under historical grants of 1858 and 1863 and the rights of the Raiyats remained unaffected.

9. It is also argued that after enactment of the Shri Jagannath Temple Act, 1954, only the intermediary interest stood transferred to the Temple Managing Committee whereas the tenancy rights of recorded Raiyats continued uninterrupted. The opposite parties have further contended that upon vesting of the estate under the Orissa Estates Abolition Act with effect from 18.03.1974, compensation was claimed and accepted by the Temple Managing Committee on the basis of the 1965 settlement records, thereby recognising the recorded tenants. Reference has also been made to departmental correspondence of the Revenue and Disaster Management Department, legal opinion of the Law Department and recommendations of the Seven Member Committee to contend that Ekharajat lands cannot automatically be treated as Amruta Manohi properties and that the rights of recorded Raiyats have been recognised by the State Government after vesting. The opposite parties have therefore prayed for dismissal of the revision petition.

10. During the pendency of the proceedings after remand, this Court considered it appropriate to ascertain the present factual position of the suit land. Accordingly, a report was called for from the Tahasildar, Jatni. The Tahasildar, by Letter No.8907 dated 10.06.2026, reported that Hal Plots No .733, 819, 820 and 821 under Hal Khata No. 1401 is lying vacant. He has also indicated that the present Record-of-Rights reflects Sri Jagannath Mahaprabhu Bije Puri in the recorded tenant column and Odisha Sarkar in Khewat No.1, while noting that the disputed plots are vacant. This report has been brought on record and has been duly considered while appreciating the rival contentions.

11. Having heard the learned counsel appearing for the petitioner and the learned counsel representing Opposite Parties Nos.1 to 5 at considerable length, having perused the pleadings, written notes of submission, documentary evidence produced by both sides, the report submitted by the Tahasildar, Jatni pursuant to the direction of this Court, the records received from the Settlement Authorities and the previous records of this revision, the following points arise for determination:

I. Whether the present revision petition under Section 15(b) of the Orissa Survey and Settlement Act, 1958 is maintainable in law?

II. Whether the Hal Record-of-Rights prepared in the name of Nilamani Dubey/ alleged industrial concern was prepared on the basis of a valid and lawful lease?

III. Whether the disputed lands constituted the specific endowment of Lord Jagannath Mahaprabhu forming part of the Ekharajat Mahal?

IV. Whether the lease executed in favour of Nilamani Dubey was legally sustainable in absence of previous sanction of the Commissioner of Endowments under Section 58 of the Orissa Hindu Religious Endowments Act, 1939?

V. Whether the Hal Record-of-Rights prepared during the Settlement Operation of 1965 is liable to be revised in exercise of revisional jurisdiction of this Court?

VI. To what relief, if any, are the parties entitled?

The above issues are interlinked and, therefore, they are discussed together wherever necessary.

12. The petitioner asserts that lands belonging to a public religious institution of immense public importance have been illegally recorded in favour of private persons on the basis of a void transaction. If such allegation ultimately succeeds, the illegality cannot be allowed to perpetuate merely because considerable time has elapsed. It is equally settled that an entry in the Record-of-Rights neither creates nor extinguishes title. It is only presumptive evidence of possession unless rebutted by cogent evidence. Therefore, if the very foundation of the entry is shown to be illegal, this Court possesses ample jurisdiction to examine the legality of such entry. Accordingly, the objection regarding maintainability deserves to be rejected.

13. The pleadings disclose that there is no dispute regarding the identity of the lands. There is also serious dispute regarding the existence of the lease deed executed in favour of Nilamani Dubey representing the alleged industrial concern. The real controversy centres around the legality of such lease and its effect upon the subsequent settlement records.

The petitioner contends that:-

- The lease itself is void;

- No sanction of the commissioner of endowments was obtained;
- The industries never existed;
- Possession was never delivered;
- The lands continued as puratan patita; and
- Consequently the settlement entry is liable to be corrected.

- The opposite parties, on the other hand, assert:-
- That the lease was validly executed;
- That possession had been delivered;
- That ekharajat mahal was distinct from amruta manohi;
- That only intermediary rights vested in the temple;
- That tenancy rights remained unaffected;
- And that after vesting under the O.E.A. act, the state itself recognised the recorded tenants.

14. The petitioner has relied upon several documents. Among them, the principal documents are:

a. Sabik Settlement Record showing recording of Sabik Khata No.1085 in the name of Lord Jagannath Mahaprabhu through Raja Superintendent.

b. Previous orders passed by this Board of Revenue.

15. The petitioner has also relied upon the fact that the kisam of substantial portions of the land continued to remain **Puratan Patita**, which according to it, clearly

indicates that the purpose for which the lease was granted was never implemented. It is argued that had industries actually been established, the classification of land would necessarily have undergone change during settlement operations.

16. Another important aspect requiring consideration is the evidentiary value of the Record-of-Rights. It is well settled that an entry in the Record-of-Rights carries only a rebuttable presumption of correctness. Such presumption is not absolute. Where it is shown that the entry has been prepared on the basis of an illegal transaction or under a mistaken understanding of law, the competent authority exercising revisional jurisdiction is fully empowered to direct correction of such entry.

17. Conversely, the mere fact that the entry has remained unchallenged for a considerable period does not automatically confer title upon the recorded tenant if the very source of such entry is demonstrated to be legally unsustainable. Therefore, while examining the correctness of the Hal Record-of-Rights, this Court must necessarily examine the legality of the underlying lease transaction, the statutory powers of the Superintendent of the Temple, the effect of the provisions of the Orissa Hindu Religious Endowments Act, 1939, the Shri Jagannath Temple Act, 1954 and the subsequent pronouncements of the Hon'ble Supreme Court. These aspects form the core of the present controversy and are accordingly taken up for detailed consideration in the succeeding part of this judgment.

18. The principal controversy in the present revision centres around the legal validity of the registered lease deed dated 08.01.1948, executed by the then Superintendent of Shri Jagannath Temple in favour of late Nilamani Dubey, described therein as the Director and Managing Agent of Gopabandhu Glass & Pottery Work Ltd. The petitioner has assailed the said lease as being void ab initio, whereas the opposite parties have strongly defended its legality and have asserted that the settlement authorities rightly acted upon the same while preparing the Hal Record-of-Rights.

19. This Court has carefully examined the pleadings, the written submissions, the certified copy of the registered lease deed relied upon by the parties and the surrounding circumstances appearing from the records. It is not in dispute that the lease purported to grant possession of a substantial extent of land for a period of

forty years for establishment of an industrial undertaking. The deed further contemplated renewal at the instance of the lessee subject to the terms incorporated therein. Thus, the lease was not an ordinary short-term agricultural lease but a long-term transfer creating valuable possessory rights over immovable property belonging to the Temple institution. The crucial question is whether the then Superintendent possessed the legal authority to execute such a lease without complying with the statutory requirements prevailing at the relevant time.

20. The petitioner has consistently pleaded that Raja Rama Chandra Deb functioned merely as the Superintendent or Manager of the Temple and was never the absolute owner of the endowed properties. According to the petitioner, he acted only in a representative capacity on behalf of Lord Jagannath Mahaprabhu and consequently could not alienate endowed property except in accordance with law. The opposite parties, on the other hand, have argued that the Ekharajat Mahal constituted a distinct intermediary estate and that the Superintendent exercised powers akin to those of a landholder. They have relied upon historical deeds of 1858 and 1863 to contend that the intermediary interest vested in the Raja Superintendent, enabling him to create leases in respect of the estate. This Court is unable to accept such contention in its broad form.

21. Even if it is assumed that the Superintendent enjoyed intermediary rights over the Ekharajat Estate, those rights were not personal or proprietary in nature. The historical documents relied upon by the opposite parties themselves indicates that the rights were held for and on behalf of the institution. The Superintendent was never free to deal with the endowed properties as his private estate. His authority was fiduciary, circumscribed by the objects of the endowment and subject to the law governing public religious institutions. The distinction between ownership and management is fundamental. A manager or superintendent may administer property, collect rents and protect the estate, but such powers cannot be equated with an unrestricted right to alienate endowed property. Accordingly, the competence of the Superintendent to execute the lease must necessarily be tested with reference to the statutory law in force on the date of execution.

22. That, the lease was executed on 15.09.1951. By that date, the Orissa Hindu Religious Endowments Act, 1939 had already come into force. The said enactment

was intended to regulate the administration of Hindu religious institutions and to ensure protection of their immovable properties against unauthorized alienation. The Legislature consciously imposed restrictions upon trustees, managers and persons in management of temples because experience had shown that valuable religious properties were often being alienated without adequate safeguards. The statutory object was therefore two-fold:

- to preserve endowed properties for the benefit of the deity and the institution; and

- to ensure that any transfer of such property takes place only after independent scrutiny by the statutory authority entrusted with supervision over religious endowments.

23. The powers of a manager after commencement of the Act, were therefore no longer governed solely by traditional customs or historical practice. They became subject to the mandatory provisions enacted by the Legislature.

24. Section 58 of the Orissa Hindu Religious Endowments Act, 1939, which governed the field at the relevant time, reads in substance that: No exchange, sale, mortgage or lease for a term exceeding five years of any immovable property belonging to a Math, Temple or specific endowment shall be valid unless such transaction is necessary or beneficial to the institution and is sanctioned by the Commissioner together with the officers specified under the Act. A plain reading of the provision leaves little room for doubt. The Legislature has employed the expression “shall be valid”. Such phraseology is of considerable legal significance.

25. It does not merely prescribe a procedural formality. Rather, it declares that unless the statutory conditions are fulfilled, the alienation itself lacks legal validity. Thus, two conditions become indispensable before a lease exceeding five years can acquire legal force:

- First, the competent authority must be satisfied that the proposed alienation is necessary or beneficial to the institution.

- Secondly, prior sanction of the Commissioner of Endowments in accordance with the Act must be obtained.

Both conditions are cumulative. Absence of either condition renders the transaction vulnerable.

26. The burden of proving validity of the lease necessarily rests upon the parties relying upon it. In the present case, despite detailed written submissions and production of several historical documents, the opposite parties have not produced any order of sanction granted by the Commissioner of Endowments under Section 58. The registered lease deed itself does not refer to any such sanction. No proceedings before the Commissioner have been brought on record. No notification, approval order or correspondence has been produced to show that the proposal was ever placed before the competent statutory authority. Equally significant is the fact that no explanation has been offered as to why such approval, if obtained, is unavailable despite reliance upon the lease for more than six decades. The absence of the sanction order is not a mere evidentiary deficiency. It strikes at the very root of the transaction because the statute itself predicates validity upon such approval.

27. Learned counsel for the opposite parties has emphasized that the lease is a registered document and therefore enjoys a presumption of genuineness. The submission, though attractive at first blush, cannot be accepted. Registration under the Registration Act authenticates execution of an instrument. It does not validate a transaction prohibited by another statute. A document may be perfectly genuine in the sense that it was executed and registered by the parties, yet the rights purportedly created thereunder may still be unenforceable if the substantive law forbids such transaction. To illustrate, if a statute prohibits transfer without previous governmental approval, registration of the deed cannot substitute for the approval itself. The same principle applies in the present case. Consequently, mere registration of the lease deed dated 15.09.1951 cannot dispense with the mandatory requirement of obtaining sanction under Section 58 of the Orissa Hindu Religious Endowments Act, 1939.

28. That, section 58 does not stop with requiring sanction. It also insists that the alienation must be necessary or beneficial to the institution. The object behind this requirement is self-evident. A manager is merely a custodian. He cannot sacrifice long-term institutional interests for speculative or uncertain advantages. The lease

in question was executed for establishment of an industrial undertaking. However, except the recital contained in the lease deed itself, no convincing material has been placed before this Court to establish:

- that any factory was actually established;
- that industrial production ever commenced;
- that employment was generated;
- that the Temple derived any financial advantage from such lease;
- that royalty or rent was regularly realized;
- or that the purpose for which the lease was granted was substantially fulfilled.

29. On the contrary, the petitioner has consistently asserted that no industry ever came into existence and that the lands substantially continued in their original condition. The recent field enquiry report submitted by the Tahasildar, Jatni, also indicates that the disputed lands are vacant. Although the report reflects the present status and cannot by itself determine historical possession, it lends some support to the petitioner's contention that the lands were not developed for the industrial purpose contemplated by the lease.

30. Once it is found that no material has been produced demonstrating prior sanction under Section 58, the inevitable consequence is that the Court must examine whether the lease could legally form the basis of settlement entries prepared in 1965. The law is well settled that where the very source of title is shown to be void, subsequent entries founded exclusively upon such source cannot enjoy an independent legal existence. A Record-of-Rights prepared during settlement proceedings carries a presumption of correctness. However, such presumption is rebuttable.

31. Where it is demonstrated that the settlement authorities acted upon a transaction which itself lacked statutory validity, the presumption attached to the

Record-of-Rights stands substantially weakened and the revisional authority is competent to examine its legality. Accordingly, this Court is of the prima facie view that the validity of the Hal Record-of-Rights cannot be examined in isolation from the legality of the lease deed dated 15.09.1951. The two are intrinsically connected.

32. The conclusions recorded above are confined to the legal effect of the registered lease deed vis-à-vis Section 58 of the Orissa Hindu Religious Endowments Act, 1939. The controversy, however, does not end there.

33. It is still necessary to consider the impact of the Shri Jagannath Temple Act, 1954, the legal status of the Temple Managing Committee after vesting of management, the effect of the pronouncement of the Hon'ble Supreme Court in *Shri Jagannath Temple Managing Committee v. Siddha Math & Others*, the objections founded upon the Orissa Estates Abolition Act, 1951, and the significance of the compensation allegedly received by the Temple authorities. These questions, being closely interconnected, shall be examined in the succeeding part of this judgment before recording the final findings on the legality of the Hal Record-of-Rights and the relief to which the parties are entitled.

(Effect of the Shri Jagannath Temple Act, 1954, Discussion of the Judgment of the Hon'ble Supreme Court and Commencement of Findings)

34. Having examined the legality of the registered lease deed dated 15.09.1951 in the light of Section 58 of the Orissa Hindu Religious Endowments Act, 1939, it now becomes necessary to examine the effect of the Shri Jagannath Temple Act, 1954 (hereinafter referred to as "the Temple Act"), which came into force long prior to the final publication of the Hal Record-of-Rights in the year 1965. The Temple Act is a special legislation enacted by the Legislature with the avowed object of ensuring proper administration, governance and preservation of the Shri Jagannath Temple at Puri together with its endowed properties. The Act superseded the earlier system of management under the hereditary Superintendent and vested the administration and management of the Endowments of lord Jagannath in Shree Jagannath Temple Managing Committee.

35. The legislative intention is evident from the scheme of the Act itself. The Legislature intended that all properties appertaining to the Temple and all endowments attached thereto should thereafter be managed only by the statutory authorities constituted under the Act, thereby ensuring transparency, accountability and protection of the institution. The significance of this legislation in the present case is that by the time the Hal Record-of-Rights came to be prepared and finally published in the year 1965, the management of the Temple had already vested in the Temple Managing Committee. Consequently, the Settlement Authorities were expected to examine the legal status of the property in the light of the provisions of the Temple Act before recognising any competing claim based upon an earlier lease. The record available before this Court does not indicate that any notice was issued to the statutory Temple Administration during the settlement proceedings or that the authorities examined whether the lease relied upon by the recorded tenant had been executed in conformity with the provisions of the Orissa Hindu Religious Endowments Act, 1939 or whether the Temple Act had any bearing upon the rights claimed under the lease. The omission to examine these foundational issues assumes considerable significance while evaluating the correctness of the settlement entries.

36. The law relating to public religious endowments recognises a fundamental distinction between private ownership and management of endowed property. The deity in a public temple is recognised as a juristic person. The endowed properties belong to the deity and not to the manager or trustee. The manager, superintendent or administrator merely acts as a custodian or guardian charged with the responsibility of preserving the properties for the benefit of the institution and for fulfillment of the religious purposes for which the endowment was created. It necessarily follows that no manager, irrespective of the nomenclature assigned to him, can claim unrestricted proprietary powers over the endowed estate. His authority remains subject to statutory restrictions imposed by law.

37. The petitioner has specifically pleaded that Raja Rama Chandra Deb functioned merely as Superintendent and had no independent proprietary right enabling him to alienate endowed properties without complying with statutory requirements. This contention is consistent with the settled principles governing administration of public religious institutions. The opposite parties have sought to distinguish the intermediary interest of the Ekharajat Estate from the Temple

endowment and have argued that the Superintendent possessed wider powers over such estate. However, even if such distinction is accepted for the sake of argument, the exercise of those powers after commencement of the Orissa Hindu Religious Endowments Act could not be divorced from the statutory restrictions imposed upon alienation of temple properties.

38. A substantial part of the defence advanced by Opposite Parties Nos.1 to 5 rests upon the proposition that Ekharajat Mahal and Amruta Manohi constitute two separate categories of properties and that the petitioner has erroneously treated them as one and the same. The written submissions refer to historical deeds executed in the years 1858 and 1863, the Puri Gazetteer, departmental opinions and subsequent governmental correspondence in support of such contention. This Court has carefully considered the said submissions. There can be no quarrel with the proposition that the historical origin and incidents of Ekharajat Mahal have been discussed in various judicial and administrative proceedings.

39. However, the present revision does not require this Court to pronounce finally upon the entire historical character of the Ekharajat Estate. The question falling for determination is considerably narrower, namely whether the settlement entry in favour of the predecessor of the opposite parties could legally survive if its foundation, namely the lease dated 15.09.1951, is found to be contrary to the mandatory provisions of the law governing alienation of temple properties. Even assuming that the Ekharajat Estate possessed features distinct from Amruta Manohi properties, that circumstance alone cannot dispense with the statutory requirement of obtaining sanction under Section 58 of the Orissa Hindu Religious Endowments Act if the property was held by the Superintendent in his representative capacity for the institution. Thus, the distinction sought to be drawn by the opposite parties, though historically relevant, does not by itself answer the principal legal issue involved in the present revision.

40. The petitioner has placed considerable reliance upon the judgment of the Hon'ble Supreme Court rendered on 16.12.2015 in *Shri Jagannath Temple Managing Committee v. Siddha Math & Others* and connected Civil Appeals. The previous order passed by this Board on 02.08.2016 had also relied extensively upon the said decision. The opposite parties have, however, contended that the said judgment

arose in a different factual background relating to disputes involving Maths and therefore has no application to the present controversy. This Court has carefully examined the rival submissions. It is true that the precise factual matrix before the Hon'ble Supreme Court differed from the present case. Nevertheless, the principles enunciated by the Hon'ble Apex Court regarding the nature of the Temple Act, the supremacy of the special enactment governing the Temple and the necessity of protecting temple properties possess binding precedential value.

41. The Hon'ble Supreme Court observed that once the Temple properties had vested in the statutory Temple Committee under the provisions of the Temple Act, the same could not be divested by application of inconsistent provisions under the Orissa Estates Abolition Act. The Court further emphasised that the Temple Act constitutes a special legislation enacted exclusively for administration and protection of the properties of the Temple and that its provisions must receive full effect. The ratio decidendi emerging from the judgment is not confined merely to the disputes involving Maths. The broader legal principle is that statutory authorities dealing with temple properties are obliged to give due effect to the provisions of the Temple Act and cannot ignore the statutory safeguards enacted for preservation of the institution. Accordingly, while the present dispute has to be decided on its own facts, this Court is bound to apply the legal principles declared by the Hon'ble Supreme Court in so far as they govern the administration and protection of temple properties.

42. The petitioner has also relied upon the report submitted by the Tahasildar, Jatani pursuant to the direction of this Court stating therein that the major portion of the disputed lands are vacant. The opposite parties have argued that the present condition of the land is wholly irrelevant for determining rights flowing from a lease executed more than seven decades ago. This Court agrees that the present field enquiry cannot retrospectively establish or negate possession as on the date of execution of the lease.

43. However, the report assumes evidentiary significance in another respect. The lease was admittedly granted for establishment of an industrial undertaking. If, despite the lapse of several decades, the land substantially continues to remain vacant and the opposite parties have failed to produce convincing evidence of establishment or functioning of the proposed industry, the Court is entitled to examine

whether the very purpose for which the long-term lease was granted was ever fulfilled. Such circumstance does not by itself invalidate the lease but undoubtedly constitutes one of the relevant factors while assessing whether the transaction was genuinely beneficial to the institution and whether the settlement authorities were justified in acting upon it.

44. Upon consideration of the pleadings, documentary evidence, statutory provisions and the submissions advanced on behalf of both parties, this Court records the following prima facie conclusions, which shall be elaborated while answering each point for determination:

I. The dispute cannot be decided merely on the basis of the existence of a registered lease deed or long-standing entries in the Record-of-Rights. The legality of the source transaction must first be examined.

II. The provisions of the Orissa Hindu Religious Endowments Act, 1939 governing alienation of temple properties were operative on the date of execution of the lease and compliance therewith was a condition precedent for the validity of any long-term lease.

III. The settlement authorities, while preparing the Hal Record-of-Rights in 1965, do not appear to have undertaken any enquiry regarding compliance with the mandatory statutory requirements or the effect of the Temple Act upon the rights asserted by the parties.

IV. The judgment of the Hon'ble Supreme Court in *Shri Jagannath Temple Managing Committee v. Siddha Math & Others* reinforces the obligation of statutory authorities to protect temple properties and to give due primacy to the provisions of the Shri Jagannath Temple Act while adjudicating disputes relating to such properties.

V. The plea founded upon acceptance of compensation under the Orissa Estates Abolition Act raises an important question requiring consideration but, by itself, does not constitute conclusive proof validating the lease or foreclosing examination of its legality.

45. The above observations are confined to the appreciation of the legal framework and documentary materials. The Court shall now proceed to analyse each point for determination separately, appreciate the evidence in its entirety, evaluate the rival contentions in the light of the applicable statutory provisions and judicial precedents, and record its final findings on the legality of the Hal Record-of-Rights and the reliefs to which the parties are entitled.

46. Since the matter has been remanded by the Hon'ble High Court after affording opportunity of hearing to all concerned, this Court has carefully examined every contention advanced in the written notes of submission filed by Opposite Parties Nos.1 to 5. Unlike the earlier order dated 02.08.2016, the present decision is rendered after considering the pleadings, documents and arguments of both sides. The principal objections raised by the opposite parties may broadly be summarized as follows:

I. That the lease dated 15.09.1951 was legally executed by the then Superintendent;

II. That the Ekharajat Mahal was not a specific endowment but an intermediary estate;

III. That after abolition of intermediary interests, the recorded tenants automatically became Raiyats under the Odisha Land Reforms Act;

IV. That the Temple itself accepted compensation under the Odisha Estate Abolition Act and therefore cannot challenge the settlement entries;

V. That the judgment of the Hon'ble Supreme Court in *Shri Jagannath Temple Managing Committee vs. Siddha Math & Others* is distinguishable;

Each of aforesaid objections deserves independent consideration.

47. The first and foremost defence of the opposite parties is that the registered lease deed dated 15.09.1951 constitutes a valid source of title and possession. The argument cannot be accepted in its entirety. Registration only proves execution of

the document. Registration does not validate a transaction prohibited by statute. As already discussed while dealing with Section 58 of the Orissa Hindu Religious Endowments Act, 1939 every lease exceeding five years required previous statutory sanction. Despite ample opportunity, no sanction order has been produced. Neither the lease deed itself nor any contemporaneous record mentions approval of the Commissioner of Endowments. The burden to establish compliance with the mandatory statutory requirement rested squarely upon the parties relying upon the lease. That burden has not been discharged. Consequently, the lease cannot automatically be treated as a legally enforceable document merely because it was registered.

48. The petitioner further places his reliance in the case of Rangammal Vrs. Kuppuswami and Anr. reported in 2011 (II) OLR (SC)-278 wherein it has been observed that "Burden of proof- whosoever desires any court to give judgment as to any legal right or law dependent on the existence of facts which he asserts, must prove that those facts exist- Burden of proving facts always lies upon the person who asserts- until such burden is discharged, the other party is not required to be called upon to prove his case-Court has to examine as to whether the person upon whom burden lies has been able to discharge his burden-until he arrives at such conclusion, he cannot proceed on the basis of weakness of the other party. Pleading- Party who pleads has also to prove this case".

49. It has next been argued that after commencement of the Odisha Land Reforms Act, the recorded tenants automatically acquired the status of Raiyats under Section 4(1)(a) of the Act. This submission presupposes the legality of the tenancy itself. The doctrine of deemed Raiyati cannot validate a tenancy which itself originated from a transaction contrary to mandatory statutory provisions. If the very foundation of the tenancy is under challenge on the ground that the lease itself was void for want of statutory sanction, the subsequent operation of the OLR Act cannot cure the initial defect. A statutory consequence can arise only from a legally recognised tenancy. Therefore, before the provisions of the OLR Act are attracted, the Court must first satisfy itself regarding the legality of the lease itself. Since that question is answered against the opposite parties, the plea of automatic Raiyati rights cannot by itself defeat the present revision.

50. It is submitted by the learned Advocate appearing for the petitioner that only the person who is a raiyat under the intermediary is entitled to be protected U/s 8(1) of OEA Act, 1951. In support of his submission, he places his reliance on a decision of our Hon'ble Apex Court in the case of State of Orissa and Ors Vrs Harapriya Bisoi reported in 2009 (II) OLR SC 229. On careful perusal of the aforesaid decision, it is clear that it has been held by our Hon'ble Apex Court in para-19 that "By virtue of Section8, any person who immediately before the vesting of an estate in the State Government was in possession of any holding as a tenant under an intermediary, would on the from the date of the vesting, be deemed to be a tenant of the State Government. The words "holding as a tenant" means the "Raiyat" and not any other class of tenant. Reference in this regard may be drawn to the definition of "holding" in the Orissa Tenancy Act, 1913. "Holding" means a parcel or parcels of land held by a raiyat and forming the subject of a separate tenancy".

51. It has been further observed that Section 8 thus confers protection only on the "Raiyat" i.e., the actual tiller of the soil. Significantly, a "lease and lessee" on the one hand are defined separately from the "Raiyat" under the Act. Thus, the mere claim of the Opp. Parties as tenant/Rayat in favour of a person would not confer the status of a "raiyat" on the successor of recorded person in Settlement record of rights nor would protect the possession of such successor under Section 8. In fact, a "lease" would amount to a transfer of an interest of the intermediary in the land to the recorded person. In such a situation, far from being a tenant protected under Section 8, the recorded person in the record of rights would in fact step into the shoes of his predecessor. On the other hand, for protection under Section 8, one has to be a Raiyat cultivating the land directly and having the rights of occupancy under the tenancy laws of the State. Thus, the Opp. Parties or his predecessor who is not a "raiyat" would not be within the protection of Section 8 of the Act.

52. The decisions of the Hon'ble Apex Court cited supra by the learned Advocate for the Petitioner squarely go to show and to lay down the law that in order to get the protection of Section-8(1) of O.E.A. Act, 1951, the person seeking the benefit has to establish that he was a raiyat i.e., the actual tiller of the soil. So, in view of the specific observation by the Hon'ble Apex Court in the decision cited supra, the case of the Opp.Parties is to be tested in the touchstone and on the anvil of the ratio enunciated by the Hon'ble Apex Court and it is to be seen in the case at hand as to

whether the Opp.Parties predecessor Nilamani Dubey was the tiller of the suit land and was actually in physical possession of the suit land and cultivating the same as Raiyat. Though it has been specifically claimed on behalf of the Opp.Parties that after abolition of intermediary interest as per the provisions of OEA Act, 1951 the Opp.Parties became deemed Rayat under the State and after vesting he is continuing as raiyat under the State but the same is without any basis or documentary evidence and cannot be accepted with a pinch of salt.

53. The learned advocate appearing for the Petitioner further submitted that "Registration Act, 1908, section-17 Transfer of Property Act, 1982, sections 105 & 107- A tenant only can be recognized under Section 8(1) of the O.E.A. Act if the intermediary has validly inducted with registered document as per Section 17 of the India Registration Act, sections 105 & 107 of the Transfer of Property Act and followed by ekpadia submitted by the intermediary with the approval of the Board of Revenue under section 5 of the O.E.A. Act".

54. Here in the case at hand, there is no pleading that the Opp. Parties predecessor Nilamani Dubey was inducted as tenant in respect of the suit land by the petitioner who was the intermediary in the manner as discussed above. So, by no stretch of imagination, it can be said that the Opp. Parties said predecessor was inducted as tenant in respect of the suit land by the intermediary who is the petitioner in this case prior to abolition of intermediary estate on the date of vesting of the intermediary interest with the State Government, Nilamani Dubey was in possession of the suit land was cultivating same as actually tiller for which he is entitled to be protected U/s 8(1) of OEA Act, 1951.

55. It is apt to mention here that in the decision of Hon'ble Apex Court in the case of Sri Jagannath Temple Managing Committee Vrs. Sidha Math & others reported in 2016 (I) OLR (SC) -209 wherein it has been observed that "Art.142- Court can pass an order for doing complete justice-Finding that the rights conferred under Sri Jagannath Temple Act are taken away by the first part of the proviso to Sec.2 (00) of the O.E.A. Act, 1951, the same is struck down and the notification issued by the Government dated 18.03.1974 is quashed so far as it relates to the property of Lord Jagannath. Notification dated 18.03.1974- First part of the proviso that which deals with all estates belonging to the temple of Lord Jagannath at puri within the meaning

of Sri Jagannath Temple Act, 1955 as trust estate being struck down, notification dated 18.03.1974 issued by the Government U/s 3-A on the basis thereof is quashed by the court with prospective effect in so far as the judgment shall not be applicable to the claims already settled under the OEA Act, 1951 pertaining to the lands of Lord Jagannath- Impugned judgment [2009 (Supp-II) OLR 238] is set-aside".

56. It has also been observed in the said decision that "In the instant case, great injustice will be caused to the appellant Temple if the rights conferred upon it by the Temple Act are allowed to be taken away by operation of the provision to Section 2 (00) of the OEA Act. Therefore, we have to strike down the provision to Section 2 (00) of the OEA Act and also quash the notification dated 18.03.1974 in so far as it relates to the property of Lord Jagannath Temple, Puri. Thus, the notification dated 18.03.1974 issued by the State Government under Section 3-A of the OEA Act, 1951, whereby the estate of Lord Jagannath Mahaprabhu Bije, Puri vested in the State Government (in terms of Point (ii) of the notification), is liable to be quashed to that extent".

57. It has further been observed that "Since we have categorically recorded the finding both on facts and in law while answering Point No.1 in favour of the appellant Temple Committee holding that the provisions of the OEA Act, 1951 have no application to the lands of the Lord Jagannath Temple, At- Puri, there is no need for us to pass an order in favour of the Temple under the OEA Act, 1951 as the suit lands were already vested in favour of the Lord Jagannath Temple, At- Puri by virtue of the proviso of the Temple Act, 1955".

From the above observations of the Hon'ble Apex Court in the decisions cited supra by the learned advocate appearing for the petitioner it is evidently and abundantly clear that the provisions of OEA Act, 1951 will not be applicable to the property of Lord Jagannath Mahaprabhu Bije, Puri. So, the suit land exclusively belonging to Lord Jagannath Mahaprabhu Bije, Puri and Opp.Parties cannot claim any protections on the basis of provisions of O.E.A. Act, 1951.

58. It is relevant to mention here that to provide proper Administration of the Puri Shree Jagannath Temple preventing mismanagement of the Temple and its

Endowments by consolidation of the rights and duties of Sevaks, Pujaris and such other persons connected with the Seva, Puja and Management thereof, a special Act by name The Puri Shri Jagannath (Administration) Act, 1952 is enacted and came into force in 1952. I have perused the said act wherein Endowment has been clearly defined as follows:

- As per section-5 of 1952 Shree Jagannath Temple Act, "Endowment" means all property belonging to or given or endowed for the support of the Temple or given or endowed for the performance of any service including the service of offering to the deity or charity connected therewith and include gifts of property made as personal gifts to the sevak, Pujaries or other employees of the Temple".

- As per Sec. 4 of the said Act, the Special Officer was appointed U/s 3 to prepare the R.O.R. of Shree Jagannath Temple, Puri for smooth management of Temple and its endowments. The R.O.R. of Temple is published U/s 5 of the said Act including the land under Ekharajat Mahal.

- In Section 6 of the said Act, it is provided that any person aggrieved by any entry in the record published in the Temple R.O.R. may file objections before the District Judge, Puri within the stipulated period. If no objection is filed the R.O.R. published is conclusive and final.

59. In the case at hand the present Opp.Parties have not challenged the publication of R.O.R. relating to Ekharajat Mahal properties which is an endowment of Shree Jagannath Mahaprabhu Bije, Puri. Therefore, to challenge now that Ekharajat Mahal properties is the personal properties of the Opp.Parties on the basis of said void lease deed have got the lawful title over the properties prior to 1955 by way of transfer from the then Raja of Puri or after 1955 by the Temple Managing Committee is nonest in the eye of law.

60. Much emphasis has been laid upon the fact that compensation was allegedly claimed and received by the Temple authorities after vesting of the estate under the Odisha Estates Abolition Act. The argument is that acceptance of compensation amounts to recognition of the tenancy rights of Nilamani Dubey. The contention is not acceptable. Proceedings for payment of compensation under the OEA Act are

entirely distinct from adjudication of title under the Survey and Settlement Act. Compensation proceedings merely determine the amount payable consequent upon vesting. They do not constitute a judicial declaration validating every tenancy reflected in settlement records. The opposite parties have failed to produce any order passed under the OEA Act wherein the legality of the lease dated 15.09.1951 was adjudicated upon. Similarly, no finding has been produced demonstrating that the competent authority specifically upheld the validity of the impugned lease after examining Section 58 of the Orissa Hindu Religious Endowments Act, 1939. Therefore, mere receipt of compensation cannot operate as estoppel against statutory correction of an erroneous Record-of-Rights.

61. The opposite parties have submitted that the settlement entries have remained in existence for several decades and therefore deserve a presumption of correctness. There is no dispute regarding the legal presumption attached to a finally published Record-of-Rights. However, such presumption is rebuttable. The revisional jurisdiction conferred under the Orissa Survey and Settlement Act exists precisely to correct entries which are shown to have been prepared illegally or on the basis of mistaken assumptions. Where the very foundation of the entry is questioned on the ground that it rests upon an invalid alienation of endowed property, the Court is fully competent to examine its legality. Long continuance of an illegal entry cannot convert it into a lawful one.

62. The petitioner relied decision reported in 2012 Vol-I OJR- 275 in a case of Deben Sethi vs State of Orissa and others their lordship of our own High Court have held as follows:

> "Debottar property- Jagannath Temple property- Land belonging to the deity which is a juristic perpetual minor/and disabled person cannot be subject to alienation in violation of statutory requirement- It requires protection- If any person claims to have acquired any kind of right in the property belonging to the deity, the transaction is required to be ignored being illegal and the deity becomes entitled to recover the possession as well as the right, title and interest in the property- Right, title and interest over the land/property belonging to Lord Jagannath always vests with the deity".

63. After considering the pleadings, documentary evidence, statutory provisions and rival submissions, this Court finds the petitioner's case to be more probable and legally sustainable for the following reasons:

- Firstly, the petitioner has successfully established that the lease exceeded five years and therefore attracted Section 58 of the Orissa Hindu Religious Endowments Act.
- Secondly, the opposite parties have failed to establish prior statutory sanction.
- Thirdly, there is no satisfactory evidence demonstrating that the industrial purpose contemplated under the lease was ever fulfilled.
- Fourthly, the present enquiry conducted by the Revenue Authorities substantially supports the petitioner's case regarding the vacant nature of the lands.
- Fifthly, the settlement authorities appear to have acted upon the lease without examining compliance with mandatory statutory provisions.
- Lastly, the legal principles laid down by the Hon'ble Supreme Court regarding protection of temple properties reinforce the necessity of strict scrutiny before recognising alienations affecting religious endowments.

Taken together, these circumstances create a compelling case for interference with the settlement entries.

64. For all the reasons discussed above, this Court holds that none of the objections raised by Opposite Parties Nos.1 to 5 are sufficient to sustain the correctness of the impugned Hal Record-of-Rights. The cumulative effect of the statutory provisions, the absence of proof of mandatory sanction under Section 58 of the Orissa Hindu Religious Endowments Act, the evidentiary value of the recent

revenue enquiry, the legal principles governing protection of temple properties, and the independent appreciation of the entire material on record persuades this Court to accept the petitioner's challenge.

65. This Court is satisfied that the Hal Record-of-Rights prepared during the Settlement Operation of 1965 suffers from legal infirmity. The recording in favour of the predecessor of Opposite Parties Nos.1 to 5 rests entirely upon the impugned lease. The statutory requirements governing such alienation have not been proved to have been complied with. The settlement authorities also failed to examine the legal consequences flowing from the enactment of the Shri Jagannath Temple Act. Consequently, the Record-of-Rights, to the extent challenged in the present revision, cannot be permitted to continue.

In result, this Revision Petition stands **allowed**.

66. The Tahasildar, Jatni is directed to-

- Correct the Hal Record-of-Rights in respect of the suit land.
- Record the name of Shree Jagannath Mahaprabhu Bije, Puri Marfat Temple Managing Committee, Puri in the recorded tenants column of the Hal R.O.R of the suit land in Anabadi status, Puratan Patita Kisam.

67. Send a copy of the order to the Tahasildar, Jatni for necessary compliance immediately from the date of receipt of the copy of this order.

68. Original/Certified copy of documents filed be returned to the petitioner by keeping a photo copy of the same in the case record.

Pronounced the order in the open court today, i.e. on the 09th day of July, 2026.

Sd/-
Member,
Board of Revenue, Odisha, Kataka

OSS Revision Case No. 854 of 2022

Decided on 13.08.2026

(Order by Shri Satyabrata Sahu, I A S.,
Member, Board of Revenue, Odisha,Kataka.)

Harihara Panigrahy ..... **Petitioner**

-Versus-

Collector,Khurda & others .....**Opp. Parties**

For the petitioner ... None
For Oposite Party No. 1 &2 ... Mr. S. S. Das, Addl. Standing Counsel

Orissa Survey & Settlement Act, 1958—Section 32—Government Lease—Derivative Title—Section 22 of the OLR Act—Identity Discrepancy—Suspicious Lease Records—"DakhalSatwa Sunya"—Sthitiban Status—Record-of-Rights.

Held: The revision petition was **dismissed**. The Board found that the petitioner failed to establish a lawful and reliable source of title tracing back to the alleged Government lease in favour of Raghu Naik. Serious discrepancies were found in the lease records, including overwriting of the case number, identity mismatch between Raghu Naik and Raghu Bhoi, Scheduled Tribe/Scheduled Caste discrepancy and use of one lease record for approximately 138 persons. The subsequent sale deeds, mutation, possession and revenue entries were held insufficient to establish title. The prayer for recording the land in **Sthitiban status** was rejected, and the records were directed to be preserved and examined by the competent authorities.

DECISION

1. The present revision petition has been filed under Section 32 of the Odisha Survey and Settlement Act, 1958 challenging the order dated 15.07.2013 passed by the learned Assistant Settlement Officer, Rental Colony, Bhubaneswar in Suo Motu Rent Case No.7248/2013 and the consequential appellate order dated 05.09.2013 passed by the learned Additional Sub-Collector-cum-Additional Settlement Officer,

Bhubaneswar in Appeal No.1487/2013, whereby the scheduled land measuring Ac.0.1500 corresponding to Sabik Plot No.1400/1659 under Sabik Khata No.224/165 and presently corresponding to Hal Plot No.1024, Mouza-Sampur, Tahasil-Bhubaneswar, has been directed to be recorded in favour of the General Administration Department, Government of Odisha.

2. The Revision Petitioner claims right, title and interest over the aforesaid land on the strength of a registered sale deed dated 08.01.1985 executed by one Bipra Charan Patra, who is stated to have purchased the larger leasehold area from Raghu Naik alias Raghu Bhoi by registered sale deed dated 03.03.1983. The foundation of the petitioner's claim, therefore, rests upon the alleged original Government lease granted in favour of Raghu Naik in W.L. Case No.1364/59-60 & W.L Case No. 469/59-60 and the subsequent transactions flowing therefrom.

3. I have heard the learned counsel appearing for the Revision Petitioner, learned Additional Standing Counsel for the State and perused the entire records made available, including the original/age-old lease records, reports submitted by the Tahasildar, Bhubaneswar, Revenue Inspector, Sub-Collector, Bhubaneswar, Additional District Magistrate, Bhubaneswar and the General Administration Department, as well as the written notes of submission filed by the parties.

4. The principal question which arises for consideration is:-

Whether the Revision Petitioner has established a lawful and valid source of title tracing back to the Government lease allegedly granted in favour of Raghu Naik in W.L. Case No.1364/59-60 so as to claim a direction for recording the scheduled land in his favour in Sthitiban status, notwithstanding the serious discrepancies and suspicious features noticed in the original lease records and the subsequent transfer documents?

5. A connected question is whether the impugned orders of the Assistant Settlement Officer and the appellate authority call for interference in exercise of revisional jurisdiction under Section 32 of the Odisha Survey and Settlement Act, 1958.

6. The case of the Revision Petitioner is essentially derivative. The petitioner himself is not the original lessee. His alleged title is traced through the following chain:-

Government land '! alleged lease in favour of Raghu Naik '! sale by Raghu Naik/Raghu Bhoi to Bipra Charan Patra on 03.03.1983 '! sale of Ac.0.1500 by Bipra Charan Patra to Harihara Panigrahy on 08.01.1985 '! mutation in favour of the petitioner in 1986.

7. Therefore, unless the first link in the chain, namely, the alleged Government lease in favour of Raghu Naik, is satisfactorily established, the subsequent transactions cannot, by themselves, create an independent title in favour of the petitioner against the State. It is a settled principle that a purchaser can acquire no better title than that possessed by his vendor. Registration of a sale deed or subsequent mutation cannot cure a fundamental defect in the title of the vendor or validate an otherwise void transaction. The mere fact that the petitioner's name was subsequently mutated, rent was accepted, or an entry appeared in a Record-of-Rights cannot, by itself, establish the validity of the original Government grant where the foundational lease itself is under serious and material cloud.

8. The original lease record of W.L. Case No.1364/59-60 has been examined.From the record it appears that one Raghu Naik, son of Dhani Naik, resident of Sampur, belonging to the Scheduled Tribe community, submitted an application dated 09.11.1959 seeking settlement of Government land for agricultural purposes. Consequently, W.L. Case No.1364/59-60 was opened in his name. The last two relevant notings in the said record assume considerable importance. On 01.03.1968, the Tahasildar, Bhubaneswar recorded that the applicant was a poor Adivasi/ Scheduled Tribe person and recommended consideration of waiver of salami, directing that the matter be put up on 05.04.1968. However, there is conspicuous absence of the corresponding proceeding/noting dated 05.04.1968.

9. Thereafter, there appears to be a substantial gap of several years. The record does not disclose a continuous and intelligible chain of proceedings culminating in a valid order of sanction of lease in favour of Raghu Naik in W.L. Case No.1364/59-60. This break in the continuity of the original proceeding is not a mere clerical irregularity.

When the petitioner's entire title is founded upon the alleged Government grant, the original record ought to disclose a clear and legally intelligible progression from application, enquiry, proclamation/objection, eligibility determination, identification of land, competent sanction and final grant. Such continuity is conspicuously absent.

10. The matter becomes more serious when W.L. Case No.469/59-60 is examined. The record of W.L. Case No.469/59-60, as produced before this Court, shows that the applicant in that case is Lokanath Sethi. Thus, on the face of the record, W.L. Case No.469/59-60 was opened in respect of an applicant different from Raghu Naik. However, the record has subsequently been relied upon in support of the alleged lease of Raghu Naik. More importantly, the said single lease case record appears to have been utilised for sanction of leases in favour of a very large number of persons, numbering approximately 138 persons. Such a feature, in the absence of any satisfactory explanation from the competent authority or the production of the relevant case register demonstrating the lawful procedural basis for such clubbing, creates a serious and substantial doubt about the integrity and authenticity of the record. The normal and legally expected course in a Government land settlement proceeding is that the identity of the applicant, description of land, area, plot particulars, eligibility, enquiry, proclamation, objection, recommendation and order of sanction should be traceable from the record. A single lease case bearing the name of one applicant, namely Lokanath Sethi, subsequently containing sanction in favour of a large number of unrelated persons, requires a cogent explanation. No satisfactory explanation has been forthcoming.

11. The beginning portion of the order-sheet of W.L. Case No.469/59-60 also discloses overwriting/tampering in the case number. The original number appears to have been 470, which has subsequently been overwritten/altered to 469. The Sub-Collector, Bhubaneswar, in his report to this Court, has specifically noticed that the case number is overwritten and has described the same as doubtful and requiring further investigation.

12. This Court cannot lightly brush aside such a material circumstance. A Government lease record is not an ordinary private document. It is a public record relating to disposal of Government property. The identity of the case number, continuity of the proceeding and integrity of the order-sheet are matters of fundamental

importance. Where the very case number appears to have been altered, and the record bearing the altered number is subsequently relied upon to connect a different person with a Government grant, the Court must approach the document with the greatest caution. The Court is not required to accept an obviously doubtful public record merely because subsequent mutation or revenue entries have been made on its basis.

13. The petitioner has strongly relied upon the fact that the lease was allegedly granted in the year 1967 and a Patta was issued in 1973. However, the record does not satisfactorily demonstrate a continuous and legally unimpeachable proceeding showing when and by which competent authority the lease was finally sanctioned in favour of Raghu Naik. The existence of a later Patta or a revenue entry cannot substitute for the primary order of lawful settlement when the very source document is under serious doubt. The principle applicable here is that where title is traced to a Government grant, the claimant must establish the grant itself. Subsequent entries based upon a doubtful foundational document cannot improve the quality of the original title.

14. An additional and highly material discrepancy appears from the document relating to permission for transfer under Section 22 of the Odisha Land Reforms Act, 1960. The original lease records consistently describe the alleged lessee as, Raghu Naik, son of Dhani Naik, belonging to Scheduled Tribe/Adivasi community. The mutation and other revenue records also proceed on the basis that the original lessee was Raghu Naik and that he belonged to the Scheduled Tribe community. However, the permission relied upon for the subsequent transfer describes the applicant/transferor as:- Raghu Bhoi, belonging to Scheduled Caste. This is not a minor spelling discrepancy. The distinction between Raghu Naik and Raghu Bhoi, coupled with the different descriptions of Scheduled Tribe and Scheduled Caste, assumes legal significance because Section 22 of the Odisha Land Reforms Act contains specific restrictions governing transfers by members of Scheduled Tribes and extends the statutory protection to Scheduled Caste transfers through sub-section (5). Section 22(1), in relation to a raiyat belonging to a Scheduled Tribe, declares a transfer to a non-Scheduled Tribe person void except in the circumstances specifically recognized by the statute, including transfer with previous written permission of the Revenue Officer, subject to the statutory conditions. Therefore,

the identity and community status of the transferor were not matters of mere formality. They went to the root of the statutory permission. If the original lessee was Raghu Naik, a Scheduled Tribe person, but the permission proceeding proceeded upon the description of Raghu Bhoi as a Scheduled Caste person, the authority granting permission ought to have been satisfied about the identity of the transferor and the statutory provision applicable to him. No satisfactory material has been produced to reconcile this discrepancy.

15. The subsequent correction deed dated 28.10.1983 has been relied upon to assert that Raghu Naik and Raghu Bhoi were one and the same person. This Court is unable to accept that explanation merely on the basis of a self-description contained in a subsequent registered deed. The question is not whether a person may colloquially use two surnames. The question is whether the identity of the original Government lessee and the person who obtained statutory permission to transfer the Government-derived land has been established through reliable contemporaneous official material. There is no satisfactory contemporaneous official order showing that the Government records identifying the original lessee as Raghu Naik were formally corrected by the competent authority to Raghu Bhoi, or that Raghu Bhoi was officially recognized as an alias of Raghu Naik for purposes of the Government lease and statutory transfer restrictions. A unilateral or self-serving declaration in a subsequent deed cannot, by itself, cure a foundational identity discrepancy in a Government land transaction. The fact that the correction deed was executed only after the first sale deed dated 03.03.1983 also warrants careful scrutiny.

16. The petitioner's case is that the first transfer was valid because permission was obtained under Section 22 of the OLR Act. That submission overlooks the fact that the validity of the permission depends upon the correct identification of the transferor and application of the correct statutory regime. Section 22 specifically protects land held by members of Scheduled Tribes and Scheduled Castes and prescribes statutory restrictions on alienation. The Supreme Court has also recognised the importance of the statutory restrictions under Section 22 in transactions involving Scheduled Caste/Scheduled Tribe land. In *Revenue Officer v. Prafulla Kumar Pati*, (1990) 2 SCC 162, the Supreme Court examined the statutory requirement of permission and the question of the transferor's Scheduled Caste

status. Similarly, the Orissa High Court has held that a sale by a Scheduled Tribe member to a non-Scheduled Tribe person without the permission contemplated under Section 22 is void. In the present case, therefore, the Court cannot treat the alleged Section 22 permission as conclusive when the identity and community status of the transferor appearing in that permission materially differ from the identity and community status appearing in the original Government lease record.

17. The registered Correction Deed No.8707 dated 28.10.1983 is also incapable of removing the fundamental doubt. A correction deed may correct a genuine clerical or descriptive mistake. But where the disputed correction concerns the very identity of the transferor in a Government-derived title and also has implications under Section 22 of the OLR Act, the correction cannot be treated as automatically establishing identity. The Court is particularly conscious that the original lease record describes Raghu Naik, son of Dhani Naik, as a Scheduled Tribe person, whereas the permission document refers to Raghu Bhoi, Scheduled Caste. The correction deed itself cannot establish that the person described in the permission proceeding was the same person who had originally obtained the Government lease. Such a conclusion would require reliable supporting evidence from the competent revenue authority. No such satisfactory evidence is before the Court.

18. The petitioner has placed substantial reliance upon the order dated 10.05.2002 passed by the Addl. Tahasildar, Bhubaneswar under Section 3-B of the OGLS Act and the subsequent order dated 09.05.2006 of the Hon'ble High Court of Orissa in W.P.(C) No.6589 of 2006 quashing the resumption order. It is true that the order dated 10.05.2002 was quashed and that the Tahasildar thereafter restored the lease record by order dated 20.09.2006. However, the legal effect of the Hon'bleHigh Court order must be understood correctly. The quashing of an order of resumption does not necessarily amount to an adjudication that the original Government lease was validly and lawfully granted in the first place. The issue before the Court in W.P.(C) No.6589 of 2006 was the legality of the resumption order dated 10.05.2002. The materials presently before this Court demonstrate that the Hon'bleHigh Court did not finally adjudicate upon the authenticity of the original W.L. Case No.1364/59-60, the overwriting in W.L. Case No.469/59-60, the identity discrepancy between Raghu Naik and Raghu Bhoi, or the validity of the Section 22 permission. Consequently, restoration of the revenue entry following the quashing of the resumption order cannot

be treated as an adjudication validating every aspect of the original lease transaction. The distinction is important.

19. The original resumption order dated 10.05.2002 was based primarily on alleged non-use of the land for agricultural purposes and absence of possession/ cultivation. That order did not finally adjudicate the present questions concerning the authenticity of the original lease records and identity of the alleged transferor. The subsequent restoration order of 20.09.2006 was consequential to the quashing of the resumption order. Therefore, the said restoration cannot operate as an estoppel against the State in examining whether the petitioner has actually established a lawful title traceable to a valid Government grant.

20. The subsequent reports placed before this Court show that the petitioner is presently in possession of the land, has constructed a compound wall and has standing Moong Dal crop over the property. This fact is duly noticed. However, possession by itself cannot establish title. Likewise, the fact that land revenue has been paid over a period of years cannot validate a void or fundamentally defective Government grant. The present possession is therefore not decisive of the question of title. The report of the Revenue Inspector also states that no transfer was made within ten years of sanction of the lease. That fact may be relevant to the question of compliance with the statutory restriction period if a valid lease is otherwise established. It cannot, however, cure defects in the very sanction of the lease.

21. The petitioner has relied upon the mutation order dated 30.01.1986 in Mutation Case No.1509/85 and the subsequent ROR showing his name in Sthitiban status. It is settled that mutation is primarily fiscal in character and does not by itself create title. The same principle applies with greater force where the mutation is derivative of a disputed Government grant. The entry in the ROR may raise a presumption in appropriate circumstances, but such presumption is rebuttable and cannot be permitted to override foundational documentary evidence demonstrating serious irregularities. The petitioner has therefore not succeeded in establishing that the Sabik entry in his favour is sufficient to compel the Settlement Authority to perpetuate the entry in the Hal record.

22. A further material circumstance emerging from the lease mutation Record-of-Rights produced in the case record is that the lease mutation ROR stands in the name of Raghu Naik, described therein as belonging to the Adivasi/Scheduled Tribe community, and the *Swatwa* of the holding has been recorded as "DakhalSatwa Sunya" since the year 1973-74. This entry assumes considerable significance in examining the nature of the right created under the alleged Government lease and the subsequent transfer relied upon by the Revision Petitioner. The entry of "DakhalSatwa Sunya" is not a mere recent revenue description introduced during the proceedings. It appears in the lease mutation ROR from a period much prior to the departmental instruction dated 28.01.2021 relied upon by the petitioner.

23. The Revision Petitioner has relied upon Government in Revenue and Disaster Management Department Letter No. RDM-CHS-PGOT-0303-2020/L. No.3063/R&DM dated 28.01.2021, issued by the Principal Secretary to Government to all Collectors regarding recording of land having "DakhalSatwaBisista" and "DakhalSatwa Sunya" status. The petitioner has sought to contend, on the strength of the said instruction, that land bearing such status was required to be recorded in *Sthitiban* status. The said submission, however, cannot be accepted as a basis for validating the petitioner's derivative title.

24. The subsequent Government clarification issued vide Letter No. RDM-CHS-PGOT-0303-2020/23868/R&DM dated 02.07.2025, specifically concerning recording of RORs with "DakhalSwatwa Sunya" status and supersession of the earlier instruction, is also relevant. The said clarification expressly records that the earlier letter dated 28.01.2021 had led to considerable confusion at the field level by omission of an important part of Paragraph 23 of the instructions issued vide Department Letter No.47582 dated 12.10.1990. It further records that the broad interpretation of the letter dated 28.01.2021, whereby "DakhalSwatwa Sunya" was being changed indiscriminately to "Sthitiban" in Government lease records, was erroneous and illegal.

25. Significantly, the Government clarification dated 02.07.2025 states that where Government land had been settled on lease and the ROR had been prepared with "Swatwa" recorded as "DakhalSwatwa Sunya", such entry was to be dealt with in accordance with the applicable Government instructions and that Government land settled under lease was to be appropriately reflected as "Pattadar" status in the

circumstances contemplated therein. The clarification also specifically provides that any change already effected on the basis of the letter dated 28.01.2021, whereby "DakhalSwatwa Sunya" had been altered to "Sthitiban" or any other *Swatwa*, was not to be treated as creating an independent private title, but was required to be brought in conformity with the subsequent Government directions. The letter dated 28.01.2021 was expressly withdrawn with immediate effect.

26. The chronology is of considerable importance. The lease mutation ROR produced in the present case shows the *Swatwa* of the alleged lease holding as "DakhalSatwa Sunya" from 1973-74, whereas the departmental letter dated 28.01.2021 came nearly five decades later. Therefore, the said departmental letter could have no retrospective operation so as to alter the legal character of a transaction which had already taken place decades earlier, nor could it retrospectively validate a transfer made from the leasehold holding. The petitioner cannot derive any vested or transferable right from an administrative instruction issued in 2021, particularly when the entry relied upon by him was already existing since 1973-74.

27. Equally important is the fact that the alleged first transfer in favour of Bipra Charan Patra took place on 03.03.1983, whereas the Government letter dated 28.01.2021 was issued nearly thirty-eight years thereafter. Consequently, the legality of the transfer dated 03.03.1983 has necessarily to be examined with reference to the nature and terms of the Government lease, the *Swatwa* then recorded, the statutory restrictions applicable to the original lessee, and the law governing transfer of such leasehold property as prevailing on the date of transfer. The petitioner cannot rely upon a subsequent departmental clarification of 2021 to retrospectively confer transferability upon a leasehold interest which, at the relevant time, did not possess such transferable incidents.

28. The subsequent Government clarification dated 02.07.2025, rather than assisting the petitioner, reinforces the necessity of examining the original lease records carefully. The clarification itself takes note of cases where Government land had been settled under different provisions and had subsequently been wrongly recorded as "DakhalSwatwa Sunya", and further records that such recording by the Tahasildars could be erroneous and illegal. It therefore follows that the mere description of a holding as "DakhalSatwa Sunya" in a mutation ROR cannot, by

itself, be treated either as conclusive proof of a transferable raiyati right or as proof that the subsequent alienation was legally permissible. The nature and extent of the right created in favour of the original lessee, and the legal validity of the subsequent transaction, therefore require independent examination with reference to the law applicable at the relevant point of time.

29. In the present case, the position is still more serious because the lease mutation ROR identifies the original lessee as **Raghu Naik, an Adivasi/Scheduled Tribe person**, and records the *Swatwa* as "DakhalSatwa Sunya" since 1973-74. The subsequent transfer relied upon by the petitioner therefore required strict scrutiny not only with regard to the nature of the right recorded in favour of the original lessee but also with regard to the statutory restrictions applicable to transfer by a Scheduled Tribe person. The alleged transfer cannot be treated as valid merely because a subsequent revenue entry or departmental instruction is relied upon. The legality of the transfer has to stand independently on the contemporaneous statutory permission and the law applicable on the date of transfer.

30. Thus, the reliance placed by the Revision Petitioner upon the departmental letter dated 28.01.2021 is misplaced. The said letter neither operated retrospectively nor constituted a statutory order converting every existing "DakhalSatwa Sunya" holding into a freely transferable *Sthitiban* tenancy. More importantly, the letter itself has subsequently been withdrawn by the Government vide Letter No. RDM-CHS-PGOT-0303-2020/23868/R&DM dated 02.07.2025. The petitioner's transfer of the leasehold property, having taken place decades before the 2021 instruction, must be tested with reference to the law applicable to the holding and the transfer at the relevant point of time. The subsequent departmental correspondence cannot retrospectively confer transferability upon the holding or validate a transfer which was otherwise prohibited in law.

31. The Court therefore finds that the entry of "DakhalSatwa Sunya" in the lease mutation ROR since 1973-74 is a material circumstance which further weakens the petitioner's attempt to treat the subsequent transactions as automatically conferring transferable proprietary rights. The said entry, read with the doubtful original lease records, the identity discrepancy concerning Raghu Naik/Raghu Bhoi, the Scheduled Tribe/Scheduled Caste discrepancy, the questionable Section 22 permission and

the absence of a clear and unimpeachable sanction order, requires the entire chain of transactions to be viewed with considerable caution. The petitioner has failed to establish that the subsequent sale transaction acquired validity merely by virtue of the revenue entries or by reference to the departmental letter dated 28.01.2021.

32. The principle of fraud and suspicious public records. The law relating to fraud is well settled. In S.P. Chengalvaraya Naidu v. Jagannath, (1994) 1 SCC 1, the Hon'ble Supreme Court held that fraud avoids judicial acts and that an order obtained by fraud is a nullity. The Supreme Court has subsequently reiterated that fraud practised upon a Court, Tribunal or authority renders the resulting order a nullity and that fraud is an act of deliberate deception intended to secure an unfair advantage. The principle is not confined to ordinary civil litigation. Where a statutory or public authority is induced to act upon a false identity, manipulated record or material misrepresentation, the foundation of the resulting transaction becomes legally vulnerable. The present case, however, requires a careful distinction. This Court is not recording a criminal conviction for forgery or fraud. Such determination is within the jurisdiction of the competent criminal court upon appropriate proceedings. But this Court is fully entitled, while exercising revisional jurisdiction under the Settlement Act, to examine whether the documentary foundation relied upon by a claimant is sufficiently reliable to support a direction for recording Government land in his favour. On that limited question, the material discrepancies are overwhelming.

33. The decision of the Division Bench of the Hon'ble Orissa High Court in Subala Tarai v. Collector, Puri, O.J.C. Nos.16823 and 16824 of 2001, decided on 06.02.2019, is particularly instructive. The Court considered allegations of irregularities in Government lease records and held that where the competent revisional authority found gross irregularities in the settlement of Government land, cancellation of the leases and correction of the ROR could be justified. The Court observed that a Government lease obtained fraudulently and surreptitiously and without following due procedure of law cannot found a claim to valid possessory rights. The facts of the present case are materially distinguishable from a case where an otherwise regular lease is sought to be disturbed merely because of subsequent suspicion. Here, the original records themselves contain:-

- A discontinuity in the proceedings of W.L. Case No.1364/59-60;

- Absence of the expected proceeding dated 05.04.1968;
- Reliance upon W.L. Case No.469/59-60;
- A case record apparently opened in the name of Lokanath Sethi;
- Subsequent use of the same record for a large number of persons;
- Approximately 138 persons being dealt with in one case record;
- Apparent overwriting of the case number from 470 to 469;
- Absence of the original lease register for the relevant period;
- Mismatch between Raghu Naik and Raghu Bhoi;
- Mismatch between Scheduled Tribe and Scheduled Caste descriptions; and
- Absence of satisfactory official material establishing the identity of Raghu Naik with Raghu Bhoi.

These are not isolated minor defects. Taken cumulatively, they create a serious and reasonable doubt about the authenticity and legal foundation of the alleged lease.

34. The Revision Petitioner has placed reliance upon the judgment of the Hon'ble High Court in PadmanavPrusty v. State of Odisha, W.P.(C) No.12776 of 2014, decided on 06.04.2018, and other decisions such as *Smt. Sakuntala Dash v. State of Odisha*, contending that Settlement Authorities cannot cancel an OGLS lease. There can be no quarrel with the general proposition that an Assistant Settlement Officer exercising powers under the Odisha Survey and Settlement Act is not a substitute for the competent authority under the OGLS Act and cannot, merely on his own assessment, assume the jurisdiction of an OGLS revisional authority. The Division Bench in *PadmanavPrusty* indeed held that the Settlement Authority cannot behave like an appellate authority to cancel a lease granted under another statutory regime. The

principle has subsequently been reiterated by the Hon'bleHigh Court. Likewise, decisions relied upon by the petitioner concerning settlement authorities proceeding on general suspicion, while a valid lease continues to stand, have to be applied in the factual context in which they were rendered. The present case stands on a different footing. Here, the petitioner is seeking a positive adjudication and consequential recording of his name on the strength of a disputed and materially suspicious lease record. The petitioner cannot invoke the limited jurisdiction of the Settlement Authority as a shield against scrutiny of whether he has established the foundational document on which his derivative title depends. The proposition that the Settlement Authority cannot itself cancel an otherwise valid lease does not mean that the Settlement Authority is bound to record the name of a person who fails to establish a lawful and reliable source of title.

35. The petitioner seeks a positive direction that the scheduled land be recorded in his name in Sthitiban status. For such relief, the petitioner must establish the legal foundation of his claim. The burden cannot be shifted upon the State merely because a registered sale deed or mutation entry exists. The registered sale deed of 1985 derives its validity from the title of the vendor, and the vendor's title derives from the predecessor-in-interest, namely the original lessee. If the original lease itself is not satisfactorily established, the subsequent purchaser cannot demand recognition merely by producing subsequent documents. The petitioner has therefore failed to discharge the foundational burden necessary for obtaining the relief sought.

36. The petitioner has also emphasized that the sale deed dated 08.01.1985 was registered and that the earlier sale deed dated 03.03.1983 was also registered. Registration, however, establishes execution and registration of the instrument; it does not independently establish that the transferor possessed an indefeasible title capable of being transferred. A registered document cannot validate a transaction which is founded upon a void or legally defective source of title. In the present case, the identity discrepancy in the first transfer is particularly serious because the statutory permission under Section 22 of the OLR Act itself appears to have been obtained/issued on the basis of a description different from the original lessee.

37. The petitioner has relied upon Section 6-A of the OLR Act and submitted that the original lessee had completed the restriction period of ten years before the first

sale. That argument cannot be accepted at this stage. The question whether the statutory restriction period expired becomes relevant only after the Court is satisfied that there was a valid lease in favour of the person who subsequently transferred the land. A statutory right of transfer cannot arise from a transaction whose very foundation has not been established. Thus, the fact that the sale took place more than ten years after the alleged lease does not cure the defects in the original lease.

38. The petitioner has relied upon Joint Collector, Ranga Reddy District v. D. Narasingh Rao, (2015) 3 SCC 695, contending that stale transactions should not ordinarily be reopened after a long period. The said principle is undoubtedly relevant where a competent authority seeks to unsettle concluded rights after an unreasonable lapse of time. However, the principle cannot be applied mechanically to protect a claimant whose title itself is founded upon a materially doubtful and allegedly manipulated public record. The law does not prescribe that the passage of time can convert an invalid transaction into a valid one. At the same time, this Court is conscious that mere suspicion cannot replace proof. Therefore, the conclusion in the present case is not based upon the general allegations of irregularity referred to in the earlier proceedings concerning Bhubaneswar Tahasil. It is based upon the specific documentary discrepancies found in the records concerning the petitioner's own alleged source of title.

39. The impugned order of the Assistant Settlement Officer referred broadly to irregularities in lease cases in Bhubaneswar Tahasil. Standing alone, such a general observation would not be sufficient to divest a person of a long-standing recorded right. However, the present revision has brought the original lease records before this Court. Upon independent examination of those records, this Court finds that the concern expressed by the Assistant Settlement Officer cannot be treated as wholly extraneous so far as the present case is concerned. The original records themselves disclose specific irregularities which are directly connected with the petitioner's alleged title. Thus, this is not a case where the land is being taken away merely because irregularities were found in some unrelated lease.

40. The Sub-Collector, Bhubaneswar has reported that the lease case register for 1959-60 is not traceable. In addition, the original W.L. Case No.469/59-60 contains an overwritten case number. The inability to produce the relevant case register,

coupled with alteration of the case number and the fact that the record appears to concern Lokanath Sethi but is relied upon in support of Raghu Naik's alleged lease, makes the document unsafe to rely upon as the foundational source of title. The Court cannot close its eyes to these circumstances merely because a later revenue entry was made on its basis.

41. The petitioner has not produced a clean, unambiguous and unimpeachable order of competent authority sanctioning the lease in favour of Raghu Naik corresponding to the exact scheduled land and establishing the legal continuity between W.L. Case No.1364/59-60 and W.L. Case No.469/59-60. Instead, the record shows that:-

- W.L. Case No.1364/59-60 was opened in the name of Raghu Naik;
- W.L. Case no.469/59-60 was originally associated with Lokanath Sethi;
- The case number is overwritten;
- A large number of persons were dealt with in the same case record;
- The relevant case register is unavailable; and
- The transfer permission contains a different name and caste description.

The cumulative effect is that the petitioner has failed to establish the legal continuity of his title.

42. Once the foundational lease is not satisfactorily established, the subsequent sale deed dated 03.03.1983, correction deed dated 28.10.1983 and sale deed dated 08.01.1985 cannot, by themselves, compel recognition of the petitioner's title against the State. The doctrine of *nemo datquod non habet* applies with full force. A purchaser cannot acquire a better title than that of his vendor. The petitioner's case is therefore not merely a question of correcting a clerical entry in a Record-of-Rights. It involves a disputed foundational Government grant.

43. In view of the foregoing findings, the matter shall not be treated as confined merely to the individual claim of the Revision Petitioner. The records disclose

circumstances requiring examination of the larger Government land settlement transactions connected with the relevant lease case. Accordingly, the concerned authorities shall take necessary steps to ensure preservation and safe custody of the original lease and revenue records until completion of the enquiry/investigation.

44. The competent authorities shall examine, in particular, whether the Government land measuring approximately Ac.120.00, stated to have been settled in favour of approximately 138 persons through a single lease case record originally opened in the name of Lokanath Sethi, was settled through independent and lawful proceedings and whether the subsequent mutation, conversion of status, possession and alienation of such land were in conformity with the applicable Acts, Rules, Government lease conditions and departmental instructions.

45. A copy of this order, together with the relevant records, shall accordingly be forwarded to the Revenue and Disaster Management Department, Government of Odisha, for appropriate departmental enquiry, and copies shall also be forwarded to the Crime Branch, Odisha and Economic Offences Wing, Odisha, for independent examination/investigation in accordance with law. Such forwarding shall not amount to a finding of criminal guilt and shall not prejudice the rights of any person in any proceeding before the competent authority or court.

46. The concerned authorities shall submit an appropriate action-taken/ compliance report to the Board of Revenue after undertaking the preliminary examination/enquiry as directed herein.

47. This Court is exercising jurisdiction under Section 32 of the Odisha Survey and Settlement Act, 1958. The purpose of revision is to ensure that the Record-of-Rights is prepared in accordance with the legal rights established on the materials available. The Settlement Authority cannot be compelled to perpetuate an entry merely because an earlier entry was made if subsequent scrutiny of the foundational record demonstrates that the claimant has failed to establish the source of his right. The revision petitioner has sought a positive direction for recording the land in his favour. Such relief cannot be granted merely on the basis of long possession or mutation where the title itself remains unestablished.

48. Further enquiry into the original Government lease records.—The materials placed before this Court disclose circumstances which extend beyond the individual claim of the Revision Petitioner. In particular, the records indicate that a lease case bearing the name of Lokanath Sethi appears to have subsequently been utilised in connection with settlement of Government land in favour of approximately 138 persons, involving an area stated to be around Ac.120.00 of valuable Government land in and around Bhubaneswar. The circumstances concerning the opening, processing, alteration, utilisation and finalisation of the said lease case, including the manner in which one case record came to be associated with such a large number of beneficiaries, require an independent examination by the competent Government authorities.

49. The Court is conscious that the present proceeding under Section 32 of the Odisha Survey and Settlement Act, 1958 is not a criminal trial and that this Court is not recording any finding of criminal guilt, forgery or conspiracy against any individual. Nevertheless, where the original Government records disclose apparent discrepancies, overwriting, doubtful continuity of proceedings and possible utilisation of a single lease case record for settlement of a very large extent of Government land in favour of numerous persons, the matter cannot appropriately end with adjudication of the individual revision petition alone. Protection of Government property and preservation of the integrity of public land records require that the competent authorities examine the matter independently and in accordance with law.

50. Direction to Revenue and Disaster Management Department.—Accordingly, the complete original lease record, including W.L. Case No.1364/59-60, W.L. Case No.469/59-60 and all connected lease/mutation records, registers, order-sheets, maps, Patta records, RORs, sanction orders, transfer permissions and other connected documents relating to the settlement of the Government land, shall be forwarded through the Secretary, Board of Revenue, to the Revenue and Disaster Management Department, Government of Odisha, for a comprehensive examination and further enquiry at the appropriate level. The Department may examine, inter alia, the circumstances in which the lease case was opened, the identity of the original applicants, the total area of Government land involved, the authority competent to sanction the leases, the number and identity of beneficiaries, the legality of the settlement proceedings and the subsequent mutation and transfer of the land.

51. The Revenue and Disaster Management Department shall also examine whether the reported settlement of approximately Ac.120.00 of valuable Government land in favour of approximately 138 persons through/with reference to a lease case originally opened in the name of Lokanath Sethi was supported by separate and legally sustainable proceedings in respect of each beneficiary and each parcel of land, or whether a single case record was improperly utilised for multiple settlements. The Department may call for the relevant original registers and records from the concerned Tahasil, Sub-Collector, Collectorate, Settlement Office and other offices and may cause a physical and record-based verification of the Government land involved.

52. Direction for criminal/economic investigation.—In view of the apparent overwriting/tampering of the case number, the doubtful continuity of the lease proceedings, the use of a case record bearing the name of one applicant for settlement in favour of a large number of persons, the substantial extent of Government land reportedly involved and the other discrepancies noticed in the present record, a copy of this order along with the relevant available records/documents shall also be forwarded to the Crime Branch, Odisha, and the Economic Offences Wing (EOW), Odisha, for such preliminary examination/investigation as may be considered warranted under law. The competent investigating agency shall be at liberty to examine the original records and determine, in accordance with law, whether the circumstances disclose any offence relating to fabrication, manipulation or use of Government records, fraudulent settlement or alienation of Government land, conspiracy, or any other cognizable offence.

53. The forwarding of the records to the Revenue and Disaster Management Department, Crime Branch and Economic Offences Wing shall not be construed as a finding of criminal liability against the Revision Petitioner or any other individual. The purpose of such forwarding is to enable the competent authorities/agencies to independently examine the original records and take such action as may be permissible in law. Any person against whom proceedings may be initiated shall be dealt with in accordance with the principles of natural justice and the procedure prescribed by the applicable law.

54. The concerned Tahasildar and other revenue authorities shall preserve the original lease records, registers, order-sheets, maps and connected documents

relating to the aforesaid Government land and shall not permit destruction, alteration, removal or substitution of any original record until the enquiry/investigation is completed or until further orders of the competent authority. Certified copies of the relevant records may be supplied to the Department or investigating agency as required, while ensuring preservation of the originals.

55. The Secretary, Board of Revenue shall take necessary steps for transmission of the relevant records and a copy of this order to the Revenue and Disaster Management Department, Government of Odisha, Crime Branch, Odisha and Economic Offences Wing, Odisha, for appropriate action in accordance with law. The authorities concerned may submit an action-taken/compliance report to the Board of Revenue after completion of the preliminary examination/enquiry as considered appropriate.

56. It is made clear that the directions contained in the foregoing paragraphs are independent of and without prejudice to the adjudication of the present revision petition. The dismissal of the present revision petition is based upon the failure of the petitioner to establish a lawful and reliable source of title and the material discrepancies found in the records. The further enquiry/investigation directed herein is intended to protect public records and Government property and to ascertain the legality of the larger land-settlement transactions disclosed by the records.

57. The petitioner has also challenged the order of the Assistant Settlement Officer on the ground that notice was not served upon him. Ordinarily, denial of reasonable opportunity of hearing is a serious defect. However, in the present case, the petitioner thereafter availed the statutory appellate remedy and placed his case before the appellate authority. He has also had full opportunity before this revisional forum to produce and rely upon all relevant records. More importantly, the present order is not founded merely upon the reasoning originally recorded by the Assistant Settlement Officer. The original records have now been called for and examined. The question before this Court is whether, on the entire material presently available, the petitioner has established an enforceable right warranting recording of the land in his favour.

58. The field report dated 28.08.2024 records that the petitioner is in possession and that Moong Dal crop is standing over the land. The Court does not dispute the

petitioner's present physical possession. Nevertheless, possession cannot substitute for title. The present proceeding concerns preparation/correction of the Record-of-Rights and not adjudication of possession simpliciter. Where the claimant seeks recognition of private rights over Government land, the legal foundation of such rights must first be established.

59. On a cumulative assessment of the materials, this Court finds that there are grave, specific and material circumstances indicating manipulation, misrepresentation and irregularity in the chain of records relied upon for establishing the alleged lease and subsequent transfer. The Court particularly relies upon:-

I. The unexplained break in W.L. Case No.1364/59-60;

II. Absence of the expected proceeding dated 05.04.1968;

III. The subsequent reliance upon W.L. Case No.469/59-60;

IV. The fact that W.L. Case No.469/59-60 originally bears the name of Lokanath Sethi;

V. The apparent alteration/overwriting of the case number from 470 to 469;

VI. The fact that the same case record appears to contain settlement in favour of approximately 138 persons;

VII. Non-availability of the relevant lease case register;

VIII. The description of the original lessee as Raghu Naik, Scheduled Tribe, in the lease and revenue records;

IX. The description of the transferor as Raghu Bhoi, Scheduled Caste, in the Section 22 permission;

X. The absence of satisfactory official evidence establishing Raghu Naik and Raghu Bhoi as the same person for purposes of the Government lease;

XI. The subsequent self-description of Raghu Bhoi as Raghu Bhoi alias Naik in the correction deed; and

XII. The fact that the entire private title claimed by the petitioner depends upon these documents.

60. These circumstances, considered together, are sufficient to hold that the petitioner has failed to establish a clean and legally reliable title capable of being recognized in the present settlement proceeding. The finding is confined to the adjudication necessary for the present revision. Any question of criminal culpability or forgery, if otherwise warranted, shall remain within the jurisdiction of the competent authority/court.

61. Government land stands in a fiduciary/public capacity and the State cannot be compelled to recognize a private claim founded upon doubtful or manipulated records. The principle that fraud vitiates solemn acts is well established. The Supreme Court has repeatedly held that fraud practiced upon a Court or statutory authority strikes at the root of the resulting proceeding. The Orissa High Court has similarly recognized that a Government lease obtained fraudulently, surreptitiously or without following due procedure cannot found valid possessory rights. In the present case, therefore, the Court cannot invoke equitable considerations of long possession, mutation or payment of rent to compel recognition of a title whose foundational source has not been established.

62. The Court is also unable to accept the petitioner's contention that the Sabik ROR standing in his name since 1986 is conclusive. A revenue entry cannot legalize an otherwise defective Government grant. The presumption attached to a Record-of-Rights is rebuttable and is not a source of title in itself. The Settlement Authority is therefore justified in refusing to perpetuate an entry when the underlying source document has been found to be materially doubtful.

63. The petitioner has sought recording of the land in Sthitiban status. That prayer is consequential upon the alleged valid lease and subsequent valid transfer. Once the foundational transaction has not been established, there is no occasion to grant the consequential prayer for Sthitiban status. The Court, therefore, finds no legal basis to direct recording of the land in the name of the Revision Petitioner in Sthitiban status.

64. After considering the pleadings, written submissions, original lease records, revenue records, field reports and the reports of the Tahasildar, Sub-Collector, Additional District Magistrate and other authorities, this Court arrives at the following conclusions:-

I. The petitioner's title is wholly derivative from the alleged Government lease granted to Raghu Naik.

II. The original W.L. Case No.1364/59-60 does not disclose a continuous, unimpeachable chain of proceedings culminating in a clearly identifiable and legally established sanction in favour of Raghu Naik.

III. The reliance upon W.L. Case No.469/59-60 is surrounded by serious irregularities.

IV. The said case record bears the name of Lokanath Sethi at its inception, whereas it has subsequently been relied upon in support of Raghu Naik's alleged lease.

V. The case number appears to have been overwritten/tampered with.

VI. The same lease record appears to have been utilised for settlement in favour of a very large number of persons, approximately 138, without satisfactory explanation.

VII. The relevant lease case register for 1959-60 is not traceable.

VIII. The identity of Raghu Naik and Raghu Bhoi has not been satisfactorily established by competent official records.

IX. The original lease records describe Raghu Naik as a Scheduled Tribe person, whereas the Section 22 OLR permission describes Raghu Bhoi as a Scheduled Caste person.

X. The discrepancy is material because Section 22 of the OLR Act imposes statutory restrictions on alienation by Scheduled Tribe and Scheduled Caste raiyats.

XI. The subsequent correction deed cannot, by itself, cure the foundational identity discrepancy.

XII. The subsequent restoration of the revenue entry by the Tahasildar does not cure the foundational defects now apparent from the original records.

XIII. The petitioner's subsequent possession, mutation, payment of rent and ROR entry do not independently establish title against the State.

XIV. The lease mutation ROR records the *Swatwa* as "DakhalSatwa Sunya" since 1973-74, which is a material circumstance requiring due consideration. The subsequent alienation, therefore, requires examination with reference to the applicable law at the relevant point of time and cannot be treated as valid merely on the basis of subsequent revenue entries.

XV. The petitioner has therefore failed to establish a lawful and reliable source of title sufficient to obtain a direction for recording the scheduled land in his favour.

65. The authorities relied upon by the petitioner concerning the limited jurisdiction of Settlement Authorities to cancel an OGLS lease do not assist him in the peculiar facts of the present case because the petitioner seeks positive recognition of title founded upon a lease record whose authenticity and legal continuity have not been established.

66. In view of the foregoing discussion, this Court finds no sufficient ground to interfere with the ultimate conclusion of the learned Assistant Settlement Officer and the learned appellate authority insofar as the scheduled land has not been directed to be recorded in favour of the Revision Petitioner. The Revision Petitioner has failed to establish that he has acquired a legally enforceable right over the scheduled Government land on the basis of the alleged lease in W.L. Case No.1364/59-60 and the subsequent transactions. The revision petition is, therefore, devoid of merit and liable to be dismissed.

Accordingly, the OSS Case No.854 of 2022 is hereby **dismissed**.

67. The prayer of the Revision Petitioner for setting aside the order dated 15.07.2013 passed by the learned Assistant Settlement Officer, Rental Colony, Bhubaneswar in Rent Case No.7248/2013 and the appellate order dated 05.09.2013 passed by the learned Additional Sub-Collector-cum-Additional Settlement Officer, Bhubaneswar in Appeal No.1487/2013 is rejected. The further prayer for recording Hal Plot No.1024, corresponding to Sabik Plot No.1400/1659 under Sabik Khata No.224/165, measuring Ac.0.1500/Hec.0.0607 of Mouza-Sampur, Tahasil-Bhubaneswar, in the name of the Revision Petitioner in Sthitiban status is also rejected.

68. The land shall be dealt with in the Record-of-Rights in accordance with the applicable revenue records and law. It is, however, made clear that the observations contained herein regarding the suspicious features, apparent manipulation and discrepancies in the original lease records are confined to the adjudication of the present revision under the Odisha Survey and Settlement Act, 1958. They shall not be construed as a final criminal adjudication regarding forgery or falsification of records. If the competent revenue authority considers it necessary, it shall be open to such authority to take appropriate action under the Odisha Government Land Settlement Act, 1962 or any other applicable law in respect of the original lease and the subsequent transactions, after following the procedure prescribed by law.

69. The concerned revenue authorities shall also ensure that no private claim is recognized merely on the basis of subsequent mutation, rent receipts or derivative documents unless the competent authority is satisfied about the authenticity and legality of the foundational Government grant. The record be consigned as per rules.

70. Original/Certified copy of documents filed be returned to the petitioner by keeping a photocopy of the same in the case record.

Pronounced the order in the open court today, i.e. on the13th day of August, 2026.

Sd/-
Member,
Board of Revenue, Odisha, Kataka

OSS Revision Case No. 263 of 2015

Decided on 13.08.2026

(Order by Shri Satyabrata Sahu, I A S.,
Member, Board of Revenue, Odisha,Kataka.)

Ramesh Chandra Sethi ..... **Petitioner**

-Versus-

State of Odisha represented through
Principal Secretary to Govt. G. A. Department
Odisha, Bhubaneswar & others .....**Opp. Parties**

For the petitioner ... Mr. Dillip Kumar Tripathy, Advocate

For Oposite Party No. 1 to 4 & 8 ... Mr. S. S. Das, Addl. Standing Counsel

For Opposite Party No. 5 & 6 .... None

Orissa Survey & Settlement Act, 1958—Section 15(b)—Government Lease—Derivative Title—Government Grants Act, 1895—Inconclusive Resumption Proceedings—Breach of Lease Conditions—"Dakhal Satwa Sunya"—Identity and Possession of Land—Suspicious Lease Records—Record-of-Rights.

Held: The revision petition was **dismissed**. The Board found that the petitioner failed to establish lawful and identifiable possession or any valid entitlement for correction of the finally published Hal Record-of-Rights. The petitioner's derivative title rested upon a Government lease granted to Prasanna Kumar Mitra, which was subject to conditions restricting alienation and had become the subject of resumption proceedings under the Govt. Grants Act, 1895. The proceedings remained inconclusive, and the Board, exercising limited jurisdiction under Section 15(b), could not adjudicate upon the validity, continuation or resumption of the lease. The petitioner also failed to establish precise identification and possession of the land. Serious doubts were noticed regarding certain lease records, including chronological inconsistencies in official note sheets. The lease mutation ROR recorded the status as "**Dakhal Satwa Sunya**", and no satisfactory evidence of requisite permission for subsequent transfers was produced. Accordingly, the Hal ROR was left unaltered and the competent revenue authorities were directed to scrutinise the inconclusive resumption proceedings and similar cases in accordance with law.

DECISION

1. The present Revision Petition has been filed under Section 15(b) of the Odisha Survey & Settlement Act, 1958 praying for correction of the finally published Hal Record-of-Rights in respect of the schedule land by recording the name of the petitioner in place of the present Government recording. The petitioner seeks correction of the Hal Record-of-Rights relating to Hal Khata No.684, Hal Plot No.1307 measuring Ac.0.038.52 dec of Mouza-Gothapatna, corresponding to Sabik Khata No.201, Sabik Plot No.53, on the assertion that he has acquired valid right, title and possession over the said land through a chain of registered Sale deeds originating from a Government lease granted in favour of one Shri Prasanna Kumar Mitra.

2. I have heard the learned counsel appearing for the petitioner and perused the revision petition, the impugned Record of Rights and all the documents available on record. The history of the case in a nut shell is that the revision case has been filed by the petitioner pertaining to following schedule of land:-

Schedule of Land

Mouza- Gothapatna, P.S.- Chandaka, Tahasil- Bhubaneswar,
District- Khurda.

	Sabik ROR	Mutation ROR	Hal ROR
Mouza	Gothapatna	Gothapatna	Gothapatna
Khata No.	201	174/170	684
Plot No.	53	53/973	1307
Area	Ac.30.490 dec	Ac.4.250 dec	Ac.0.782 dec
Kissam	Puratan Patita	Sarad III	Patita
Recorded Tenant	Anabadi (Govt.)	Prasanna Kumat Mitra	Abad Jogya Anabadi (Govt.)

3. The case of the petitioner, as revealed from the revision petition, may briefly be stated as follows. Originally, the suit land appertaining to Sabik Khata No.201, Sabik Plot No.53 measuring Ac.4.250 decimals of Mouza-Gothapatna, P.S.-Chandaka, Tahasil-Bhubaneswar stood recorded in Government AnabadiKhata

having Kisam "PuratanPatita." It is the specific case of the petitioner that under W.L. Case No.294 of 1984, the thenTahasildar, Bhubaneswar settled the said Government land measuring Ac.4.250 decimals in favour of Shri Prasanna Kumar Mitra under the Jawan lease. Consequent upon such settlement, lease Record-of-Rights was allegedly prepared in favour of the lessee under Khata No.174/170, Plot No.53/973 measuring Ac.4.250 decimals with Kisam "Sarad-III". Thereafter mutation was also effected in favour of the said lessee. It is further pleaded that on 30.01.2002 Shri Prasanna Kumar Mitra executed a registered General Power of Attorney in favour of Shri Bijay Kumar Patra authorizing him to deal with a portion of the leasehold property. According to the petitioner, acting under such authority, Shri Prasanna Kumar Mitra together with his attorney holder sold different portions of the leasehold land to various purchasers. One such purchaser was Shri Niranjan Nayak, who purchased Ac.0.03852 decimal (1680 square feet) corresponding to Sub-Plot No.35 under Registered Sale Deed No.3836 dated 28.08.2002.

4. Subsequently, Shri Niranjan Nayak transferred the self-same land in favour of the present petitioner through Registered Sale Deed No.2783 dated 18.03.2007. The petitioner asserts that immediately after purchase he entered into possession of the purchased land and has remained in continuous, peaceful and uninterrupted possession ever since. According to him, no objection was ever raised by any authority regarding his possession over the land.

5. The revision petition relates to the following schedule land. Originally the property formed part of Sabik Khata No.201, Sabik Plot No.53 of Mouza-Gothapatna. Thereafter, during lease mutation, it was recorded under Khata No.174/170, Plot No.53/973.During Major Settlement operation, the corresponding Hal Record-of-Rights was finally published as Hal Khata No.684 Hal Plot No.1307 Area Ac.0.782 decimal Kisam Patita Recorded in AbadjogyaAnabadiKhata. The petitioner seeks correction of this Hal Record by recording his own name.

6. The principal grounds urged by the petitioner are summarized below. According to him, the disputed property forms part of the leasehold land originally granted in favour of Shri Prasanna Kumar Mitra under the Jawan lease. The petitioner contends that the original lessee was in lawful possession of the land and had validly transferred portions thereof through registered instruments. It is further pleaded

that the petitioner is a bona fide purchaser for valuable consideration and has acquired lawful title through successive registered Sale deeds. The petitioner further submits that during settlement operation neither he nor his vendor could take effective steps for recording his name in the Record-of-Rights. It is his grievance that after publication of the Hal Record-of-Rights he found that the disputed property had been recorded under Government AbadjogyaAnabadiKhata instead of recording his name. According to the petitioner, such recording is erroneous, arbitrary and contrary to the documentary evidence produced by him. On these premises, he has prayed for correction of the Hal Record-of-Rights by deleting the Government entry and recording his name.

7. Upon admission of the revision petition, notices were issued to all the opposite parties. The Lower Court Records together with relevant lease records, mutation records and settlement records were called for. Reports were also called for from the Assistant Settlement Officer, Major Settlement, Cuttack and the Tahasildar, Bhubaneswar for verification of the factual position regarding the disputed land. The records received from the subordinate authorities have been carefully perused.

8. The Assistant Settlement Officer, Major Settlement, Cuttack, after verification of the settlement records, has submitted a report stating that the disputed property originally appertains to Sabik Khata No.201, Sabik Plot No.53 of Mouza-Gothapatna. The Sabik Record-of-Rights records the land under Government AnabadiKhata with Kisam “PuratanPatita”. During Major Settlement operation, the corresponding Hal Record-of-Rights has been finally published under Hal Khata No.684 Hal Plot No.1307 Kisam Patita. The Hal Record further shows the land under AbadjogyaAnabadiKhata. The Assistant Settlement Officer has not reported existence of any finally published settlement record recognizing the petitioner’s name over the disputed land. Accordingly, the report substantially supports continuation of the Government recording in the finally published Hal Record-of-Rights.

9. The Tahasildar, Bhubaneswar has also submitted a detailed report after verification of the revenue records. The report states that Sabik Khata No.201, Plot No.53 of Mouza-Gothapatna originally stood recorded under Government AnabadiKhata having Kisam “PuratanPatita”. The corresponding Hal Record has been published as Hal Khata No.684 Hal Plot No.1307 Kisam “Patita” under

Government AbadjogyaAnabadiKhata. The Tahasildar has specifically reported that although enquiry was conducted, the petitioner failed to furnish the land map and other supporting documents necessary for proper identification of the purchased land. In absence of proper map and supporting documents, the exact location and possession of the land claimed by the petitioner could not be verified. Consequently, the Tahasildar has reported that the possession of the petitioner over the disputed Hal Plot could not be established during field verification. The Tahasildar has also enclosed the relevant order sheets relating to initiation of resumption proceedings against the original lessee, Shri Prasanna Kumar Mitra, which have an important bearing upon the controversy involved in the present revision.

10. Apart from the reports of the Assistant Settlement Officer and the Tahasildar, this Court has carefully examined the original lease records produced before it. The records reveal that after grant of lease in favour of Shri Prasanna Kumar Mitra, certain developments subsequently took place leading to initiation of proceedings for resumption of the leasehold land. The order sheets of the Tahasil records indicate that Government, acting upon the enquiry conducted into various lease cases sanctioned in Bhubaneswar Tahasil, issued necessary directions for examining the question of resumption of several Government leases including the lease granted in favour of Shri Prasanna Kumar Mitra.

11. During examination of the original lease file, this Court has also noticed another feature of considerable significance. The office notings of the Tahasildar, Bhubaneswar dated 06.10.1988 and 26.12.1988, whereby the lease case appears to have been reopened for consideration of sanction of lease in favour of the original lessee in Mouza-Gothapatna instead of Mouza-Shyamasundarpur, prima facie raise a serious doubt regarding the authenticity of those particular note sheets.

12. A careful scrutiny of the original record reveals that the note sheets bearing the aforesaid dates have been recorded on Government Press printed sheets carrying the printing date 08.05.1989. Ordinarily, a Government Press stationery printed on 08.05.1989 could not have been available for recording official notings on 06.10.1988 or 26.12.1988, both of which precede the printing date by several months. This chronological inconsistency appearing on the face of the original record renders the genuineness of those particular note sheets open to serious doubt. Although

this Court is not recording any conclusive finding regarding interpolation or fabrication of the record, the anomaly is of such a nature that it cannot be overlooked and deserves examination by the competent authority in accordance with law while dealing with any proceedings relating to the original Government lease.

13. Examination of the Revenue Records and Lease Proceedings. This Court has carefully examined the original lease records, mutation records, reports submitted by the Assistant Settlement Officer, Major Settlement, Cuttack, the Tahasildar, Bhubaneswar and the connected records produced before this Court. The principal claim of the petitioner is founded upon a chain of registered Sale deeds originating from the Government lease granted in favour of Opposite Party No.5, Shri Prasanna Kumar Mitra. Therefore, before examining the legality of the prayer for correction of the Record-of-Rights, it becomes necessary to examine the status of the original Government lease and the subsequent proceedings initiated by the Revenue Authorities. The records reveal that the lease in favour of Shri Prasanna Kumar Mitra was granted under W.L. Case No.294 of 1984 under the Jawan Lease under Govt. Grants Act, 1895. Consequent upon such settlement, lease Record-of-Rights and mutation entries were prepared in his favour.

14. The case record contains a copy of Letter No.3131 dated 05.12.1997 issued by the Additional District Magistrate, Khurda whereby the Tahasildar, Bhubaneswar was directed to initiate necessary action for resumption of the Government land settled in favour of Shri Prasanna Kumar Mitra. The said communication was issued pursuant to Government Letter No.38704/R dated 19.08.1997 of the Revenue & Excise Department. The Government communication reveals that an enquiry had earlier been conducted by Shri R.C. Mishra, I.A.S., regarding Government lease cases sanctioned in Bhubaneswar Tahasil. The enquiry reportedly noticed various irregularities relating to grant and utilization of Government leasehold lands. Consequently, Government directed that appropriate action be taken in accordance with the provisions of the Govt. Grants Act, 1895 for resumption of such lands wherever considered necessary. The records further indicate that the lease granted in favour of Shri Prasanna Kumar Mitra formed one of such cases.

15. The most significant document produced before this Court is the office noting dated 30.12.1997 recorded by the then Tahasildar, Bhubaneswar. The order sheet

records that the case was put up on receipt of Letter No.3131 dated 05.12.1997 of the Additional District Magistrate, Khurda together with Government Letter No.38704/ R dated 19.08.1997. It is further recorded in the notesheet of the Tahasildar, Bhubaneswar dated 30.12.1997 that *"The Government have also vested power of resumption with the Tahasildar in respect of land sanctioned under the Govt. Grants Act, 1895."* The Tahasildar recorded that Government had directed resumption of Ac.4.250 decimals of land settled in favour of Shri Prasanna Kumar Mitra under the Ex-Military quota. The Tahasildar further noticed from the Government communication that irregularities had been pointed out regarding settlement of Government lands in Bhubaneswar Tahasil and that Government had considered it necessary to resume such lands under the Govt. Grants Act, 1895.

16. However, while recording the proceedings, the Tahasildar also made certain important observations. He noted that although the enquiry report submitted by Shri R.C. Mishra, I.A.S., suggested review of such lease cases, no formal review order had yet been passed by the competent revisional authority. The Tahasildar observed that, as recorded in the notesheet dated 30.12.1997, *"The Government have also vested power of resumption with the Tahasildar in respect of land sanctioned under the Govt. Grants Act, 1895."* At the same time, the Tahasildar expressed the view that unless the lease itself was first reviewed or annulled by the competent authority, immediate resumption of the land might give rise to unnecessary legal complications and further litigation. The order sheet further records that the matter had also been discussed with the Additional District Magistrate as well as the Collector, Khurda. Notwithstanding the above observations, the superior authorities insisted that the Government instructions should be implemented. Consequently, the Tahasildar directed issuance of notice to the lessee requiring him to show cause as to why the leasehold land should not be resumed under the Govt. Grants Act, 1895. The matter was thereafter posted for further proceedings.

17. The subsequent order sheets available in the original record have also been examined. They disclose that after issuance of notice, the original lessee appeared through his learned Advocate. The final order sheet available in the case record is dated 16.06.1998. The said order records that the lessee appeared through his Advocate and filed a petition praying for time to submit his reply. The prayer for adjournment was allowed. The case was accordingly posted to 30.06.1998. However,

beyond the said order sheet, no further proceedings are available in the original record. There is no material to indicate that any evidence was recorded thereafter. There is also no material indicating that any final order either resuming the leasehold land or dropping the proceeding was ever passed. Likewise, no order declaring the lease valid or invalid has been produced before this Court. Thus, the records unmistakably establish that the resumption proceeding remained inconclusive.

18. The existence of the above proceeding assumes considerable importance in the present revision. The petitioner derives his title through successive purchasers from the original Government lessee. If the status of the original Government lease itself became the subject matter of statutory proceedings under the Govt. Grants Act, 1895 and such proceeding has admittedly remained inconclusive, the effect of such proceeding cannot be ignored while considering a prayer for correction of the Record-of-Rights. Equally, this Court cannot proceed on the assumption that the lease either continued unaffected or stood legally resumed, in absence of any final adjudication by the competent authority. The records do not disclose any final order in either direction. Accordingly, this Court has to examine the present revision keeping in view the legal position emerging from such incomplete proceedings.

19. At this stage, it is also necessary to keep in view the limited scope of jurisdiction conferred under Section 15(b) of the Odisha Survey & Settlement Act, 1958. The revisional jurisdiction under the said provision is intended primarily to examine the correctness, legality and propriety of entries made in the finally published Record-of-Rights. The Settlement Authority does not exercise the powers of the competent authority under the Govt. Grants Act, 1895as the said lease was granted under this act. While dealing with a revision under Section 15(b). Questions relating to:-

- validity of Government lease,
- cancellation of lease,
- breach of lease conditions,
- resumption of Government land,
- or continuation of leasehold rights,

are matters falling within the jurisdiction specifically vested in the competent Revenue Authority under the Govt. Grants Act, 1895. Consequently, while exercising revisional

powers under the Settlement Act, this Court cannot substitute itself for the authority empowered to decide such questions.

20. In view of the pleadings of the parties, the reports submitted by the Assistant Settlement Officer and the Tahasildar, the lease records, the order sheets relating to the resumption proceeding and the materials available on record, the following points arise for determination:-

i) Whether the petitioner has established lawful right, title and possession over the disputed land so as to warrant correction of the finally published Hal Record-of-Rights under Section 15(b) of the Odisha Survey & Settlement Act, 1958?

ii) Whether the pendency of the resumption proceeding initiated under the Govt. Grants Act, 1895 in respect of the original Government lease has any bearing upon the present revision petition?

iii) Whether this Court, while exercising revisional jurisdiction under Section 15(b) of the Odisha Survey & Settlement Act, can direct correction of the Record-of-Rights in favour of the petitioner when the proceedings relating to the original Government lease remain inconclusive?

iv) Whether the petitioner has succeeded in establishing any legal infirmity in the finally published Hal Record-of-Rights requiring interference by this Court ?

21. Having formulated the aforesaid points for determination, this Court now proceeds to examine each of them independently in the light of the pleadings, documentary evidence, official reports, statutory provisions and settled principles governing correction of the Record-of-Rights.

22. Whether the petitioner has established lawful right, title and possession over the disputed land so as to warrant correction of the finally published Hal Record-of-Rights under Section 15(b) of the Odisha Survey & Settlement Act, 1958?

22-A. Analysis: The foundation of the petitioner's claim rests upon Registered Sale Deed No.2783 dated 18.03.2007 executed by Opposite Party

No.7, Shri Niranjan Nayak. The petitioner claims that Shri Niranjan Nayak had earlier purchased the disputed land from Shri Prasanna Kumar Mitra through his attorney holder, Shri Bijay Kumar Patra, under Registered Sale Deed No.3836 dated 28.08.2002. Thus, the entire claim of the petitioner traces its origin to the Government lease granted in favour of Shri Prasanna Kumar Mitra. In a proceeding under Section 15(b) of the Odisha Survey & Settlement Act, the burden lies upon the petitioner to establish that the entry made in the finally published Record-of-Rights is erroneous and that he possesses a lawful right warranting correction of the record. Such burden cannot be discharged merely by producing a chain of registered sale deeds. The petitioner must establish that the title claimed by him is legally sustainable and that the land sought to be corrected is clearly identifiable and is in his lawful possession.

22-B. In the present case, although the petitioner has relied upon successive sale deeds, the reports submitted by the Revenue Authorities do not support his claim. More importantly, the petitioner has failed to produce the land map, sketch map, field verification report or any other cogent material enabling identification of the exact portion claimed by him in the corresponding Hal Plot. The Tahasildar, Bhubaneswar has specifically reported that despite being called upon to produce the relevant map and supporting documents, the petitioner failed to do so. Consequently, the possession over the claimed portion could not be verified during local enquiry. The inability to identify the exact portion of land claimed by the petitioner strikes at the very root of the relief sought in the present revision. Unless the land is capable of precise identification and lawful possession is established, correction of the finally published Record-of-Rights cannot be directed.

22-C. Finding: In view of the foregoing analysis, the petitioner has failed to establish lawful right, identifiable possession and entitlement to correction of the finally published Hal Record-of-Rights under Section 15(b) of the Odisha Survey & Settlement Act, 1958. The answer to the issue is, therefore, in the negative.

23. Whether the reports submitted by the Assistant Settlement Officer and the Tahasildar support the claim of the petitioner?

23-A. Analysis: The Assistant Settlement Officer, Major Settlement, Cuttack has reported that the disputed property originally appertains to Sabik Khata No.201, Plot No.53, recorded under Government AnabadiKhata with Kisam "PuratanPatita". During the settlement operation, the corresponding Hal Record was finally published as Hal Khata No.684, Hal Plot No.1307, with Kisam "Patita" under AbadjogyaAnabadiKhata. The Tahasildar, Bhubaneswar has independently verified the revenue records and arrived at the same conclusion. According to him, both the Sabik and Hal Records continue to reflect the land as Government land. The Tahasildar has further reported that the petitioner failed to furnish the necessary map and other supporting documents and, therefore, his possession over the specific portion claimed could not be established.

23-B. The aforesaid reports have been submitted by the competent Revenue Authorities in discharge of their official duties after verification of the relevant revenue records. No convincing material has been produced by the petitioner to dislodge or contradict the findings recorded therein. On the contrary, the reports consistently indicate that the disputed land continues to be recorded as Government land and that the petitioner has failed to establish the factual basis necessary for correction of the Record-of-Rights. There is, therefore, no sufficient ground for this Court to disregard the reports of the Assistant Settlement Officer and the Tahasildar.

23-C. Finding: In view of the foregoing analysis, the reports submitted by the Assistant Settlement Officer and the Tahasildar do not support the claim of the petitioner. The issue is, accordingly, answered in the negative.

24. Whether the resumption proceeding initiated under the Govt. Grants Act, 1895 has any bearing upon the present revision petition?

24-A. Analysis: The original resumption file produced before this Court assumes considerable significance. The order-sheet dated 30.12.1997 records that the Tahasildar, Bhubaneswar received Government instructions through the Additional District Magistrate, Khurda directing initiation of resumption proceedings in respect of the lease granted to Shri Prasanna

Kumar Mitra. The order-sheet further reveals that the Government decision was based upon an enquiry into lease cases sanctioned in Bhubaneswar Tahasil, wherein certain irregularities were noticed. It is further recorded in the notesheet dated 30.12.1997 that *"The Government have also vested power of resumption with the Tahasildar in respect of land sanctioned under the Govt. Grants Act, 1895."*

24-B. The Tahasildar, however, observed that although the enquiry suggested review of the lease, no review order had been passed by the competent authority and expressed the view that, unless the lease was first reviewed or annulled by the competent revisional authority, immediate resumption might give rise to unnecessary legal complications and litigation. Nevertheless, acting upon the Government instructions, he directed issuance of notice to the lessee under the Govt. Grants Act, 1895, calling upon him to show cause why the land should not be resumed. The subsequent order-sheet dated 16.06.1998 records the appearance of the lessee through his Advocate and grant of time to file objection, and the matter was posted to 30.06.1998.

24-C. Thereafter, the records are completely silent. No order resuming the land has been produced before this Court. Equally, no order dropping or otherwise concluding the proceeding has been brought on record. Thus, the statutory proceeding initiated under the Govt. Grants Act, 1895 appears to have remained incomplete. The existence of such pending/inconclusive proceedings assumes significance because the petitioner's claim flows from the original Government lease itself. Until the status of the lease is finally settled by the competent authority, any determination in the present revision touching upon the effect or validity of such lease would be premature.

24-D. Finding: In view of the foregoing analysis, the incomplete resumption proceeding under the Govt. Grants Act, 1895 has a material bearing upon the present revision petition and cannot be ignored while examining the petitioner's claim founded upon the said Government lease. The issue is, accordingly, answered in the affirmative.

25. At this stage, it is also necessary to notice another important aspect emerging from the records relating to the original Government lease. It is evident that the lease granted in favour of Shri Prasanna Kumar Mitra was subject to specific conditions prohibiting transfer of the leasehold land under section 2 of Govt. Grants Act, 1895. In the connected matter in O.S.S Case No. 48 of 2018relating to the same leasehold property, it has already been found from the records that Shri Prasanna Kumar Mitra executed Registered Sale Deed No.2750 dated 27.12.1989 in favour of Shri Chhanda Charan Mohanty in respect of a portion of the leasehold land within about three months from the date of grant of the lease, which is completely violating section 2 and 3 of Govt. Grants Act, 1895. Such transfer constituted a clear breach of the fundamental conditions of the Government lease as well as the statutory restrictions governing transfer of Government leasehold land under Govt. Grants Act, 1895. Once the original lessee committed breach of the essential conditions of the lease, the lease became liable for action under the Govt. Grants Act, 1895, which empowers the competent authority to resume Government land settled under the Act upon violation of the conditions of settlement, after following the prescribed procedure and affording reasonable opportunity of hearing. The initiation of resumption proceedings against the original lessee, as reflected from the original records, is consistent with the statutory consequences flowing from such breach.

26. The original lease mutation Record-of-Rights produced before this Court also throws considerable light on the nature and conditions of the Government grant. The lease mutation Record-of-Rights reveals that upon settlement of the Government land, the kisam of the land was changed from “Patita” to “Sarada-III”, indicating that the settlement was made for agricultural purposes. The said Record-of-Rights further contains a specific entry in the Special Remarks column stipulating that the leasehold land shall not be transferred within a period of ten years from the date of sanction of the lease. The records further disclose that, notwithstanding the aforesaid condition, Shri Prasanna Kumar Mitra, the original lessee, executed Registered Sale Deed No.2750 dated 27.12.1989 in favour of Shri Chhanda Charan Mohanty in respect of a portion of the leasehold land within about three months from the date of grant of the lease. Prima facie, such alienation was contrary to the express condition incorporated in the Government grant. Under Sections 2 and 3 of the Govt. Grants Act, 1895, the rights and obligations of the Government and the grantee are governed

by the terms of the grant itself. Consequently, the apparent breach of the non-alienation condition rendered the lease liable to appropriate action by the competent authority in accordance with the terms of the grant and the provisions of the Govt. Grants Act, 1895. However, this Court refrains from recording any final adjudication on the validity or legal consequences of such breach, as those issues fall within the jurisdiction of the competent authority under the said Act.

27. The significance of the above violation extends beyond the first transaction itself. The petitioner's claim is not founded upon an independent grant from the Government but is entirely derivative, tracing its origin to the rights claimed by the original lessee. Where the very foundation of the title is affected by breach of the conditions of the Government lease, every subsequent transfer made on the strength of such lease necessarily remains subject to the legal consequences arising from that initial breach. Unless the competent authority regularises the violation or otherwise recognises the continuance of the leasehold rights in accordance with law, the subsequent purchasers cannot claim a better or higher right than that possessed by the original lessee. Consequently, the successive registered Sale deeds relied upon by the petitioner cannot, by themselves, confer an enforceable right warranting correction of the finally published Record-of-Rights, particularly when the original lease itself had become liable for statutory action under section 2 & 3 of Govt. Grants Act, 1895 and the records disclose initiation of such proceedings.

28. Whether this Court can direct correction of the Record-of-Rights in favour of the petitioner while the proceedings under the Govt. Grants Act, 1895 remain inconclusive?

28-A. Analysis: The jurisdiction exercised by this Court under Section 15(b) of the Odisha Survey & Settlement Act is a limited revisional jurisdiction. The scope of enquiry is confined to examining whether the finally published Record-of-Rights correctly reflects the lawful status of the land on the basis of legally admissible materials. The Settlement Authority is not vested with the powers of the competent authority under the Govt. Grants Act, 1895 to decide issues relating to continuation, cancellation or resumption of Government leases.

28-B. If this Court were to direct correction of the Record-of-Rights in favour of the petitioner notwithstanding the incomplete statutory proceedings under the Govt. Grants Act, 1895, it would indirectly determine the effect of the original Government lease, an issue that properly falls within the jurisdiction of the competent authority under the said Act. Such an exercise would amount to going beyond the jurisdiction conferred under Section 15(b) of the Odisha Survey & Settlement Act. Judicial discipline requires that where a special statute vests a particular question in a designated authority, another authority exercising a different jurisdiction should refrain from recording findings that may prejudge or render infructuous the statutory proceedings before the competent authority.

28-C. In the above circumstances, while the proceedings concerning the original Government lease remain inconclusive, this Court cannot appropriately grant the relief of correction of the Record-of-Rights on the basis of the petitioner's claim, as doing so may have the effect of prejudging the issues falling for determination before the competent authority under the Govt. Grants Act, 1895.

28-D. In the present case, therefore, the petitioner cannot claim an independent or superior right merely on the strength of subsequent registered Sale deeds when the very source of the claimed title is a Government grant containing conditions regulating alienation and when the original lease itself became the subject matter of resumption proceedings. The subsequent purchasers derive their claim only through the original lessee and cannot, merely by successive registered sale deed, acquire a better title than what was lawfully available to their predecessor, particularly where the foundational grant and compliance with its conditions remain to be examined by the competent authority.

28-E. Thus, this Court, while exercising jurisdiction under Section 15(b) of the Odisha Survey & Settlement Act, cannot treat a chain of mutation entries or registered Sale deeds as, by themselves, sufficient to establish an indefeasible title contrary to the terms and legal incidents of the original Government grant. Nor can the present proceeding be converted into a

proceeding for adjudication of the validity, cancellation or resumption of the Government lease. Those questions must remain open for determination by the competent authority in accordance with the Government Grants Act, 1895 and the terms of the original grant.

28-F. For the foregoing reasons, this Court is of the considered opinion that no correction of the Record-of-Rights can be directed in favour of the petitioner at this stage while the proceedings concerning the original Government lease remain inconclusive. The issue is, accordingly, answered in the negative.

29. Whether the petitioner has established that the finally published Hal Record-of-Rights suffers from any legal infirmity warranting interference by this Court?

29-A. Analysis: The Record-of-Rights prepared during the settlement operation carries a presumption of correctness unless displaced by reliable and convincing evidence. In the present case, the petitioner has failed to rebut such presumption. The official reports consistently support the Government entry, while the petitioner has not produced sufficient material to enable precise identification of the land claimed by him.

29-B. Further, the original Government lease, from which the petitioner claims derivative title, became the subject matter of statutory resumption proceedings under the Govt. Grants Act, 1895, which remaininconclusive. There is also no material on record to establish that the competent authority ever regularised the subsequent transactions or otherwise recognised the petitioner's claim. The cumulative effect of these circumstances does not furnish any legally sustainable basis for disturbing the finally published Hal Record-of-Rights.

29-C. Finding: In view of the foregoing analysis, the petitioner has failed to establish any legal infirmity in the finally published Hal Record-of-Rights warranting interference by this Court. The issue is, accordingly, answered in the negative.

30. From the foregoing discussion, this Court records the following conclusions:-

i) The petitioner has failed to establish lawful and identifiable possession over the disputed land.

ii) The Assistant Settlement Officer as well as the Tahasildar have consistently reported that the disputed land continues to stand recorded as Government land under AbadjogyaAnabadiKhata.

iii) The petitioner has failed to produce the land map and other supporting documents necessary for proper identification of the land claimed.

iv) The original records reveal that statutory proceedings under Govt. Grants Act, 1895 were initiated against the original lessee pursuant to Government directions.

v) The said proceedings remained inconclusive, as no final order either resuming the lease or dropping the proceeding has been produced before this Court.

vi) During examination of the original lease file, this Court has noticed that the office notings of the Tahasildar, Bhubaneswar dated **06.10.1988 and 26.12.1988**, relating to reopening of the lease case for consideration of sanction in favour of the original lessee in **Mouza-Gothapatna instead of Mouza-Shyamasundarpur**, were recorded on Government Press printed sheets bearing the printing date **08.05.1989**. The said chronological inconsistency raises a serious doubt regarding the genuineness of those particular note sheets and requires examination by the competent authority in accordance with law. This Court, however, does not record any conclusive finding regarding interpolation or fabrication of the records.

vii) The original lease mutation Record-of-Rights is recorded with *Swatwa*"**DakhalSatwa Sunya**". In view of such recorded status, any subsequent transaction in respect of the said leasehold land was required to be examined with reference to the applicable revenue laws, rules and the requirement of permission, if any, from the competent

authority. The petitioner has not produced any satisfactory material showing that the subsequent transfer was preceded by or supported by the requisite permission of the competent authority.

viii) It is further disclosed thatin the connected matter in O.S.S Case No. 48 of 2018relating to the same leasehold property that Shri Prasanna Kumar Mitra, the original lessee, executed **Registered Sale Deed No.2750 dated 27.12.1989** in favour of Shri Chhanda Charan Mohanty in respect of a portion of the leasehold land within about three months of the grant of the lease. Such subsequent alienation, in the background of the *Swatwa* recorded as **"DakhalSatwa Sunya"** and in the absence of material showing prior permission of the competent authority, raises a serious question regarding the legality of the transaction under the applicable revenue laws and rules.

ix) The initiation of resumption proceedings against the original lessee, as reflected from the original records, assumes significance in the above background and indicates that the legality of the original lease and the subsequent transactions required examination by the competent authority.

x) In view of the limited jurisdiction under Section 15(b) of the Odisha Survey & Settlement Act, this Court cannot adjudicate upon the validity or continuance of the Government lease or grant correction of the Record-of-Rights in a manner that would prejudge matters falling within the jurisdiction of the competent authority under the **Govt. Grants Act, 1895**.

xi) Consequently, the petitioner has failed to establish any legal or factual ground warranting interference with the finally published **Hal Record-of-Rights**.

xii) In view of the limited jurisdiction under Section 15(b) of the Odisha Survey & Settlement Act, this Court cannot adjudicate upon the validity or continuance of the Government lease or grant correction of the Record-of-Rights in a manner that would prejudge matters falling within the jurisdiction of the competent authority under the Govt. Grants Act, 1895.

xiii) Consequently, the petitioner has failed to establish any legal or factual ground warranting interference with the finally published Hal Record-of-Rights.

31. Having bestowed my consideration to the pleadings of the petitioner, the materials available on record, the reports submitted by the Assistant Settlement Officer, Major Settlement, Cuttack, the Tahasildar, Bhubaneswar, the original lease file, mutation records, settlement records and the connected resumption proceedings, this Court proceeds to record its final conclusions. It is an admitted position that the disputed land originally formed part of Sabik Khata No.201, Sabik Plot No.53 of Mouza-Gothapatna recorded under Government AnabadiKhata with Kisam "PuratanPatita." The corresponding Hal Record has been finally published under Hal Khata No.684, Hal Plot No.1307 with Kisam "Patita" under Government AbadjogyaAnabadiKhata. The petitioner traces his claim through a series of registered Sale deedscommencing from the Government lease granted in favour of Shri Prasanna Kumar Mitra. His prayer is founded upon the contention that such registered Sale deeds have vested him with lawful title and possession over the disputed land.

32. However, a careful scrutiny of the materials on record does not support such contention. The Assistant Settlement Officer has consistently reported that the Hal Record correctly reflects the Government ownership over the disputed land. Likewise, the Tahasildar, Bhubaneswar has reiterated that the Sabik and Hal Records continue to stand in Government Khata. Significantly, the Tahasildar has also reported that the petitioner failed to produce the map and other supporting documents necessary for proper identification of the purchased land and, therefore, the possession claimed by him could not be verified during field enquiry. This finding has remained unrebutted by any cogent documentary evidence. The inability of the petitioner to establish the identity and possession of the land sought to be corrected is by itself sufficient to disentitle him to the relief claimed in a proceeding under Section 15(b) of the Odisha Survey & Settlement Act.

33. The original lease records produced before this Court further reveal that proceedings under Govt. Grants Act, 1895 had been initiated against the original lessee pursuant to Government directions issued after enquiry into lease cases sanctioned in Bhubaneswar Tahasil. The order-sheet dated 30.12.1997 clearly records the receipt of Government instructions for initiation of resumption

proceedings. The subsequent order-sheet dated 16.06.1998 reveals that the original lessee entered appearance through his learned Advocate and sought time to file objection. The matter was adjourned to 30.06.1998. Beyond that stage, however, the records are completely silent. No final order resuming the lease has been produced. Similarly, no order dropping the proceeding or confirming continuation of the lease has been brought to the notice of this Court. The inevitable conclusion is that the statutory proceeding initiated under Govt. Grants Act, 1895 remained inconclusive.

34. The present proceeding has been instituted under Section 15(b) of the Odisha Survey & Settlement Act, 1958. The scope of revisional jurisdiction under the said provision is confined to examining the correctness, legality and propriety of entries made in the finally published Record-of-Rights. This Court is neither exercising the powers of the competent authority under Govt. Grants Act, 1895 nor sitting in appeal over proceedings initiated thereunder. The questions relating to:-

- Continuance of government lease,
- Breach of lease conditions,
- Legality of alienation,
- Resumption of government land, and
- Consequences flowing therefrom,

all within the exclusive domain of the authority empowered under the Govt. Grants Act, 1895. Therefore, this Court cannot, while exercising limited revisional jurisdiction under Section 15(b), return any finding which may have the effect of determining or prejudicing the issues arising in the pending statutory proceeding.

35. The petitioner has prayed for correction of the finally published Record-of-Rights by deleting the Government entry and substituting his own name. Such relief can be granted only when the petitioner successfully establishes:-

- Lawful entitlement over the land;
- Identifiable possession over the corresponding hal plot;
- Convincing evidence showing that the existing entry is erroneous; and
- Absence of any legal impediment affecting the claimed title.

36. In the present case, none of these requirements stand satisfied. The petitioner has failed to establish identifiable possession. The Revenue Authorities have consistently supported the Government entry. The land continues to stand recorded under Government AbadjogyaAnabadiKhata. Further, proceedings affecting the very foundation of the petitioner's claim, namely the original Government lease, remain inconclusive before the competent authority. In these circumstances, directing correction of the Record-of-Rights would not only be unsupported by the materials available on record but would also amount to indirectly conferring recognition upon a claim which is yet to attain finality before the competent authority. Such a course is neither legally permissible nor warranted in exercise of revisional jurisdiction under Section 15(b) of the Odisha Survey & Settlement Act.

37. Accordingly, this Court records the following findings:-

I. The petitioner has failed to establish any lawful ground for correction of the finally published Hal Record-of-Rights.

II. The petitioner has failed to establish identifiable possession over the disputed Hal Plot.

III. The reports submitted by the Assistant Settlement Officer and the Tahasildar consistently support continuation of the Government entry.

IV. The disputed land continues to stand recorded under Government AbadjogyaAnabadiKhata.

V. The records reveal that proceedings under the Govt. Grants Act, 1895 had been initiated in respect of the original lease but remained inconclusive without any final adjudication.

VI. During examination of the original lease file, this Court has noticed that the office notings of the Tahasildar, Bhubaneswar dated 06.10.1988 and 26.12.1988, relating to reopening of the lease case for consideration of sanction in favour of the original lessee in Mouza-Gothapatna instead of Mouza-Shyamasundarpur, were recorded on Government Press printed sheets bearing the printing date 08.05.1989. The said chronological

inconsistency raises a serious doubt regarding the genuineness of those particular note sheets and requires examination by the competent authority in accordance with law. This Court, however, does not record any conclusive finding regarding interpolation or fabrication of the records.

VII. The original lease mutation Record-of-Rights is recorded with *Swatwa* "DakhalSatwa Sunya". In view of such recorded status, any subsequent transaction in respect of the said leasehold land was required to be examined with reference to the applicable revenue laws, rules and the requirement of permission, if any, from the competent authority. The petitioner has not produced any satisfactory material showing that the subsequent transfer was preceded by or supported by the requisite permission of the competent authority.

VIII. It is further disclosed that in the connected matter in O.S.S Case No. 48 of 2018relating to the same leasehold property, Shri Prasanna Kumar Mitra, the original lessee, executed Registered Sale Deed No.2750 dated 27.12.1989 in favour of Shri Chhanda Charan Mohanty in respect of a portion of the leasehold land within about three months of the grant of the lease.So the lease conditions had already breached within three months of grant of the said lease. Such subsequent alienation, in the background of the *Swatwa* recorded as "DakhalSatwa Sunya" and in the absence of material showing prior permission of the competent authority, raises a serious question regarding the legality of the transaction under the applicable revenue laws and rules.

IX. The initiation of resumption proceedings against the original lessee, as reflected from the original records, assumes significance in the above background and indicates that the legality of the original lease, violation of lease conditions and the subsequent transactions required examination by the competent authority.

X. In view of the limited jurisdiction under Section 15(b) of the Odisha Survey & Settlement Act, this Court cannot adjudicate upon the validity

or continuance of the Government lease or grant correction of the Record-of-Rights in a manner that would prejudge matters falling within the jurisdiction of the competent authority under the Govt. Grants Act, 1895.

XI. Consequently, the petitioner has failed to establish any legal or factual ground warranting interference with the finally published Hal Record-of-Rights.

38. In view of the discussions and findings recorded hereinabove, this Court is of the considered opinion that the petitioner has failed to establish any legal or factual basis for correction of the finally published Hal Record-of-Rights under Section 15(b) of the Odisha Survey & Settlement Act, 1958.

Accordingly, the Revision Petition being devoid of merit is hereby **dismissed**.

39. The prayer of the petitioner for recording his name in respect of Hal Khata No.684, Hal Plot No.1307 measuring Ac.0.03852 decimal of Mouza-Gothapatna is hereby rejected. The finally published Hal Record-of-Rights shall remain unaltered.

40. It is further directed that the Secretary, Board of Revenue, Odisha shall address a D.O. Letter to the Collector, Khordha to direct the Tahasildar, Bhubaneswar to scrutinise the inconclusive resumption proceeding relating to the lease in question and similar cases, and, upon such scrutiny, take necessary action in accordance with law and place an appropriate report before the Collector, Khordha.

41. Original/Certified copy of documents filed be returned to the petitioner by keeping a photo copy of the same in the case record.

Pronounced the order in the open court today, i.e. on the 06thday of August, 2026.

Sd/-
Member,
Board of Revenue, Odisha, Kataka

OSS Case No. 543 of 2024

Decided on 07.05.2026

(Order by Shri Satyabrata Sahu, I A S.,
Member, Board of Revenue, Odisha,Cuttack.)

Pratijna Mishra ..... **Petitioner**

-Versus-

Director of Estates & Ex-Officio &
Addl. Secretry to Govt.
G.A. Department & others ..... **Opp. Parties**

For the petitioner	...	Mr. Jalandhar Pradhan, Advocate
For Oposite Party No. 1	...	Mr. S.S. Das, Addl. Standing Counsel
For Opposite Party No. 2 & 3	...	Mr. K.K. Das, Standing Counsel
For Opposite Party No. 4 to 6	...	None

Orissa Survey & Settlement Act, 1958—Section 15(b)—Record-of-Rights—Correction of Area— Government Allotment—Leasehold to Freehold Conversion— G.A. Department Allotment—Registered Lease Deed and Conveyance Deed—Gharabari Kisam—Settlement Error—Succession through Relinquishment Deeds—Correction of Record-of-Rights and Map.

Held: The revision petition was **allowed**. The Board found that the petitioner's predecessor had been lawfully allotted **Ac.0.124 decimals** of land for residential purposes, which was subsequently converted from leasehold to freehold. The reduction of the area to **Ac.0.066 decimals** in the Hal ROR, with the remaining Ac.0.058 decimals shown separately in the name of the General Administration Department, was held to be an inadvertent settlement error unsupported by the original allotment records. As the entire **Ac.0.124 decimals** was physically available and in the petitioner's possession, and she had succeeded to the property through valid relinquishment deeds, the Board directed the **Tahasildar, Bhubaneswar to correct the ROR and map and record Ac.0.124 decimals exclusively in the petitioner's name under "Gharabari" kisam**.

D E C I S I O N

1. This revision case has been filed under Section 15(b) of the O.S.S Act, 1958 for correction of area Ac.0.124 dec instead of Ac.0.066 dec and the map also carved as per record & possession and accordingly a correct patta may be issued in favour of the present petitioner.

Schedule of Property

Mouza- Ghatikia, P.S.-Chandaka, Tahasil-Bhubaneswar, District-Khurda.

Sabik Parameter

Sabik Khata No.	Status	Plot No.	Area	Kisam
443	Anabadi	48(Part)	Ac.0.124 dec.	Patita

G.A Parameter

G.A drawing Plot No.	Drawing No.	Area
261	B/360	Ac.0.124 dec. (60'x90')

Hal Parameter

Hal Khata No.	Plot No.	Area	Kisam
1894	33	Ac.0.066dec. in place of Ac.0.124dec.	"Gharabari"

2. The suit land pertains to Mouza–Ghatikia, Tahasil–Bhubaneswar, District–Khordha, corresponding to Sabik Khata No. 443, Plot No. 48(P), area Ac. 0.124 decimals and Hal Khata No. 1894, Plot No. 33.

3. Originally, the land was allotted by the General Administration Department in favour of late Sri Soubhagya Prasad Mishra vide allotment order dated 27.09.1997 for residential purpose. A registered lease deed dated 31.10.1997 was executed accordingly. Possession of the land was handed over on 03.04.2001.

4. Subsequently, the land was converted from leasehold to freehold status vide registered conveyance deed dated 10.06.2005, and stitiban status was conferred.

5. During the last settlement operation, although the land was recorded in the name of the petitioner's husband, the following discrepancies occurred:

i) Area was incorrectly recorded as Ac. 0.066 decimals instead of Ac.0.124 decimals

ii) Kisam was recorded as "Patita" instead of "Gharabari"

6. The petitioner submits that she is in peaceful possession of the entire allotted area and has constructed boundary walls after due approval.After the death of her husband, the legal heirs executed registered deeds of relinquishment in favour of the petitioner.

7. The General Administration Department has confirmed that the suit land measuring Ac. 0.124 decimals (60' × 90') was duly allotted, subsequently converted to freehold status, is intended for residential use and therefore should be classified as "Gharabari," and that field verification establishes the full extent of the land is available.

8. The Settlement Officer has reported that the Sabik Khata No. 443, Plot No. 48, measuring Ac. 0.124 decimals, stands recorded as Anabadi with kisam "Patita," and the corresponding Hal Khata No. 1894, Plot No. 33, is recorded with stitiban status and kisam "Gharabari" in the name of Sri Soubhagya Prasad Mishra, S/o Sri Satyasundar Mishra.

9. Tahasildar Bhubaneswar reported that Sabik details of khata no 443,plot no 48(p),area Ac 23.530 with status Anabadi and kisamPuratanapatita and corresponding halror with halkhata no 1894,plot no 33,area 0.066 dec with kisam Patita recorded in the name Soubhagya prsasadmishra,S/o Satyasundar Mishra and halkhata no 2333,plot no 32,area Ac 0.058 with kisam Patita recorded in the name of GA department.The petitioner is in possession over the suit plot no 33 of an area Ac 0.066 dec and plot no 32 of an area Ac 0.058 dec total area Ac 0.124 dec by the way of sale deed no 5027 dated 20/10/1997.The area remains vacant land with a boundary wall.

10. Upon perusal of the case records, documents, and reports submitted by the concerned authorities, it is clearly established that the petitioner's predecessor was allotted Ac. 0.124 decimals of land, the full extent of the land is available in the field, the reduction of area in the Hal Record of Rights is erroneous, and the land, having been allotted for residential purpose, ought to be classified as "Gharabari."

11. Following questions arises in above regard;

i) Whether the area of the suit land requires correction?

ii) In whose name shall the land be recorded?

12. Answers to above questions is as follows;

i) From the allotment order issued by the General Administration Department, the registered lease deed, conveyance deed, and field verification reports, it is conclusively established that Late Sri Soubhagya Prasad Mishra was allotted land measuring Ac.0.124 decimals corresponding to G.A. drawing Plot No. 261, Drawing No.B/360 measuring 60' × 90'(Ac. 0.124 dec) vide registered lease deed no. 5027 dated 31.10.1997 and registered conveyance deed no 3556 dated 10.06.2005.

The reports of the General Administration Department, Settlement Officer, and Tahasildar uniformly establish that the entire extent of Ac.0.124 decimals is physically available on the spot and remains under possession of the petitioner. There is no material on record indicating any lawful reduction in area at any stage.

It further appears that during settlement operation, only Ac.0.066 decimals was reflected in Hal Plot No.33 while the remaining Ac.0.058 decimals was separately shown under Hal Plot No.32 in the name of the General Administration Department. Such bifurcation and reduction of area are found to be inadvertent settlement errors not supported by the original allotment records.

Since the original allotment, lease deed, conveyance deed, and possession records consistently recognize the petitioner's predecessor-in-interest as entitled to Ac.0.124 decimals, the reduction of area in the Hal Record of Rights is erroneous, arbitrary, and contrary to the documentary evidence on record.

Accordingly, this Authority holds that the recorded area of Ac.0.066 decimals in the Hal Record of Rights is incorrect and liable to be corrected to Ac.0.124 decimals so as to reflect the actual allotted extent and possession of the petitioner.

ii) This Authority is of the considered view that the land is liable to be recorded exclusively in the name of Smt. Pratijna Mishra, W/o Late Soubhagya Prasad Mishra, as she has lawfully succeeded to the property through valid relinquishment deeds executed by the remaining legal heirs of the original allottee. There exists no rival claim over the suit land and the petitioner is found to be in peaceful possession thereof. Hence, recording the land in her name would be proper, legal, and justified.

13. The Tahasildar, Bhubaneswar is therefore directed to record the suit land corresponding to petitioner's purchased area Ac.0.124dec.ofSabik Plot No. 48 (part) of SabikKhata No.443 corresponding to G.A. drawing Plot No.261, Drawing No.B/360, area 60'x90' (Ac.0.124dec.) corresponding to Hal Plot No.33, area Ac.0.124dec. of Hal Khata No.1894 in a separate Khata in "Gharabari" Kisam of Mouza- Ghatikia mentioned above in the schedule property in favour of the present petitioner following due process of correction of record of rights and map.

14. Send a copy of the order to the Tahasildar, Bhubaneswar for necessary compliance within a period of three (03) months from the date of receipt of the copy of this order.

15. Original / Certified copy of documents filed be returned to the petitioner by keeping a photo copy of the same in the case record.

Pronounced the order in the open court today, i.e. on the 7th day of May, 2026.

Sd/-
Member,
Board of Revenue, Odisha, Cuttack

OSS Case No. 401 of 2018

Decided on 23.04.2026

(Order by Shri Satyabrata Sahu, I A S.,
Member, Board of Revenue, Odisha,Cuttack.)

Umakanta Mishra ..... **Petitioner**

-Versus-

Tahasildar, Jatni & others ..... **Opp. Parties**

For the petitioner ... Laxmidhar Biswal, Advocate

For Opposite Party No. 1 & 2 ..... Mr. K.K. Das, Standing Counsel

For other Opposite Parties .... None

Orissa Survey & Settlement Act, 1958—Section 15(b)—Record-of-Rights—Inheritance—Hindu Succession Act, 1956—Class II Heir—Validity of Sale Deed—Transfer by Person Having No Title—Mutation and Conversion—Possession—Government Record under "Abad Jogya Anabadi"—Correction of Record-of-Rights.

Held: The revision petition was **dismissed**. The petitioner claimed title over **Ac.0.115 decimals** purchased from Damodar Jena, who claimed to have inherited the property of Kumari Raj Dei as her brother. However, the Tahasildar's legal heir report established that **Sanatan Mangaraj**, being the son of Raj Dei's predeceased sister Kunda Dei, was the lawful successor to her estate. Consequently, Damodar Jena had no lawful right, title or interest to transfer the land and the sale deed dated **22.07.1988** executed in favour of the petitioner was held invalid. The Board further held that possession, mutation or conversion proceedings could not confer title in the absence of a valid title. Accordingly, the petitioner's claim for recording the land in his name was rejected, while the Tahasildar was directed to take necessary action for recording the land in favour of the legally entitled heir following due procedure.

. **D E C I S I O N**

1. This revision case has been filed under Section 15(b) of the O.S.S Act, 1958 to record area of the Hal Plot No. 56, area Ac0.110 dec and Hal Plot No. 55, area Ac.0.005 dec out of Ac.0.120 dec in the name of the petitioner and convert the suit land from agricultural to Gharabari as per the OLR order.

2. The history of the case in a nut shell is that the revision case has been filed by the petitioner pertaining to following schedule of land:-

Schedule of Property

Mouza- Chaitan Prasad P.S.-Jatni, Tahasil-Jatni, District-Khordha.

Sabik Parameter

Sabik Khata No.	Plot No.	Area	Kisam	Name of tenant
29	5	Ac.0.115dec out of Ac.0.230 dec	"Sarad3"	Kumari Raj Dei

Hal Parameter

Hal Khata No.	Plot No.	Area	Kisam	Name of tenant
107	5655	Ac.0.110dec Ac.0.005 dec out of Ac.0.120 dec	"Sarad Un-Jalasechita-3"	Abada Jogya Anabadi

3. The brief history of the case land, as per the submissions made by the petitioner and the documents available on record, is that the land appertaining to SabikKhata No. 29, Sabik Plot No. 5, measuring an area of Ac.0.230 decimals, Kisam "Sarad3", stood recorded in the names of Kumari Raj Dei D/o:- Lachhaman Jena.After the death of Kumari Raj Dei, the opposite party No. 3, namely Damodar Jena, being her brother, inherited her property as a Class II heir under the Schedule of the Hindu Succession Act, 1956, there being no Class I heirs to succeed to the estate.

4. Thereafter, Damodar Jenahad transferred with an area of Ac.0.115 dec out of Ac.0.230 dec from Sabik Plot No. 5 SabikKhata No. 29 in favour of present petitioner Umakanta Mishra S/o:- Late Balabhadra Mishra vide R.S.D No. 1327 dated 22.07.1988. After purchase the suit land the petitioner convert the land from Agriculture land to Gharabari, homestead by filing an OLR U/s 8A case bearing No. 514/2006, and mutation case No. 1400/2006 and premium deposit thereof Rs.3500/-.

5. That during settlement operation the petitioner filed objection before the lower Settlement Authority. Accordingly the Settlement Authorities visited the spot and enquiry report was submitted and it is ascertained that the present petitioner is in peaceful possession over an area of Ac.0.115 dec but the Hal ROR published in the name of Govt. Of Odisha, bearing Hal Khata No. 107, Hal Plot No. 56 area Ac.0.110 dec and Hal Plot No. 55 area Ac.0.005 dec out of Ac.0.120 dec. Then petitioner filed this case for recording the suit land in his name.

6. The learned Standing Counsel for the State has appeared and represented Opposite Party Nos. 1 and 2, who are Government authorities. The learned Advocate for the petitioners was heard in the presence of the learned Standing Counsel for the State. The documents filed by the petitioners and the reports submitted by the Revenue field officials, which form part of the case record, have been carefully perused.

7. The Sabik and Hal status of the suit land, as submitted by the Assistant Settlement Officer, Record Room, Cuttack Major Settlement in the para-wise report, reveals that the Hal Plot No. 55 & 56 corresponding to Sabik Plot No. 5.In Khanapuri stage there was order to record Hal Plot No. 56 in the name of Umakanta Mishra by the Asst. Settlement Officer. In Rent Case No. 2471/12 the Asst. Settlement Officer pass order to record the sui land in the name of Govt. as “Abad JogyaAnabadi” Khata as the Sabik recorded tenant Kumari Raj Dei died before marriage and she had no legal heirs.

8. The Tahasildar, Jatni has submitted status report of the suit land in which he submitted that after field enquiry it is found that the petitioner is in peaceful possession over Hal Plot No. 55, 56measuring an area of Ac.0.120dec, Ac 0.110 dec under Hal Khata No. 107 corresponding to sabik plot no. 5, measuring an area of Ac 0.230 dec under sabikkhata no. 29 of mouza- Chaitana Prasad and presently lying vacant without any boundary wall.

9. The Tahasildar, Jatni has also submitted legal heir report Raj Dei, He submitted that Lachhaman Jena had two daughter namely Raj Dei and Kunda Dei. Raj Dei died unmarried and Kunda Dei died and she has one son namely SanatanMangaraj. Hence, SanatanMangaraj was the legal heirs of Raj Dei.

10. Upon careful consideration of the submissions made, documents on record, and reports of the Revenue Authorities, it is found that the claim of Damodar Jena as legal heir of late Kumari Raj Dei is not sustainable in law. The legal heir report clearly establishes that SanatanMangaraj, being the son of the predeceased sister (Kunda Dei), is the rightful successor to the estate of late Raj Dei.

11. Accordingly, the transfer of the suit land by Damodar Jena in favour of the petitioner vide R.S.D No. 1327 dated 22.07.1988 is invalid, as the transferor had no lawful right, title, or interest over the property. It is a settled principle that no valid title can pass from a person who himself has no title.

12. Though the petitioner has claimed possession over the suit land and has undertaken conversion and mutation proceedings, such actions do not confer ownership in absence of a valid title. The possession of the petitioner, even if accepted, cannot override the legal requirement of lawful ownership.

13. Further, the Hal Record-of-Rights reflects the land in the name of the Government under "Abad JogyaAnabadi" Khata.The suit land legally entitled should have been recorded in the name of person legally entitled being the ownership as the true inheritor of the property as per the genealogy report submitted by the Tahasildar. The Settlement Officer therefore should have applied mind to record the suit land accordingly in the name of the entitled person as per the actual true legal heirs of the deceased recorded tenant. As such the Tahasildar shall take needful action by following the due procedure of the rules.

14. In view of the above facts and circumstances, this Court is of the considered opinion that the petitioner has failed to establish any lawful claim over the suit land.

Accordingly, the case is hereby dismissed.

15. The original/certified copies of the documents filed by the petitioners be returned to them upon retaining photocopies of the same in the case record.

Pronounced the order in the open court today, i.e. on the 23rdday of April, 2026.

Sd/-
Member,
Board of Revenue, Odisha, Cuttack

OSS Case No. 739 of 2015

Decided on 02.04.2026

(Order by Shri Satyabrata Sahu, I A S.,
Member, Board of Revenue, Odisha,Cuttack.)

Sarifa Khatun & others ..... **Petitioners**

-Versus-

Asst. Settlement Officer, Bhubaneswar & others ..... **Opp. Parties**

For the petitioner ... None
For Opposite Party No. 1 & 2 ..... Mr. K.K. Das, Standing Counsel
For Opposite Party No. 3 & 4 .... None

Orissa Survey & Settlement Act, 1958—Section 15(b)—Record-of-Rights—Government Leasehold Land—Transfer of Leasehold Land—Waste Land Lease—Kisam "Chhota Jungle"—Forest Land—Forest (Conservation) Act, 1980—Change of Kisam—Sale Deed executed without conversion of leasehold status and permission of Competent Authority—Validity of Transfer.

Held: The revision petition was **dismissed**. The disputed land, originally Government land classified as **"Chhota Jungle"**, had been leased to the predecessor of the petitioner, who subsequently transferred **Ac.0.200 decimals** to the petitioner's husband through a registered sale deed without obtaining freehold status or the requisite permission of the competent Revenue Authority. The lease record being unavailable, the Board relied upon the reports of the Tahasildar, Assistant Settlement Officer and D.F.O. and found that the land continued to be forest land and was rightly recorded under **Kisam "Jungle"** in the Hal ROR. The Board further held that non-forest use or change of the forest classification could not be permitted without the prior approval of the Government of India under the **Forest (Conservation) Act, 1980**. As the leasehold land had not acquired transferable status and the required concurrence of the competent Revenue Authority had not been obtained, the sale deed dated 16.01.1995 was held to be **ab initio void and inoperative**. Accordingly, the petitioners' claim for recording the land in their favour was rejected.

. **D E C I S I O N**

1. This revision case has been filed by the petitioner under Section 15(b) of the O.S.S Act, 1958 to prepare the record of right (ROR) in respect of mutation Khata No. 645/365 Plot No. 2081/3278/5084 with Ac.0.200 dec of Mouza- Andharua, Ps:- Chandaka, Tahasil- Bhubaneswar dist:- Khurda in favor of the petitioner.

2. The history of the case in a nut shell is that the revision case has been filed by the petitioner pertaining to following schedule of land:-

Schedule of Land

Mouza- Andharua, P.S.-Chandaka, Tahasil- Bhubaneswar, District- Khurda.

As per Sabik ROR

Sabik Kha	Sabik Mutation Khata No.	Sabik Mutation Plot No.	Area	Kisam	Name of tenant
645/15	645/152	2081/3278	Ac.5.000 dec	Bajefasal	Rajkishora Das
645/36	645/365	2081/3278/5084	Ac.0.200 dec	Bajefasal	TaherUddin Khan

The above Sabik suit land corresponding to following Hal Khata :

As per Hal ROR

Hal Khata No.	Hal Plot No.	Area	Kisam	Name of tenant
2876	4214 4215	Ac.0.100 dec Ac.0.100dec	Chhota Jungle	Abad Jogya Anabadi

3. The brief history of the case land as per the submission by the petitioner and documents available in the case is that,originally the suit land i.eSabikKhata No. 805 Sabik Plot No. 2081 area Ac.34.080 deckisam “Chhota Jungle” stood recorded in the name of Govt. in”Anabadi” Khata. One RajKishor Das S/o:-Dijabara Das get Ac.5.000 dec land lease from state government from the Sabik Plot No. 2081 vide W.L.L case No. 864/77. Raj Kishor Das mutated the suit land in his name vide Sabik Mutation Khata No. 645/152 Sabik Mutation Plot No. 2081/3278 area Ac.5.000 dec. kisam “Bajefasal” status of land was “DakhalSwataSunya”.

4. Thereafter, Raj Kishor Das had executed General Power of Attorney for the same suit land in favour Sanjay Kuanr S/o:- DurgaCharanKuanrvide G.P.A No. 7 dated 13.01.1995. Further, Sanjay Kuanr, the attorney holder of Raj Kishor Das, had sold an area of Ac.0.200 dec from Sabik Plot No. 2081/3278 in Sabik Mutation Khata No. 645/152 to oneTaherUddin Khan vide R.S.D No. 145 dated 16.01.1995. After purchase of the suit land,TaherUddin Khan filed mutation case before the Tahasildarfor recording the same in his name vide Mutation Case No. 152/96. Then a mutation ROR was issued in the name of TaherUddin Khan videSabik Mutation Khata No. 645/365Sabik Mutation Plot No. 2081/3278/5084with area of Ac.0.200 dechaving kisam "Bajefasal" with status "DakhalSwataSunya".

5. The TaherUddin Khan died in the meantime leaving beind the petitioners as his successor. In the last settlement operation, present petitioners appeared before the settlement authority and producedthe documents. The Settlement Authority prepared Yadast in the name of petitioners and issued parcha in favour of the petitioners vide not final Khata No. 2441 Plot No. 4214 & 4215.

6. That, in a Rent Case No. 7642/13, the Settlement Authority recorded the suit land i.e Hal Plot No. 4214 & 4215 in the name of Govt in "Abad JogyaAnabadi" Khata. Thereafter, the petitioner approached the Hon'ble High Court by filing W.P(c) No. 14642/2014 for direction to the Settlement Officer to prepare the ROR on the basis of the Yadast.

7. That, in the meanwhile, the settlement operation of the Mouza had ended and on the submissions of the state counsel, Hon'ble High Court disposed off the writ application and direction was given to the petitioner to file the Revision Case before this court. Then the petitioners filed this case with the prayer to record the suit land in their name.

8. The learned Standing Counsel for the State has represented the O.P. No.1 & 2 in this case who are Govt. authorities. Heard the petitioner in presence of the learned Standing Counsel for the State and gone through the documents filed by the petitioner and the reports submitted by the Revenue field officials and D.F.O, Chandaka Division, Bhubaneswar, which are kept in the case record.

9. The Sabik& Hal status of the suit land submitted by the Asst. Settlement Officer, Record Room of Cuttack Major Settlement in the para- wise report shows that the SabikKhata No. 805,Sabik Plot No. 4214 with an area of Ac.34.080dec Kissam "Chhota Jungle" recorded in the name of Govt as "Anabadi" khatawhich corresponds to Hal Khata No.2876 in Hal plot No. 4214with an area Hect.0.0405with Kissam "ChhotaJungle"&also in Hal Plot No. 4215with an area of Hect.0.0405with Kissam "ChhotaJungle"recorded in the name of Govtin "Abad JogyaAnabadi" khata of suit Mouza- Andharua on the basis of order passed by the Asst. Settlement Officer in Rent Case No. 7642/13.

10. The Tahasildar, Bhubaneswar mentioned in his enquiry report that the W.L Case No. 864/1977 is presently not traceable in the record room section.

11. Further, he stated that the kisam of Govt. Land inSabik Plot No. 2081, Mouza- Andharua was ChhotaJungle before Settlement of lease. After sanction of lease, ROR was corrected vide Sabik lease Khata No. 645/152, Sabik lease Plot No. 2081/ 3278 having kisam- BajeFasal with the area of Ac.5.000dec in "DakhalaSatwaSunya" Status in favour of Rajkishor Das S/o Dijabara Das.

12. Moreover, thelessee, Rajkishor Das S/o Dijabara Dasexecuted a power of attorney in favourSanjay Kuanra. The Sanjay Kuanrahad sold out an area of Ac.0.200dec out of allotted lease area Ac. 5.000dec to the TaherUddin Khan (Applicant's Husband) Vide RSD No 145 Dt. 16.01.1995 after 10 years from the grant of lease.

13. Regarding W.L. Case No. 864/1977, the Tahasildar, Bhubaneswar mentioned that, neither the lease settlement has been examined by initiating a revision case U/s 7-A (3) of OGLS Act, 1962 by ADM, Bhubaneswar in compliance to the order of Hon'ble High Court, Odisha passed in OJC No. 9449/1993 SaratSahu –vrs- State nor resumed to Govt. Khata U/S 3B of OGLS Act, 1962 by the Tahasildar.

14. The D.F.O, Chandaka Wildlife Division, Bhubaneswar vide his Letter No. 686/3WL (Misc)-/2026 dated 28.01.2026 has reported that

a. That, the kissam of suit land over Hal Plot No. 4214 & 4215, Khata No. 2876, Mouza: Andharua, PS: Chandaka, Tahasil Bhubaneswar, Dist: Khordha is "Jungle" as per Hal settlement record.

b. Prior approval of Government of India, Ministry of Environment, Forest and Climate Change is mandatory as per provision of Forest (Conservation) Act, 1980 for any non-forest use of forest kissam land with effect from date of Promulgation of the Act. i.e. 25.10.1980.

15. From the joint verification report of Tahasildar, Bhubaneswar & DFO, Chandaka states that the Sabik main Plot No. 2081as per 1962 settlement was"Chota Jungle" and the Hal KhataNo. 2876 Hal Plot No. 4214 & 4215 is "Jungle".

16. Inthismatter,thefollowingissuesneedstobe examined.

A. Was the Government land leased out in 1977 with a clear stipulation that transfer was not possible under any circumstances?

B. Whether the Kisam of the suit hal plot has been rightly recorded as Kisam 'Jungle' in the Hal ROR ?

17. The petitioner has not submitted the original/certified copy of lease documents. The Tahasildar, Bhubaneswar reported that the record of the Waste Land Lease Case No.864/1977related to this revision case is not traceable in the record section of Tahasil Office.So, in the absence of relevant documentary evidence purpose and condition of lease grantedin respect of lease hold land cannot be ascertained.As such, this court is going by the secondary evidence from the report of ASO, DFO and Tahasildar to decide this issue.

It is relevant that as per Section 6-A of the OLR Act, 1960, the transfer by a raiyat of any land settled with him for agriculture purposes under a permanent lease from Government shall be void, if it is made within a period of ten years from the date of such settlement after the commencement of the Amendment of OLR Act in the year 1976, without obtaining the prior permission of the Revenue Officer. Thus, it is clear that there is no automatic provision in the law, by which a lease- hold land can be trasferred after ten years. The Kisam of the land was "Chhota Jungle", but the then Tahasildar had corrected the R-O-R in favour of the lessee as "BajeFasal" without having the competency therefor or any lawful justification to do so.

The Govt. land leased out in favour of any landless person for Agricultural purposes should have been recorded in "PATADAR" status. This leasehold land cannot be transferred to anyone without the permission of the competent Revenue Authority.

18. The second question is answered as follows:- based on the classification "BajeFasal" granted in the lease patta to the lessee, Raj Kishor Dash, and in view of the report furnished by the D.F.O, Chandaka Division, Bhubaneswar, it has been reported that the suit land is classified as "Jungle".

19. It is noted that Hon'ble Apex Court in T.N Godavarman case had observed as follows:-

> **"The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forest and fore matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description cover all statutory recognized forests, whether designated as reserved,**

protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. The aspect has been made abundantly clear in the decisions of this Court in Ambica Quarry Works and ors. Versus Stare of Gujarat and ors. (1987 (1) SCC 213), Rura' Litigation and Entitlement Kendra versus State of U.P. (1989 Suppl. (1) SCC 504), and recently in the order dated 29th November, 1996 in W.P.(C) No.749/95 (Supreme Court Monitoring Committee vs. Mussorie Dehradun Development Authority and ors.). The earlier decision of this Court in State of Bihar Vs. Banshi Ram Modi and ors. (1985 (3) SCC 643) has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which clearly contrary to the decisions of this court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay."

20. The applicable law in this context is Orissa Survey & Settlement Act, 1958,just as otherquasi-judicial authorities perform their roles under the Act, this revisional

court also performs such duties and therefore is part of the legal process of 'recording by law'. Therefore, based on the D.F.O's report, I am of the opinion that the suit land is fit to be recorded as forest.

21. As per report of D.F.O, Chandaka Division, Bhubaneswar, "Prior approval of Govt. of India MOEF is mandatory as per the provisions of Forest Conservation Act, 1980 for any non-forest use of Forest Kisam Land with effect from 25.10.1980. Changing Hal Kisam of the suit land from Forest to Non-Forest is beyond the jurisdiction of this Court as per provision under the Forest Conservation Act, 1980. Hence, I am of the opinion that the Settlement authorities have rightly recorded the suit land of Hal Khata No. 2876, Hal Plot No.4214 area Ac.0.100 dec& Hal Plot No. 4215 area Ac.0.100dec in "AbadaJogyaAnabadi" status having Kisam- "Jungle" of Mouza- Andharua, Tahasil- Bhubaneswar, District- Khurda.

22. So far as the claim of the petitioners to be declared owner of the suit land on the basis of the R.S.D No. 145 dated 16.01.1995 is concerned, it is made clear on this pretext that the executionof the sale deed by the seller for transfer of the suit landwithout getting the status free hold from lease hold as well as without obtaining concurrence of the competent revenue authority, is ab initio void and inoperative in the eye of law as because the foundation of law enabling a person to execute a sale deed is wanting in absence of such transferable status and concurrence.

Hence, the case is dismissed with the above observations.

23. Original/Certified copy of documents filed be returned to the petitioner by keeping a photo copy of the same in the case record.

Pronounced the order in the open court today, i.e. on the 02nd day of April, 2026.

Sd/-
Member,
Board of Revenue, Odisha, Cuttack

R P Case No. 2548 of 1997

Decided on 04.07.2025

(Order by R. Vineel Krishna, I A S.,
Commissioner, Land Records and Settlement,
Board of Revenue, Odisha,Cuttack.)

Kusa Dalei (since dead) substituted by
Niranjan Dalei & another .....**Petitioners**

-Versus-

Subani Rout (since dead) substituted by
Janaki Rout & others ..... **Opp. Parties**

For the petitioners ... Mr. B. K. Choudhury, Advocate

Orissa Survey & Settlement Act, 1958 : Land Records and Settlement—Correction of Record of Rights—Sub-division of plots—Joint ancestral property—Disputed title and partition—Revision under Section 15(b) of the Orissa Survey & Settlement Act, 1958—Where a Sabik plot was sub-divided during settlement operations, the fractional plot number denotes a distinct sub-plot and cannot be treated as identical to the original plot by ignoring its denominator, in view of Para-81 of the Odisha Mutation Manual; where the petitioner's claim of exclusive title and mutation is founded on a sale deed executed by a co-sharer whose alleged exclusive share arises from an unproved oral or amicable partition, and the genealogy, partition and correspondence between Sabik and Hal plot numbers remain disputed, the property continues to retain its character as joint ancestral property with unascertained shares. A settlement authority cannot, in a revision petition seeking mere correction of the Record of Rights, adjudicate or confer exclusive title over a specific portion of undivided ancestral property so as to bypass a comprehensive determination of title. Accordingly, in view of the disputed title, unascertained shares, unproved partition and incongruous Sabik-Hal plot correspondence, the prayer for deletion of the names of the opposite parties.

D E C I S I O N

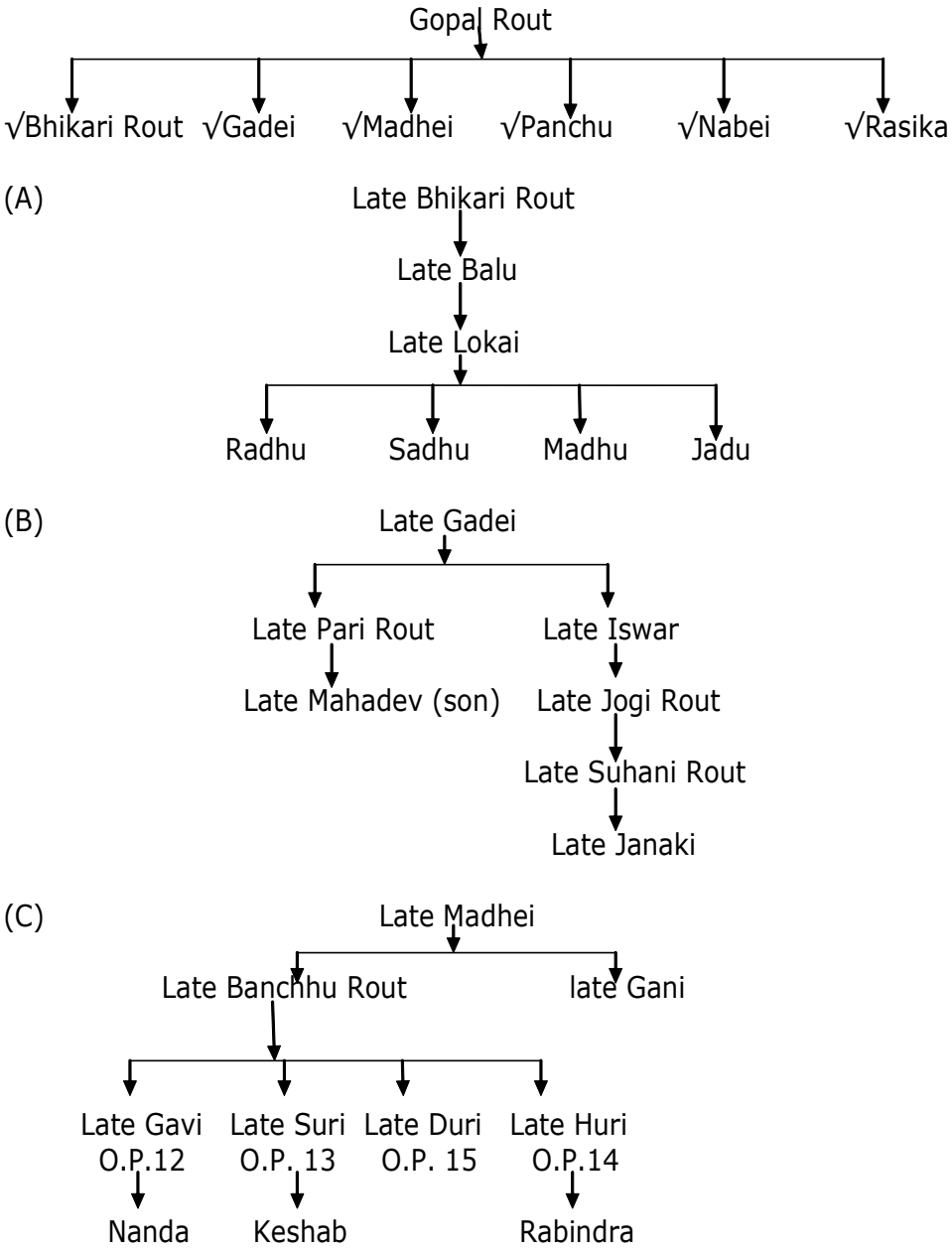
In Revision Petition No.2548/1997 filed U/s 15 (b) of the O.S.&S. Act,1958 (shortly called as the Act) relating to Mouza- Jamujhar, P.S. Barachana, Dist-Jajpur, the Petitioners, Niranjan Dalei & another have prayed for correction of impugned Hal RoR by recording the same in their favour while deleting the name of petitioners' vendor in respect of Hal Plot No.156 area Ac.0.140 dec. under Hal Khata No.84 corresponding to Sabik Plot No.99/201 area Ac.0.14 dec. out of Ac.0.36 dec. under Sabik Khata No.29 on the basis of purchase and possession vide RSD No.632 dated 06.04.1990.

2. Considering the available documents on records and nature of relief prayed for by the petitioners, the delay was condoned and the Revision Petition was taken up for hearing on merit.

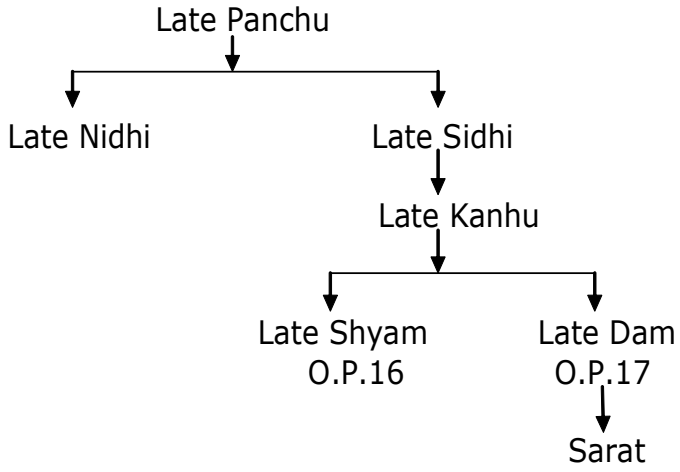
3. The Advocate for the petitioners was present and heard. Opp. Parties were absent despite service of notice. Hence, they were set ex-parte.

4. The Advocate for the petitioners in this revision petition has contended that the Hal RoR has been published in the name of all Opp. Parties except the Opp. Party No.1 (deceased and substituted in the petition) who is one of the co-sharer in respect of the said khata. The Hal RoR No.84 corresponding to Sabik Khata No.29 stood recorded in the name of Bhikari, Gadei, Madhei, Panchu, Nabei and Rasika who were the predecessors-in-interest of the Opp. Parties.

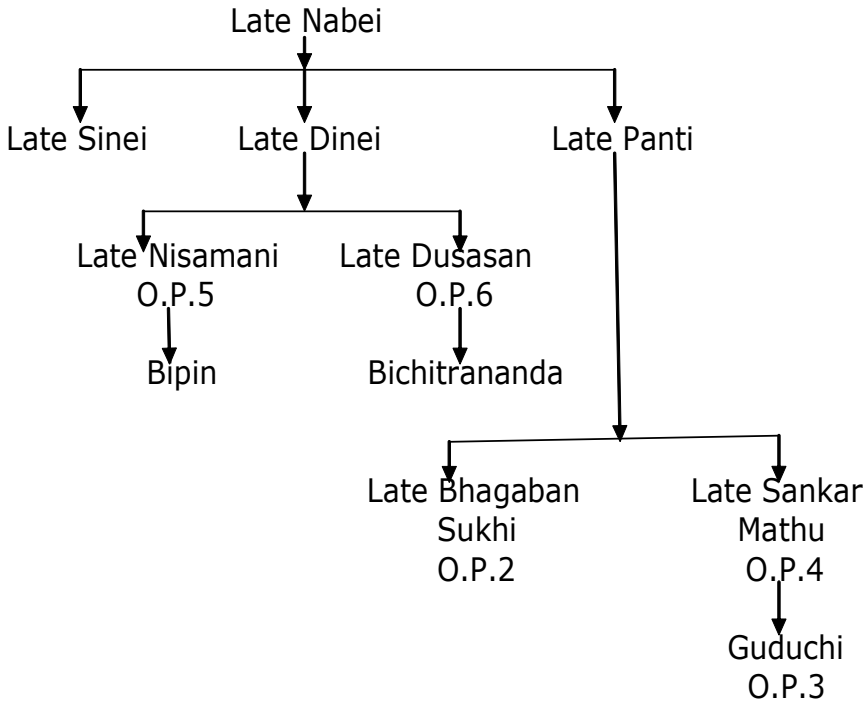
The genealogy has been given below for better appreciation.



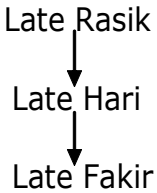
(D)


Late Panchu
Late Nidhi
Late Sidhi
Late Kanhu
Late Shyam
O.P.16
Late Dam
O.P.17
Sarat

(E)


Late Nabei
Late Sinei
Late Dinei
Late Panti
Late Nisamani
O.P.5
Late Dusasan
O.P.6
Bipin
Bichitrananda
Late Bhagaban
Sukhi
O.P.2
Late Sankar
Mathu
O.P.4
Guduchi
O.P.3

(F)


Late Rasik
Late Hari
Late Fakir

The common ancestor Gopal had six sons namely Bhikari, Gadai, Madhei, Panchu, Nabei and Rasik who were recorded tenants in the 1910 Sabik RoR.

Gadei had two sons namely Pari and Iswar. Pari had one son Mahadev, who is one of the recorded tenant, in respect of the Hal Khata No.84. Iswar had a son namely Jogi. Jogi had only one daughter namely Sunani (O.P.1). After death of her father in the year 1972, she inherited her father's share in respect of the said Khata.

Prior to settlement, there was an amicable partition amongst the 6 sons of Gopal. Vide the partition, Sabik Plot No.99/201 Ac.0.36 dec. was allotted to Gadei Rout. Thereafter, father of Opp. Party No.1 namely Jogi Rout was in possession over his 50% share of the said plot.

During settlement operation, her name was not inserted in place of her father's name. During the last part of the settlement operation, she transferred the scheduled land to **Kusa Dalai by RSD No.632 dated 06.04.1990** and delivered possession to her vendee (petitioner). The petitioner was possessing the same by raising various crops. The petitioner was living outside the state. So, the petitioner could not take steps to mutate his name in the settlement operation. So, after publication of the ROR, the petitioner has filed this revision to record his name in the place of the Opp. Party No.1's father.

5. Para-wise report dated 29.11.2022 submitted by the Asst. Settlement Officer (Judicial), Cuttack and report regarding the genealogy of common ancestor of Gadei Rout submitted by Tahasildar, Darpan vide his letter No.5285 dated 10.12.2024 have been received.

6. Gone through the contention of the petition, the available documents filed by the petitioners, reports of the Asst. Settlement Officer (Judicial), Cuttack and Tahasildar, Darpan.

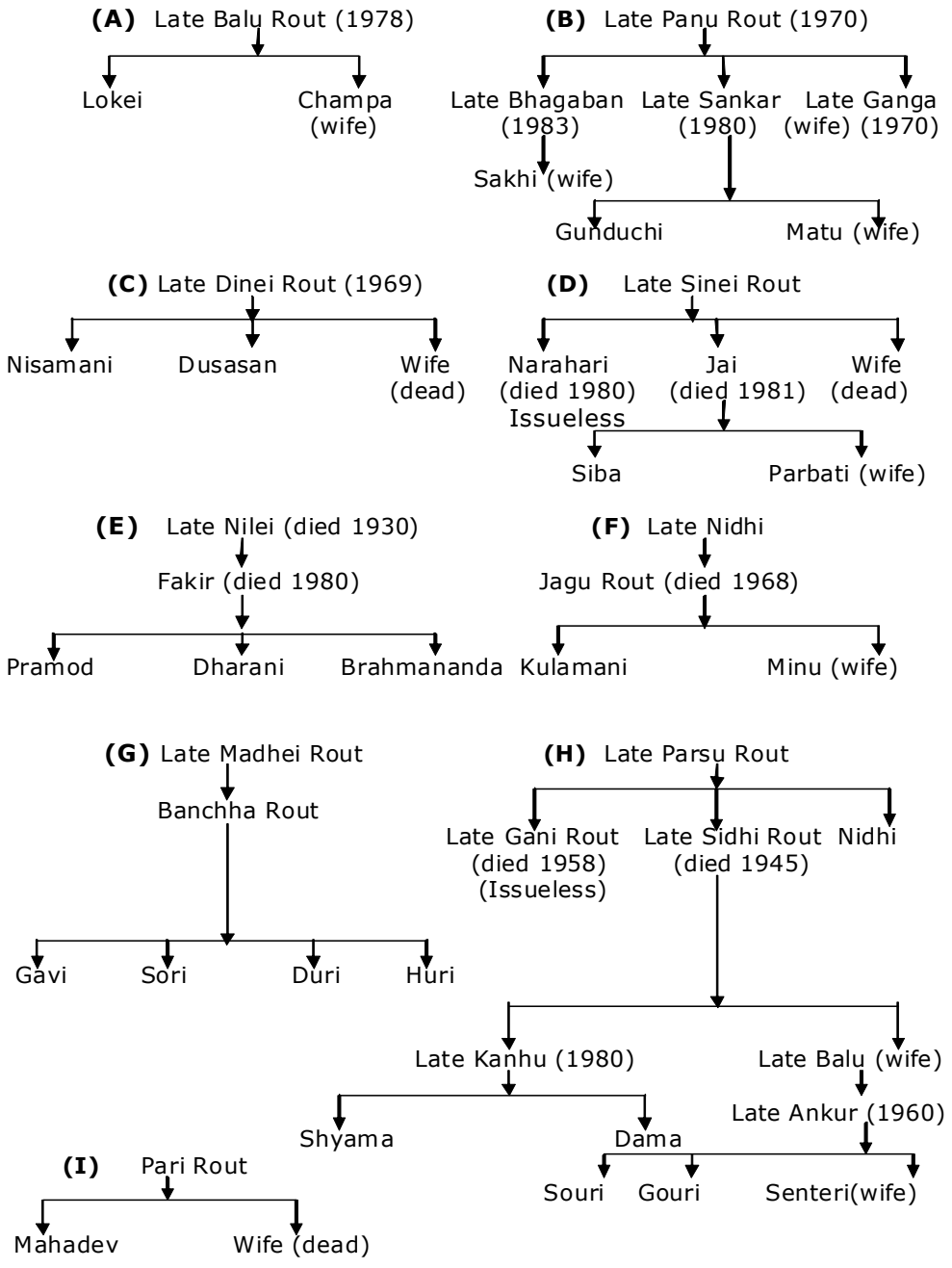
On perusal of the reports submitted by the Asst. Settlement Officer (Judicial), Cuttack, the following is ascertained;

i. **The Hal Plot No.156 corresponds to Sabik Plot No.201 (part)**.

ii. As per Yadast No.140 and as per Yadast No.6, the Sabik Khata 29 stood recorded in favour of Bhikari Rout, son of Gopala Rout, Panu Rout, son of Kusei Rout, Dinei Rout, Sinei Rout, sons of Nabei Rout, Nikei Rout, son of Nidhi Rout, Bancha Rout, Ganei Rout, sons of Madhei Rout, Sidhi Rout, son of Panchu Rout, **Pari Rout son of Gadei Rout**.

iii. The Jamabandi No.30 was opened in favour of Balu Rout, Panu Rout, sons of Kusei Rout, Dinei Rout, Sinei Rout, sons of Nabei Rout, Nilei Rout, son of Nidhi Rout, Banchu Rout, Gani Rout, sons of Madhei, Sidhi Rout, son of Panchu Rout and **Pari Rout, son of Gadei Rout**.

iv. The genealogy of sabik recorded tenants as submitted by S.O., Cuttack is as follows:



v. During Khanapuri, as per Yadast No.140 & 6, ASO has ordered to record Hal Plot No.156 in favour of Lokei Rout, son of Bali, Champa, wife of Balu, Sakhi, wife of Bhagaban, Gunduchi, wife of Sankar, Matu, wife of Sankar, Nisamani, Dusasan, sons of Dinei, Siba, son of Bai, Parbati, wife of Bai, Pramod, Dharani, Brahmananda, sons of Fakir, Kulamani, son of Jagu, Minu, wife of Jagu, Gavi, Sori, Duri, Huri, sons of Banchu, Sama, Dama, sons of Kanhu, Souri, Gouri, sons of Ankur, Sentari, wife of Akura, **Mahadev, son of Pari** in Stitiban status.

7. The following documents filed by the petitioners in order to substantiate their claim.

i) Certified copy of Hal RoR No.84

ii) Certified copy of Yadast No.140 & 8

iii) Certified copy of Amin Report No.22

iv) Certified copy of order in Objection Case No.881

v) Certified RSD No.632 dated 06.04.1990

vi) Certified copy of information report bearing No.2867 dated 03.04.2019.

8. Perused the original Hal RoR No.84 of Mouza- Jamajhar published on 08.02.1996 consisting of Hal Plot No.156 area Ac.0.20 dec., and Hal Plot No.22 area Ac,0.020 dec., Kisam-Sarada Anajalasechita-2 stands recorded in favour of Sakhi Rout, wife of Bhagaban Rout, Gunduchi Rout, D/o Sankar Rout, Matu Rout, wife of Sankar Rout, Nisamani Rout, Dusasan Rout, sons of Dinei Rout, Siba Rout, son of Bali Rout, Parbati Rout, wife of Bali Rout, Pramod Rout, Dharani Rout, Brahmananda Rout, sons of Fakir Rout, Gavi Rout, Sori Rout, Duri Rout, Guri Rout, D/o of Bancha Rout, Shyama Rout, Dama Rout, sons of Kanhu Rout, **Mahadev Rout son of Pari Rout** in Stitiban status.

9. Perused the Yadast No.140 wherein it is ascertained that Hal Plot **No.156 corresponds to Sabik Plot No.201** (P) under Sabik Khata No.29. ASO has ordered to record Hal Plot No.156 as per Yadast No.6.

Perused the Yadast No.8 wherein it is ascertained that Hal Plot No.10 corresponds to Sabik Plot No.37 (P) under Sabik Khata No.29. ASO has ordered to record Hal Plot no.10 as per Yadast No.6 which is not relevant to this case.

10. Perused the Amin Report No.22. Nothing contained therein is found to be relevant to the instant case.

Similarly, on perusal of certified copy of Objection Case No.881 it is ascertained that Tahasildar, Darpan (Objector) has filed this case for correction of kisam wherein the ASO has ordered that the kisam of all the plots be corrected as per decision taken and the same be recorded as Be-bandobast.

11. Perused the certified copy of RSD.

RSD No. & date	Name of the vendor	Name of the vendee	Transacted Area		
			Sabik Khata No.	Sabik Plot No.	Area
632 dated 06.04.1990	Subani Rout, wife of Bhalu Rout	Kusa Dalai, son of Gani Dalai	29 Mouza-Jamujhar	99/201 corresponds to Hal Plot No.156	Ac.0.36 (part) Ac.0.14

12. Perused the genealogy of common ancestor report submitted by the Tahasildar, Darpan wherein he has stated the following;

i) Gaei Rout died leaving behind Pari Rout and Iswar Rout as his successors.

ii) Pari Rout died leaving behind Mahadeb Rout as his successor.

iii) Mahadeb Rout died leaving behind Jairam Rout (adopted son) aged near about 92 years as his successor, however no documents regarding the adoption was produced.

iv) Iswar Rout died leaving behind Jogi Rout as his successor. Jogi Rout died leaving behind Subali Rout as his successor.

v) Subali Rout died leaving behind Amuli Rout (died issueless) and Janaki Rout (adopted daughter) aged about 51 years as her successor. However, no documents regarding the adoption was submitted.

13. Perused the flow chart of property / written note of argument on behalf of petitioners submitted by the Advocate for the petitioners which runs as under;

a) The father of the petitioners had purchased the suit land from Subani Rout (Opp. Party No.1) who was 50% shareholder of Opp. Party No.18 (Mahadeb Rout) who was one of the recorded tenant of Hal Khata No.84.

b) As per genealogy, Gopal Rout is the common ancestor who died leaving behind his six sons namely Bhikari, Gadei, Madhei, Panchu, Nabei and Rasik as his successors-in- interest who were the 1910 Sabik recorded tenants. The second son of Gopal namely Gadei died leaving behind his two sons namely, Pari and Iswar as his successors in interest. Pari died leaving behind his only son Mahadeb (O.P.18) as his successor-in-interest who died leaving behind his only son Jairam (O.P.18(a) as his succcessor in interest. The second son of Gadei namely Iswar died leaving behind his only son Jogi as his successor who also died leaving behind his only daughter Subani (O.P.No.1) as his successor-in-interest. Subani died leaving behind her only daughter Janaki (O.P.1(a) as her successor-in-interest.

c) The scheduled property appertaining to Plot No.156 Ac.0.14 dec. out of Ac.0.200 dec. under Khata No.84 of Mouza-Jamujhar which stands in the names of Sakhi Rout, wife of Bhagaban Rout and others was finally published by the settlement authority in the year 1996 in **Stitiban** status, corresponds to 1910 Sabik RoR Plot No.99/201 Ac.0.36 dec. under Sabik Khata No.29 which was recorded in the names of Bhikari Rout & 5 others and finally published in **Stitiban** status in the year 1910.

d) During the life time of six brothers, there was an **amicable family partition** amongst the six brothers. This partition was not reduced in

writing. However, as per said family partition, this suit land i.e. Sabik Plot No.99/201 Ac.0.36 dec. was allotted to second son of Gopal namely Gadei. As Gadei had two sons namely Pari and Iswar each got an area of Ac.0.18 dec. After death of Iswar, his son Jogi inherited the said Ac.0.18 dec. of land. After death of Jogi his only daughter Subani (o.p.1) inherited the same. While O.P.1 Subani was in separate and peaceful possession over said Ac.0.18 dec., she executed and registered the Plot No.99/201 Ac.0.14 dec. out of Ac.0.18 dec. out of Ac.0.36 dec. in favour of Kusa Dalei, the original petitioner who died during pendency of the revision. The mother of the deceased O.P.1, Jogi Rout was in possession over 50% share of Plot No.99/201 Ac.0.36 dec.

e) During the settlement operation came to the said mouza, the name of the O.P.1 could not be recorded in the Hal settlement RoR. Kusa Dalei purchased Ac.0.14 dec. out of Ac.0.18 dec. out of the total Ac.0.36 dec. from the O.P.No.1 and delivered physical possession. Since then the petitioner has been possessing the suit land peacefully without any hindrance by raising various crops thereon.

f) That, the Sabik Plot No.99/201 Ac.0.36 dec. was a big plot prepared in the Sabik settlement. Inorder to avoid the big number, it was used as Plot No.201. Especially in map, this short number with only its denominator is used. So, Plot No.99/201 is usually written as Plot No.201 by ignoring the numerator.

g) To substantiate their case, the petitioners have filed Yadast copy of Hal RoR and the purchased sale deed and Hal RoR in this revision to record their names.

14. In the above premises, the following issues have been framed: -

a) Whether Subani/Suhani belongs to the said branch.

b) Whether she is entitled to alienate the transacted property.

c) The discrepancies arising out of the Hal-Sabik plot correspondence.

While addressing the first issue, it has been ascertained that the name of the branch of Ishwar Rout, who, the Petitioner claims to be the son of Gadei Rout and brother of Pari Rout has not been mentioned anywhere in the Sabik RoR, Khanapuri records or the genealogy of the Settlement authorities. Although the report of the Tahasildar mentions the branch of Ishwar Rout, yet, no evidences on record corroborate to the recent findings of the Tahasildar. Hence, the genealogy of the Subani/ Suhani arising out of Ishwar branch stands disputed and cannot be logically concluded in the present circumstances and under the existing documents.

Pertaining to the second issue, it has been ascertained that the suit property is an ancestral property and was jointly recorded in favour of many tenants in the Sabik as shown supra. It is pertinent to mention here that the Sabik records did not record the name of the forefather of the petitioner's vendor, nor, has the same been mentioned during the Khanapuri stage or in the subsequently published Hal RoR No.84. Further, the claim of the Petitioner that one amicable partition deed was executed by the Sabik tenants also remains debatable in the absence of any corroborative evidences and documentary records to prove whether their was any amicable partition in the first place or not. Assuming, but not admitting, that there was such an amicable partition deed, it still remains to be proved that the transacted property pertained to the share of the vendor of the petitioner. There are no documents on record to prove that whether such partition took place in the first place or such partition was amicable or not.

Thirdly, it is seen that the while the land schedule in the plaint has mentioned the Sabik-Hal Plot Correspondence as Sabik Plot No.99/201 Ac.0.14 dec (out of Ac.0.36 dec) corresponds to Hal Plot No.156 Ac.0.14 dec (out of Ac.0.20 dec), the ASO report mentions Sabik Plot No.201(p) corresponds to Hal Plot No.156, the certified Yadast No.140 mentions that **Sabik Plot No.201 corresponds to** Hal Plot **No.156** (P) and the RSD No.632 dtd.06.04.1990 mentions the transacted plot as Sabik Plot No. 99/201 corresponds to Hal Plot No.156.

In lieu of the aforesaid discrepancy the Petitioner in his written submissions has contended that Sabik Plot No.99/201 Ac.0.36 dec. was a big plot prepared in the Sabik settlement and in order to avoid a big number it was written as 201(p). Only its

denominator is used. So, Plot No.99/201 is usually written as Plot No.201 by ignoring the numerator.

In the present context, law is well settled, according to the principles set in Para-81 of the Odisha Mutation Manual that:

> "*If a plot is sub-divided and formed into more than one plot each plot will be allotted number, the original number being allotted to the Plot retained in the original holding…*
>
> *… For instance, if plot number 190 is divided into two parts and the last plot number in the Village is 305, one part of the Plot number 190 will carry the original number 190 and the other part will be numbered 306. At the bottom of the relevant sheet of the village map, this new number should be shown in red ink as 190/306. In the record of rights this new plot should also be written as 190/306*."

Therefore, it cannot be assumed to mean that plot No.201 and 99/201 would be the same plot and that the Plot No.99/201 would have been usually written as Plot No.201 by ignoring the numerator as contended by the Petitioner.

In view of the disputed title in a joint ancestral property, unascertained share, undetermined partition deed and incongruous Hal-Sabik plot correspondence as summarized above, I am not inclined to consider the prayer of the Petitioner.

15. Resultantly, the Revision Petition is dismissed.

Pronounced the order in the open Court to-day, the 4th day of July, 2025.

Send the copy of this order to the Tahasildar, Darpan.

Sd/-
Commissioner, Land Records & Settlement,
Odisha, Cuttack.

R.P. Case No. 80 of 2022

Decided on 30.01.2026

(Order by Sri Nigamananda Panda, O A S.(SS),
Director, Consolidation, Odisha,Cuttack.)

Narayan Pani & another ... **Petitioners**

-Versus-

Jayadev Mishra & another ... **Opp. Parties**

Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 & Odisha Land Reforms (Second Amendment) Act, 2023 – Restoration of Sikim Status and Settlement of Raiyati Rights: Where the petitioners' ancestral heritable Sikim (sub-tenant) rights were recorded up to the Section 18 stage of consolidation proceedings but were unilaterally and fraudulently deleted by consolidation authorities in the final 1983 Record of Rights (ROR) without jurisdiction, a 39-year delay in challenging the entry will not bar revisionary relief. Relying on the Full Bench precedent in Daitary Swain v. Kartika Swain, Sikim rights are heritable and transferable; thus, subsequent alienation of the property by the landlord via Registered Sale Deed and subsequent mutation in favor of a third party confers no inherent right to defeat the sub-tenant's status. Under the Odisha Land Reforms (Second Amendment) Act, 2023, sub-tenants or their successors-in-interest are entitled to be declared raiyats, empowering the Tahasildar to correct the erroneous ROR, restore the petitioners' Sikim status ignoring subsequent transfers, and initiate suo motu proceedings to settle the suit land with the petitioners in raiyati status.

D E C I S I O N

1. This present Revision Petition has been filed by the Petitioners for recording of following schedule of property in their name on the basis of their forefathers' & fathers' right over that property as Sikim tenant.

Schedule of Property

District	Mouza	Khata No.		Plot No.	Area	Remarks
Puri	Alandapada	SabikKhata No. (RoR-1977)	339	1171/1734	Ac.0.07 decs	SikimKhata No. 21
		Consolidation Khata No. (RoR-1983)	194	1263	Ac.0.07 decs	
		Mutation Khata No.	511/154	1263	Ac.0.07 decs	

2. Heard the learned Advocate for the Petitioners,learned Advocate for Opposite Parties 1 & 2 respectively and the learned Addl. Standing Counsel for the State.

3. The prayer of the Petitioners is that, the property stated above was recorded in the name of late Bamadev Mishra, wherein Petitioners' forefathers have been recorded as SikimPraja under the said Jamindar& accordingly Settlement ROR of 1977 has been published. Since then the Petitioners' forefathers, and after them, the Petitioners being the successor-in-interest are possessing the land without any disturbance. During consolidation operation Sikim right of the Petitioners' forefathers' and their successors has been recorded upto Section-18 stage of consolidation proceedings. But, without any reason the final ROR has been wrongly published in the year 1983, wherein the said property has been exclusively recorded in the name of the Opposite Party No.1 , thereby deleting Sikim rights of the Petitioners ,which is heritable in nature.

4. Further, it is also stated that the Opposite party No.1 has transferred the said land in favour of Opposite party No.2 vide RSD No. 11542200635 dated 2.6.2022 and mutation ROR has been prepared in the name of Opposite party No.2.'

5. In support of their claims, the Petitioners have relied upon a full bench judgement passed by Hon'ble High Court in a case between Daitary Swain Vrs. Kartika Swain & others reported in 2019(ii)OLR(FB)171 wherein, it has been settled that Sikim rights are heritable and transferable. Relying on above judgement, the Petitioners claim for recording of their names as Sikim tenant in respect of the property in dispute, after correcting 1983 ROR and also the Mutation ROR.

6. On the other hand, the learned Advocate appearing on behalf of Opposite party No.1 & 2 challenged the Revision Petition on the ground of limitation and stated that the said revision is not maintainable , since Petitioners seek to correct the ROR published in the year 1983 , that is after a lapse of 39 years. They have relied upon two judgements reported in 2009 (sup-II) OLR-257 and another judgement in 2003 (Supp)OLR-882 which were pronounced by the Hon'ble High Court of Orissa. They have prayed for dismissal of the Revision Petition.

7. Heard the Counsels for both the parties, Addl.Standing Counsel for the State and perused all the documents filed in the aforesaid Revision Petition including the written notes of statement of Petitioners and written notes of arguments filed by the Advocates for OP No. 1 & OP No. 2 respectively.

8. As per the Odisha Land Reforms Act, 1960, the persons who are in personal cultivation of any land or use of any land as homestead and recorded as sub-tenants or under-raiyats in respect of such land in the record-of-rights under any law in force in any part of the State and their successor-in-interest can be declared as tenants subject to provisions of sub-section (5) to (8) of Section 4 of the Odisha Land Reforms Act, 1960.

9. That this Court is convinced, that the Petitioners' have a good and prima facie case in their favour for continuing as Sikim tenant in respect of the property in dispute, as wrong has been done by the Consolidation Authorities.

10. Government have brought out the enactment of the Odisha Land Reforms (Second Amendment) Act, 2023 which has come into force w.e.f. 29.12.2023. Accordingly, the persons who are in personal cultivation of any land or use of any land as homestead and recorded as sub-tenants or under-raiyats in respect of such land in the record-of-rights under any law in force in any part of the State and their successor-in-interest can be declared as tenants subject to provisions of sub-section (5) to (8) of Section 4 of the Odisha Land Reforms Act, 1960. Sub-tenants or under-raiyats or their successor-in-interest who

have earlier failed to make such application can now make application to Revenue Officer within two years of this Notification to be declared as raiyat.

11. Further, from time to time the Govt. have empowered the Tahasildar concerned to initiate suo motto cases and settle such lands with the sub-tenant or their successor in interest as per spot enquiry, possession and records available following principles of natural justice .

12. In the light of facts and circumstances, it can reasonably be concluded that the suit land has been fraudulently recorded in favour of OppositeParty No.1 i.e.exclusively in the nameof Zamindar by the consolidation authority unilaterally without having any jurisdiction in that respect.

13. Subsequent transfer of the case land in favour of the OP No.2 by a registered Sale Deed and receipt of an RoR on that basis does not confer any inherent right with the Opposite parties.

14. In the premises, I am inclined to allow the petition in its entirety and direct the Tahasildar,Satyabadi under District Puri to revise the order of mutation made in favour of Opposite parties and correct the Consolidation RoR in favour of the Petitioners i.esikim tenant and restore their Sikim status ignoring the fact of subsequent transactions, if any.

15. Thereafter, the Tahsildar,Satyabadi is also directed to initiate a suomotto Sikimcase and follow procedures as directed by Govt.as per Odisha Land Reforms (Amendment) Act,2023 and settle the suit land in favour of the Petitioners in raiyati status under intimation to the Addl.Sub-Collector,Puri, Collector,Puri and Court of Director Consolidation,Cuttack.

Pronounced in the open Court on this, the 30th day of January,2026

Sd/-
Director, Consolidation, Odisha, Cuttack

R. C. Case No. 301 of 2024

Decided on 22.01.2026

(Order by Smt. Sumita Sarkar O.A.S(SS)
Land Reforms Commissioner, Odisha,Cuttack.)

Nimain Charan Nayak & others ... **Petitioners.**

-Versus-

Raj Kishore Sethi & others ... **Opp. Parties.**

Mr. N.K. Nayak .. Adv. for the petitioners.

Addl. Standing Counsel … For the State.

Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 — Section 37(1)- Correction of ROR — Where the consolidation map accurately reflects the actual physical boundaries and title deeds of the parties, but the final Record of Rights (ROR) textually interchanges the plot numbers and incorporates wrong area configurations, the ROR must be corrected to bring it into strict conformity with the actual sale deeds, field possession, and map geometry.

D E C I S I O N

This case is taken up for hearing. Both the Learned Counsels for the petitioners and State are present. The opposite parties are absent on call at the time of hearing.

The petitioners have filed this revision U/s 37(1) of the OCH & PFL Act, 1972 for correction of ROR.

Heard. The Learned Counsel for the petitioners contended to record Hal Plot No. 1108 under Hal Khata No. 174 and and to record Hal Plot No. 1113 under Hal Khata No. 98 by inter changing both with correction of area as per their purchase

and possession. The suit land is situated in PS- Tirtol, Tahasil- Raghunathpur, Dist- Jagatsinghpur relating to Schedule-A i.e. Khata No. 174, Plot No. 1113, area Ac.0.09 dec. corresponds to Sabik Khata No. 340, Plot No. 1220, area Ac. 0.15 dec. (P) Ac. 0.09 dec. from Northern side, after correction Khata No. 174, Plot No. 1108, area Ac. 0.09 dec. and Schedule-B i.e. Khata No. 98, Plot No. 1108, area Ac. 0.06 dec. which corresponds to Sabik Khata No. 340, Plot No. 1220, area Ac. 0.15 dec.(P) Ac. 0.06 dec. from Southern side, after correction Khata No. 98, Plot No. 1113, area Ac. 0.06 dec.

During hearing of the case, Counsel for the petitioners submitted that the ancestors of petitioners namely Bansidhar Nayak and Kusuni Nayak have purchased the suit land from Sabik Plot No. 1220, area Ac. 0.15 dec.(P) Ac. 0.09 dec. from Northern side under Sabik Khata No. 340 from Bairagi Nayak S/o Bharat Nayak vide RSD No. 1242 dtd. 18.04.1978. Similarly, the father of OP No. 1 to 3, Dadhi Sethy had purchased Ac. 0.06 dec. from the said Sabik khata and plot from Southern side vide RSD No. 511 dtd. 10.02.1978. The Hal Plot No. 1108, possessed by the petitioners from Northern side and Plot No. 1113 possessed by the OP No. 1 to 3 from Southern side as per Sabik record. Although Plot No. 1108 & 1113 has been correctly reflected in the consolidation map, but the same was wrongly recorded in the ROR of the petitioners as well as Ops.

Went through the case record and report received from Tahasildar, Raghunathpur and Additional Sub-Collector, Jagatsinghpur vide Letter No. 2217 dated 10.07.2025 and letter No. 106 dtd. 18.03.2025 respectively.

On verification of the case record, it is seen that Sabik Khata No. 340, Plot No. 1220, area Ac. 0.15 dec. stood recorded in the name of Sadhu Nayak S/o Baraju Nayak. Sadhu Nayak died leaving behind his son Mathuri Nayak, who sold Ac. 0.06 dec. out of Ac. 0.15 dec. from Northern side of Sabik Plot No. 1220 vide RSD No.

2153 dtd. 17.05.1945 in favour of Bharat Nayak. After death of Bharat Nayak his son Bairagi Nayak sold the same suit land in favour of Dadhi Sethi S/o Prafulla Sethi vide RSD No. 511 dtd. 10.02.1978. Accordingly, order has been passed to record LR Plot No. 935, area Ac. 0.06 dec. in favour of Dadhi Sethi S/o Jhula Sethy.

Similarly, Bairagi Nayak sold rest Ac. 0.09 dec. out of Ac. 0.15 dec. from southern side of Sabik Plot No. 1220 in favour of Bansidhar Nayak S/o Uchhaba Nayak, Kusun Nayak S/o Netrananda Nayak vide RSD No. 1242 dtd. 18.04.1978. Accordingly, order has been passed to record part of Sabik Plot No. 1220 i.e. 935/2022, area Ac. 0.09 dec. in the name of Bansidhar Nayak & Kusun Nayak.

It is revealed from the certified copy of from No. 65 & 66 filed by the petitioners that L.R. Plot No. 935/2022, area Ac. 0.09 dec. corresponds to Hal Plot No. 1113 and L.R. Plot No. 935 corresponds to Hal Plot No. 1108.

Report received from Addl. Sub- Collector, Jagatsinghpur reveals that as per Sabik & Hal map comparison, Northern side of part of Sabik Plot No. 1220 indicated as plot no. 1108 in Hal map and the rest of Sabik Plot No. 1220 indicated as Plot no. 1113 in the Southern side. In Hal map, the area of Hal Plot No. 1108 is Ac. 0.07 dec. instead of Ac. 0.09 dec. and the area of Hal Plot No. 1113 is Ac. 0.09 dec. instead of Ac. 0.06 dec. Now, petitioners are in possession over plot no. 1108 and Ops are in possession over Plot No. 1113 as per their respective purchase. Further, submitted that the plot of petitioners and Ops be interchanged by keeping their areas and map intact as per their purchase.

It is ascertained from the report of Tahasildar, Raghunathpur that Hal Khata No. 98, Plot No. 1108, area Ac. 0.06 dec. stands recorded in the names of Rajkishore Sethy, Satyabhama Sethy and Srimati Sethy son and daughters of Dhadi sethy. Similarly, Khata No. 174, Plot No. 1113, area Ac. 0.09 dec. stands recorded in the

names of Nimain Charan Nayak, Karunakar Nayak, Jayanti Nayak, Arati Nayak, Minati Nayak sons and daughters of Banshidhar Nayak Kismat 8 Ana, Haramani Nayak D/o Kusuni Nayak, Sukanti Nayak, Bhagyabati Nayak daughters of Niranjan Nayak Kismat 8 Ana. Now, petitioners are in possession over plot no. 1108 and Ops are in possession over Plot No. 1113 as per Hal map and field possession.

In view of the above observations, the revision case is allowed. The Tahasildar, Raghunathpur is directed to correct the ROR by following due procedure under Mutation Manual within a period of three months from the date of receipt of the order and report compliance.

Accordingly, the case stands disposed of.

Send the copy of the order to Tahasildar, Raghunathpur for necessary compliance.

LAND SCHEDULE

PS- Tirtol, Tahasil- Raghunathpur, Dist- Jagatsinghpur relating to Schedule-A i.e. Khata No. 174, Plot No. 1113, area Ac. 0.09 dec. corresponds to Sabik Khata No. 340, Plot No. 1220, area Ac. 0.15 dec. (P) Ac. 0.09 dec. from Northern side, after correction Khata No. 174, Plot No. 1108, area Ac. 0.09 dec. and Schedule-B i.e. Khata No. 98, Plot No. 1108, area Ac. 0.06 dec. which corresponds to Sabik Khata No. 340, Plot No. 1220, area Ac. 0.15 dec.(P) Ac. 0.06 dec. from Southern side, after correction Khata No. 98, Plot No. 1113, area Ac. 0.06 dec.

Pronounced in the open Court on this day of **22nd January, 2026.**

Sd/-
Land Reforms Commissioner, Odisha

OSS Case No. 1258 of 2022

Decided on 25.11.2024

(Order by Sri Pradeep Kumar Nayak, O.A.S(SS)
Addl. Commissioner, Addl. Revisional Court No. IV.)

Dibyadham Jogashram Trust , Chakratirtha Road, Puri ... **Petitioner**

-Versus-

Manorama Das & others ... **Opp. Parties.**

Advocate for the Petitioner	:	Sri Udhaba Barik
Advocate for Opposite Party	:	Sri Sarat Chandra Acharya (Lord Jagannath Temple, Puri
Advocate for Opposite Party No. 1, 7 & 9 :		Sri Abhaya Chandra Rout
Addl. Standing Counsel for the State	:	Sri Sidharth Sankar Das

Orissa Survey & Settlement Act, 1962 — Revision — Record of Rights (ROR) correction — Property of Deity — Legal status of Deity as perpetual minor — Maintainability. The Petitioner (Dibyadham Jogashram Trust) prayed for the recording of the suit land in its name based on registered sale deeds. The Sabik ROR recorded the land as debottar property under the marfatdarship of Lord Jagannath, Puri, with stitiban status. *Held: A deity is a juristic perpetual minor and a disabled person whose property requires protection and cannot be alienated in violation of statutory requirements. Any transaction claiming right or title over the deity's property in violation of public policy is illegal and must be ignored; the deity cannot be divested of its immovable property, and the right, title, interest, and possession always vest with the deity (Thakurji v. State of Rajasthan and Deben Sethi v. State of Orissa followed). Since the petitioner failed to show a valid flow of title from the deity, the sale deeds are invalid, and the revision case is dismissed on merit*

D E C I S I O N

This case is taken up today. The Learned Advocate for the Petitioner is present. Heard. Gone through the petition and its annexures. The prayer for condoning the delay of the Petition filed Under Section 5 of the Limitation Act, 1963 is allowed. The following is the Hal-Sabik correlation of the suit land as submitted by the petitioner.

SCHEDULE OF PROPERTY

Mouza- Bhuan, Ps- Gop, Tahasil- Gop, Dist- Khordha

Sabik		
Khata No.	**Plot No.**	**Area**
115	886	Ac.1.750 dec out of Ac.4.450 dec
	887	Ac.0.07 dec
	888	Ac.0.02 dec
Hal		
Khata No.	Plot No.	Area
46	1083	Ac.3.640 dec
278	1084	Ac.1.870 dec

The petitioner prays for recording the suit land based on the registered sale deed. The brief background of the case as submitted by the petitioner is that, originally, the suit land stood recorded in the name of the O.P. No.3 to 9 in the Hal ROR. The petitioner had purchased the suit land from O.P. No.1 vide RSD No.1409 dated 02.12.2003. The O.P. No.1 had purchased the suit land from the O.P. No.2 vide RSD No.1484 dated 27.04.1987. The O.P. No.2 had purchased the suit land from the O.P. No.3 to 9 vide RSD No.2895 dated 05.09.1986. The O.P. No.3 to 9 had got the suit land in the title suit bearing No. OS No.193/251 of 1983/82-1 dated 24.02.1984 in the court of Sub-Judge, Puri. The petitioner submits that, in Hal the suit land is recorded in the name of the O.P. No.3 to 9, which he wants to correct and record in his name.

Notices were sent to the OPs by registered posts for hearing. The PWR from Addl. Sub-Collector, (Settlement) Puri vide letter No. 1944 dtd.02.09.2023 reveals that, the land schedule of the suit land is quit complicated involving disputed fact and flow of title. The suit land in Sabik ROR stands recorded in the name of Sadhu Nayak, S/o- Gadei Nayak and others but recorded in the name of Shri Jagannath Mahaprabhu Marfat Kulamani Padapanda ditiyabhaga khewat No.15 as intermediary. The PWR from the Addl. Sub-Collector,(Settlement) Puri also reveals that, the civil suit case as referred by the petitioner is involved over the suit land. The petitioner has failed to explain how the suit land recorded in the name of Lord Jagannath Mahaprabhu as intermediary with name of Kulamani Badapanda as Marfat got the title of the suit land. The suit land was transferred to the petitioner through sabik recorded tenant, and when and how, the deity land was settled on stitiban status in the name of so-called Sabik recorded tenant. It is settled law that deity land is not transferrable. Because the deity is perpetual minor. **There can be no dispute to the settled legal proposition that the land belonging to the deity cannot be subject to alienation in violation of statutory requirement. (See Temple of Thakurji v. State of Rajasthan, AIR 1998 Raj 85).**

There can also be no dispute to the settled legal proposition that the deity is a juristic perpetual minor/and disabled person, and the property belonging to the minor and a person incapable to cultivate the holding by reason of physical disability or infirmity requires protection. A deity is covered under both the classes. The manager/trustee/pujari and ultimately the State authorities are under obligation to protect the interest of such a minor or physically disabled person. The deity cannot be divested of any title or rights of immovable property in violation of the statutory provisions. The object is laudable and based on public policy. In order to protect its interest even a worshiper having no interest in the property may approach the authority or Court.

As a general proposition of law, if any person claims to have acquired any kind of right in the property belonging to the deity, the transaction is required to be ignored being illegal and the deity becomes entitled to recover the possession as well as the right, title and interest in the property. In the instant case, the land in question belong to Lord JagannathBije, Puri. As such no right, title and interest accrue or have accrued in favour of petitioners in respect of the suit land.

In a case of Deben Sethi vs State of Orissa and others their lordship of our own High Court have held as follows:

"Debottar property- Jagannath Temple property- Land belonging to the deity which is a juristic perpetual minor/and disabled person cannot be subject to alienation in violation of statutory requirement- It requires protection- If any person claims to have acquired any kind of right in the property belonging to the deity, the transaction is required to be ignored being illegal and the deity becomes entitled to recover the possession as well as the right, title and interest in the property- Right, title and interest over the land/property belonging to Lord Jagannath always vests with the deity".

In view of the foregoing examination of records, it is thus clear that, this is a clear case of disputed fact and flow of title of the suit land and the petitioner does not enjoy valid title of the suit land over the debottar land. This case is dismissed as not maintainable on merit.

The revision case is dismissed.

Pronounced in the open court on this day of 25.11.2024.

Sd/-
Addl. Commissioner, Addl. Revisional Court- IV

Revision Petition No. 50 of 2022

Decided on 27.01.2025

(Order by Sumita Sarkar, O.A.S(SS)
Addl. Commissioner,
Settlement & Consolidation, Cuttack)

Sipra Das ... **Petitioner**

-Versus-

Surendra Nath Sen & others ... **Opp. Parties.**

For the Petitioner : Sri Abinash Routray, Advocate

For the Opposite Parties : None

Odisha Survey & Settlement Act, 1958 — Section 15(b) — Limitation Act, 1963 — Section 5 — Condonation of Delay — Maintainability and Merits — Chain of Title — Evidentiary Value of Yadast — Held, condonation of delay under Section 5 of the Limitation Act, 1963, only cures the delay for the purpose of maintainability and does not establish the petitioner's claim on merits; a petitioner seeking correction of Hal ROR on the basis of a Registered Sale Deed of 1959 and Exchange Deed of 1972 must establish a clear and continuous chain of title through primary documents connecting the claimed interest with the original Sabik recorded tenants; uncorroborated entries in a Yadast are insufficient to conclusively establish title, particularly in the absence of supporting title documents; material discrepancies in the dates stated in the pleadings and written notes of argument further weaken the credibility of the claim; accordingly, in the absence of cogent evidence of title and in view of undue laches, the revision petition was held devoid of merit and dismissed.

D E C I S I O N

This case is taken up today.

The learned Counsel for the Petitioner is present. The Opp.parties are found absent.

Heard.The learned Counsel for the Petitioner who filed the revision petition U/s. 15 (b) of the O.S. & S. Act, 1958. The delay was condoned on considering the petition filed u/s 5 of the Limitation Act, 1963 and accordingly the revision was admitted. Notice was issued and duly served to the Opp. Parties following due procedure. Despite sufficient notice, the Opp. Partiesneither entered their appearance nor chose to contest the case.

The claim of the Petitioner in this revision is for correction of Hal ROR and recording the schedule property in favour of the petitioner on the basis of purchase through Registered Sale Deed No. 4248dtd. 12.06.1959 and Exchange Deed No. 3287dtd. 25.06.1972. The case land appertaining to Hal Khata No. 170, HalPlot No. 2004, of an area Ac. 0.071dec.of Mouza- Cuttack Sahar, Unit No. 12 Sutahat, P.S.- Lalbag, District- Cuttack, wasfinally published on 31.03.1992.

On verification of documents available in the case record and submissions made by the learned Counsel for the petitioner, it is revealed that originally Sabik khata No.58, containing plot No.1492 stood recorded in the names of Surendra Nath Sen,Gajendra Nath Sen and Pritimaya Sen Sons of Narayan Sen, which corresponds to Hal khata No.170, Hal plot No.2003 Ac.0.011 dec. and Hal plot No. 2004 Ac.0.071 dec. of Mouza- Cuttack Sahara, Unit No.12, Sutahat, Ps.-Lalbag, Dist.- Cuttack and this Hal khata No.170 stands recorded in the names of sabik recorded

tenants. The claim of the petitioner is to record Hal plot No. 2003 Ac.0.011 dec. and Hal plot No. 2004 Ac.0.071 dec. in their names on basis of purchase, but has not filed any documents to prove the flow of title from Sabikrecorded tenants, on which basis Dolly Roy,W/o. Harish Chandra Roy acquired title over this property. The petitioner has not mentioned the number of alleged sale Deed on the basis of which Dolly Roy got this property. In this regard there is discrepancy with regard to the date of Sale Deed in the plaint and the written note of Argument. The contents of Yadast, without support of any documents is not conclusive proof to record the property in the name of a person, claiming title over the property. How Dolly Roy got this property from the Sabikrecorded tenants is not proved. So the subsequent transaction made by Dolly Roy, W/o.-Harish Chandra Roy by R.S.D No.3975 dated 02.06.1959 in favour of Bhakti Charan Das,S/o.Judhistir Das and Nityananda Das,S/o.Balaram Das&subsequently by a Regd. Deed of Exchange bearing No.3287 dated 25.06.1972 made between BhikariCharan Das and Nityananda Das, this property fell to the share of Bhakti Charan Das/common ancestor of petitioner and proforma Opp.parties No.4 to 6,confers no title on the petitioner and proformaopp.parties No.4 to 6.

Keeping the above in view, the claim of the petitioner deserves no merit for consideration in the absence of supporting documents and stands dismissed on latches.

Pronounced the order today.

Sd/-
Addl. Commissioner,
Settlement & Consolidation, Cuttack.

S.R.P. Case No. 56 of 2024

Decided on 11.09.2025

(Order by Sri Pitambar Bhoi, O.A.S (SAG)
Addl. Commissioner,
Settlement & Consolidation, Kalahandi)

Lakshyapati Bhoi ... **Petitioner**

-Versus-

Hanuman Prasad Agrawas (Dead)
represented by his legal heirs
Pooja Agrawas & others ... **Opp. Parties.**

Odisha Survey and Settlement Act, 1958 – Section 15(b) – Limitation Act, 1963 – Section 5 – Condonation of delay and correction of Record-of-Rights (ROR) – Erroneous recording of ownership – ***Held: Where the petitioner established continuous peaceful possession and a clear chain of title through successive Registered Sale Deeds (R.S.D. No. 99/1997 and R.S.D. No. 1716/1997), the right, title, and interest of the original recorded tenant (Sthitiban) stand legally extinguished from the date of the initial sale execution. The subsequent erroneous entry in the ROR in the name of the vendor's predecessor, arising purely from the non-submission of a claim by the purchaser during settlement operations, cannot override validly executed registered transfer documents, especially when the legal heirs of the opposite party interpose no objection. Consequently, the delay in filing the settlement revision is condoned, the petition is allowed, and the Tahasildar is directed to treat the registered sale deeds as valid pre-settlement documents and effect a separate mutation of the suit land Ac.0.08 out of Hal Plot No. 998, Khata No. 879) in favor of the petitioner.***

D E C I S I O N

This Settlement Revision Petition has been filed by the petitioner U/S 15(b) of Odisha Survey and Settlement Act, 1958 along with a limitation petition U/S 5 of Limitation Act 1963 challenging the entry in ROR in respect of Hal Plot No.998 covered by Hal Khata No.879 of Mouza Rampur finally published on 31/03/1997 which stands recorded in the name of Hanuman Prasad Agrawal S/o-Santhalal Agrawal, caste Marwadi, Basasthan Nijagaon under Sthitiban status on the ground of erroneous recording.

Advocate Sri H. Mohanty and others filed Vakalatnama along with copy of R.S.D. No.99/1997 and R.S.D.No.1716/1997, copy of Sabik Khata No.239/157, copy of Hal RoR and Plot index on behalf of the petitioner in support of his claim.

This case was registered and notices were issued to the parties concerned. the Learned Advocate stated that the petitioner Lakshyapati Bhoi purchased the suit land measuring to an extent of Ac.0.08 Dec from Sobhakar Jani Opposite Party No.2 by way of Registered Sale Deed vide document No.1716/1997 dated 08/08/1997 and the same was purchased earlier by Sobhakar Jani (Opposite Party No.2) from the original land owner Hanuman Prasad Agrawal by way of Registered Sale Deed vide document No.99/1997 dated 14/01/1997 of mouza Rampur covered under Sabik Khata No.239/157, Sabik Plot No.721 and the vendor delivered the possession of the suit land to the purchaser SobhakarJani and subsequently the same area is delivered with possession to the petitioner through the Registered Sale Deed by the purchaser Op No.2. The petitioner is in continuous peaceful possession over the schedule suit land.

The Parawise report has been received from the Addl.Sub-Collector, Bhawanipatna. On perusal of the report , it is found that the Sabik Khata No.239/157, Sabik Plot No.721, Ac.0.160 Dec stood recorded in favour of Hanuman Prasad Agrawal which co-relates to Hal Khata No.879, Hal Plot No.998, Ac.0.16 out of Ac.0.440 of mouza Rampur.

Verified the RSD bearing No.99/1997 & 1716/1997 and found that Shobhakar Jani S/o-Bati Jani by caste “Kandha”, village M.Rampur, Dist-Kalahandi has purchased the suit land measuring to an extent of Ac.0.16 pertaining to Sabik Plot No.721 under Sabik Khata No.239/157 of mouza Rampur under Tahasil M.Rampur from Hanuman Prasad Agrawal S/o-Santoshlal Agrawal by caste “Marwadi”, village M.Rampur, Dist-Kalahandi vide Registered Sale Deed bearing No.99/1997.

Shobhakar Jani sold to the petitioner a part of the suit land measuring to an extent of Ac.0.08 pertaining to Sabik Plot No.721 under Sabik Khata No.239/157 of mouza Rampur under Tahasil M.Rampur, Dist-Kalahandi. From the date of purchase, the petitioner is in peaceful possession. Due to non-submission of claim by the purchaser, the same has been erroneously recorded in the name of Hanuman Prasad Agrawal.

The right , title, interest and possession of the recorded tenant Hanuman Prasad Agrawal has been extinguished in respect of the said suit land from the date of execution R.S.D. No.99/1997. The OP No.1(a) appeared before the Court and stated that the he has no objection if the suit land is recorded in the name of the petitioner since the petitioner is in peaceful possession of the suit land.

Hence the delay for filling the case is condoned and the revision is hereby allowed.

The Tahasildar Madanpur Rampur is directed to treat the above Registered Sale Deeds as valid and pre settlement documents and undertake mutation of Ac.0.08 of Hal Plot No.998 concerning to Khata No.879 of mouza Rampur separately in the name of the petitioner Lakshyapati Bhoi S/o-Late Dhundi Bhoi, village M.Rampur.

Pronounced in the open Court today the 11th of September,2025.

Sd/-
Addl. Commissioner,
Settlement & Consolidation, Kalahandi

S.R.P. Case No. 863 of 2017

Decided on 11.12.2025

(Order by Sri Pitambar Bhoi, O.A.S (SAG)
Addl. Commissioner,
Settlement & Consolidation, Kalahandi)

Dusasan Naik & others ... **Petitioners**

-Versus-

Saibani Sabar & others ... **Opp. Parties.**

Odisha Survey and Settlement Act, 1958 — Section 15(b) — Limitation Act, 1963 — Section 5 — Condonation of Delay — Mutation — Registered Sale Deed — Erroneous Record of Rights — Held, where the purchaser has remained in peaceful possession of the suit land from the date of execution of a valid Registered Sale Deed (R.S.D. No. 420/1987), the failure to seek mutation within the prescribed period does not revive or preserve the right, title, interest or possession of the original recorded tenants, which stood extinguished by operation of law upon execution of the sale deed; the subsequent erroneous recording of the land in the names of the original tenants in the ROR cannot confer or validate any right in their favour; where such erroneous entries are attributable to apparent clerical or settlement mistakes, the delay in preferring a revision under Section 15(b) of the Odisha Survey and Settlement Act, 1958, may be condoned under Section 5 of the Limitation Act, 1963; the Revisional Authority is competent to recognize the genuineness and legal effect of the registered sale deed, direct the concerned Tahasildar to undertake the requisite pre-settlement proceedings, and order correction of the final Hal ROR by separately recording the schedule land in favour of the lawful purchaser; revision allowed.

D E C I S I O N

This Settlement Revision Petition has been filed by the petitioner U/S 15(b) of Odisha Survey and Settlement Act, 1958 along with a limitation petition U/S 5 of Limitation Act 1963 challenging the entry in ROR in respect of Hal Plot No.1458 &

1364 covered by Hal Khata No.49 of Mouza Tentulipada finally published on 30.03.2013 which stands recorded in the name of Ganapati Sabar, Tankadhar Sabar, Dhanurjya Sabar, Srimati Sabar & Khira Sabar, all are sons/daughters of Kameswar Sabar, Mudrika Sabar W/o-Kameswar Sabar by caste "Sabar", village Nijagaon under Sthitiban status on the ground of erroneous recording.

Petitioner Dusasan Naik filed copy of R.S.D. No.10901000180/2010and copy of Hal RoR in support of his claim.

This case was registered and notices were issued to the parties concerned. The petitioner Dusasan Naiksubmits that 1.Dusasan Naik, 2.Phakir Naik, 3.Tejraj Naik, 4.Jasobant Naik, all are sons of Padu Naik by caste "Banjara", village Tentulipada, Po-Budhidara, PS-Junagarh, Dist-Kalahandihave purchased the suit land measuring to an extent of Ac.0.58 Dec from 1.Saibani Sabar S/o-Late Ratnakar Sabar, 2.Ganapati SabarS/o-Late Kameswar Sabar, 3.Tankadhar Sabar S/o-Late Kameswar Sabar, 4.Mukta Sabar W/o-Late Dhanurjya Sabar, 5.Amar Sabar S/o-Late Gadu Sabar, 6.Kasturi Sabar W/o-Prasanna Sabar, 7.Raghu Sabar S/o-Nanda Sabar, 8.Ahalya Sabar D/o-Madua Sabar, 9.Dhanbal Sabar S/o-Late Sunadhar Sabar by caste "Sabar", village Tentulipada, Po-Budhidara, PS-Junagarh, Dist-Kalahandi (Opposite Party No.1 to 9) by virtue of Registered Sale Deed vide document No.10901000180/ 2010 dated 27.01.2010 of mouza Tentulipada covered under Sabik Khata No.34, Sabik Plot No.555,556&535. The petitioner is in continuous peaceful possession over the schedule suit land.

The Para wise report has been received from the Addl.Sub-Collector, Settlement, Kalahandi. On perusal of the report , it is found that the Sabik Khata No.34, Sabik Plot No.555,556&535, Ac.0.58 Dec stood recorded in the name of Ratnakar Sabar S/o-Dibakar Sabar, Kameswar Sabar, Guni Sabar S/o-Hari Sabar, Gadu Sabar S/o-Biro Sabar, Bana Sabar, Bhuka Sabar, Nanda Sabar, Madua Sabar, Sunadhar Sabar, Danara Sabar, sons of Karunakar Sabar by caste "Sabar" which co-relates with Hal Khata No.49, Hal Plot No.1458&1364, Ac.0.58 of mouza Tentulipada.

From status report of Tahasildar Junagarh , it is found that the petitioner 1.Dusasan Naik, 2.Phakir Naik, 3.Tejraj Naik and 4.Jasobanta Naik is in peaceful possession over the suit land measuring to an extent of Ac.0.28 pertaining to Hal No.1458& Ac.0.30 pertaining to Hal No.1364 under Hal Khata No.49 of mouza Tentulipada.

Verified the RSD bearing No.10901000180/2010 and found that 1.Dusasan Naik, 2. Phakir Naik, 3.Tejraj Naik, 4.Jasobant Naik, all are sons of Padu Naik by caste "Banjara", village Tentulipada, Po-Budhidara, PS-Junagarh, Dist-Kalahandi have purchased the suit land measuring to an extent of Ac.0.06 pertaining to Sabik Plot No.555, Ac.0.24 pertaining to Sabik Plot No.556& Ac.0.28 pertaining to Sabik Plot No.535under Sabik Khata No.34 of mouza Tentulipada under Tahasil Junagarh from 1.Saibani Sabar S/o-Late Ratnakar Sabar, 2.Ganapati Sabar, 3.Tankadhar Sabar S/o-Late Kameswar Sabar, 4.Mukta Sabar W/o-Late Dhanurjya Sabar, 5.Amar Sabar S/o-Late Gadu Sabar, 6.Kasturi Sabar W/o-Prasanna Sabar, 7.Raghu Sabar S/o-Nanda Sabar, 8.Ahalya Sabar S/o-Madua Sabar, 9. Dhanbal Sabar S/o-Late Sunadhar Sabar by caste "Sabar", village Tentulipada, Po-Budhidara, PS-Junagarh, Dist-Kalahandi. From the date of purchase, the petitioner is in peaceful possession. Due to non-submission of claim in time by the purchaser, the same has been erroneously recorded in the name of Ganapati Sabar, Tankadhar Sabar, Dhanurjya Sabar, Srimati Sabar, Khira Sabar, all are sons/daughters of Kameswar Sabar, Mudrika Sabar W/o-Kameswar Sabar by caste "Sabar", village Nijagaon.

The right , title, interest and possession of the recorded tenant Ganapati Sabar, Tankadhar Sabar, Dhanurjya Sabar, Srimati Sabar, Khira Sabar, all are sons/daughters of Kameswar Sabar, Mudrika Sabar W/o-Kameswar Sabar by caste "Sabar", village Nijagaon has been extinguished in respect of the said suit land from the date of execution R.S.D. No.10901000180/2010.

Hence the delay for filling the case is condoned and the revision is hereby allowed.

The Tahasildar Junagarh is directed to treat the above Registered Sale Deeds as valid and pre settlement documents and undertake mutation of Ac.0.28 of Hal Plot No.1458& Ac.0.30 of Hal Plot No.1364 concerning to Hal Khata No.49 of mouza Tentulipada separately in the name of the petitioner 1.Dusasan Naik S/o-Late Padu Naik, 2.Tejraj Naik S/o-Late Padu Naik, 3.Jasobanta Naik S/o-Late Padu Naik and 4. Legal heirs of Phakir Naik S/o-Late Padu Naik by caste "Banjara", village Tentulipada.

Pronounced in the open Court today the 11th of December,2025.

Sd/-
Addl. Commissioner,
Settlement & Consolidation, Kalahandi

Revision Petition Case No. 220 of 2021

Decided on 08.04.2026

(Order by Sri Lakshmikanta Sethi, O.A.S (SS)
Commissioner, Consolidation, Cuttack)

Susanta Parida & others ... **Petitioners**

-Versus-

State of Odisha, represented through
Tahasildar, Marshaghai & another ... **Opp. Parties.**

For the Petitioners : Mr. N.C. Jena, Advocate

For the Opposite Party No. 1 : Mr. B. K. Parida, Standing Counsel

For the Opposite Party No. 2 : Mr. N. P. Parija, Advocate

Orissa Survey & Settlement Act, 1958 — Section 15(b) — Revision — Correction of Record of Rights and Map — Ancestral Sabik Possession — Final Hal RoR published in 1991 — Long-standing registered alienations — Jurisdiction — Held, revision petition seeking correction of RoR and map alignment on the basis of ancestral Sabik possession was not maintainable where the disputed lands had been subject to registered gift and sale deeds in 1964 and 1982, followed by continuous possession and publication of the final Hal RoR in 1991; a statutory presumption of correctness attaches to the finally published RoR, which cannot be lightly reopened after a delay of over three decades; the revisional authority under Section 15(b) exercises only limited summary jurisdiction to rectify apparent errors or statutory irregularities and cannot adjudicate complicated questions of title, civil rights, validity of registered instruments, competing boundaries or long-standing possession; such disputes being essentially civil in nature, the settlement authority lacks jurisdiction to determine them, and the aggrieved parties must seek appropriate relief before the competent Civil Court; revision dismissed with liberty to approach the appropriate civil forum.

D E C I S I O N

In Revision Petition No.220/2021 filed U/s 15 (b) of the O.S.&S. Act,1958 (shortly called as the Act) relating to Mouza-Pentha, P.S. Patkura, Dist. Kendrapara, the Petitioners, Susanta Parida & Others have prayed for recording the name of the Petitioners as per their entitlement and possession in the field as per Sabik RoR and map in a separate khata and area in map be corrected as per Sabik map and possession of the petitioners in the field with respect to Hal Plot No.2607 Ac.0.030 dec under Hal Khata No. 214 which corresponds to Sabik Plot No.3198/3998 Ac.0.16 dec under Sabik Khata No. 190.

2. Considering the available documents on records and nature of relief prayed for by the petitioners, the delay was condoned and the Revision Petition was taken up for hearing on merit.

3. The Counsel for the petitioners was absent. The Standing Counsel for the Opposite Party No.1 (State) and the Counsel for the Opp. Parties No.2 were present and heard. The Opp. Parties have stated that the Petitioners are trying to prolong the case intentionally.

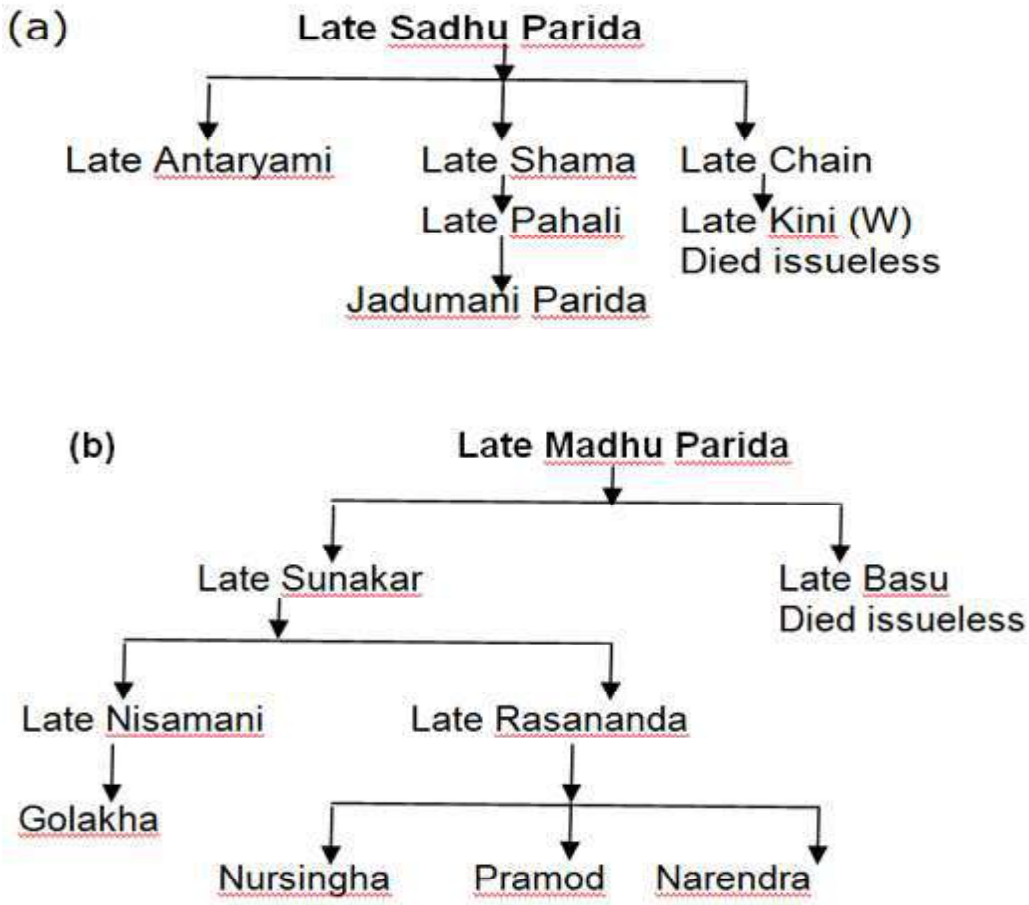
4. Para-wise report of Tahasildar, Marshaghai vide his letter No.1716 dated 09.05.2025.

5. The content of the revision petition as per the plaint is that the disputed property originally belongs to Late Shama Parida, Late Pahali Parida, Late Kini Bewa, Late Sunakar Parida, Late Basu Parida, late Gama Dei and Late Mani Parida in Sabik Khata No.190, Sabik Plot No.3198/3998 with note of possession of Shama Parida, Sunakar Parida, Basu Parida and Mani Parida.

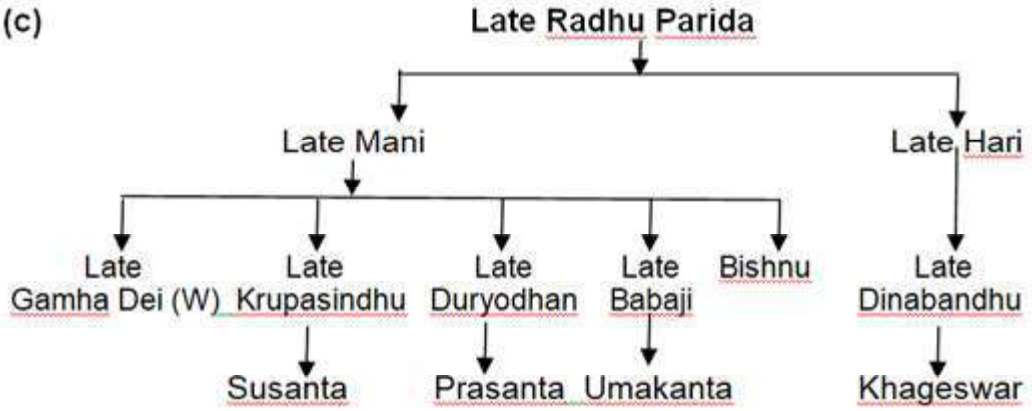
As per genealogy, the property belongs to Late Sadhu Parida, Late Madhu Parida and Late Radhu Parida having 1/3rd share each. After amicable partition between the family, the Sabik Plot No.3198/3998 fell in the share of Shama Parida S/o Sadhu Parida(1/3rd share), Sunakar and Basu S/o Madhu Parida(1/3rd share

jointly), Mani S/o Radhu Parida(1/3rd share). Further, the family members of Late Sadhu Parida and Late Madhu Parida sold some portion of their share from Sabik Plot No.3198/3998 to Opposite party No.2 for the purpose of construction of the school. However, the 1/3rdshare of Mani from the Sabik Plot No.3198/3998 has not been sold out to anybody. But, when the RoR was published , it came to the knowledge of the Petitioners that their names have not been recorded by the Settlement Authority though they have 1/3rd share in the Sabik Plot No.3198/3998 and the petitioners are residing in the same plot by constructing their dwelling house. The Petitioners have filed this case to record the disputed property in their favour as per their entitlement and possession.

The genealogy as mentioned in the plaint is shown below.



(c)



6. Perused the report submitted by the ASO, wherein the following has been stated :

(i) Sabik Plot No. 3998(p) corresponds to Hal Plot No. 2607.

(ii) It is further mentioned that Sabik Khata No.190, Sabik Plot No.3198/3998 area Ac.0.16 dec. (bearing note of possession in favour of Shama Parida, Sunakar Parida, Basu Parida and Mani Parida) and the recorded tenants being Pahali Parida S/o Antarjami Parida, Shama Parida S/o Sadhu Parida, Kini Bewa W/o Chai Parida, Sunakar Parida, Basu Parida S/o Madhu Parida, Mani Parida S/o Radhu Parida, Gama Bewa W/o Hari Parida, Rama Dei W/o Mani Parida, Jagannath Samantaray S/o Somanath Samantaray in Stithiban status.

(iii) During the Khanapuri stage, According to Yadadast No. 886, Hal Plot No. 2607 was donated by Pahali Parida to the Chairman of Balikuda Lower Primary School vide Gift Deed No. 5026, dated 27.05.1964, for a consideration amount of ¹ 200. Consequently, Hal Plot No. 2607 should be recorded in the name of the Chairman, Balikuda Primary School, in the relevant Khata. However, there is currently no formal order updating the record for Hal Plot No. 2607.

(iv) As per the order of the Assistant Settlement Officer (ASO) and Amin Report No. 479, Hal Plot No. 2607 is to be deleted from the Khanapuri Khata and to be recorded in the name of the Chairman, Balikuda Lower Primary School, Penthasamili for an area Ac. 0.05 decimal in stithiban status.

7. The Counsel for the petitioners has submitted the following documents in order to substantiate his claim:

1. Hal ROR No. 214
2. Sabik RoR No.190
3. Regd. Gift Deed No.5026 dtd.27.5.1964
4. RSD No.1330 dtd.17.3.1982
5. Certified copy of Plot Index

8. Gone through the contention of the petition, para-wise report of Tahasildar, Rajnagar and the documents submitted by the Petitioners.

Perused the photocopy of the Hal RoR No.214 bearing Hal Plot No.2607 area Ac.0.030 dec. (Gharabari) which has been recorded in favour of Chairman , Lower Primary School, Pentha Samil Balikuda in Stithiban status.

Perused the copy of Sabik Khata No.190, Sabik Plot No.3198/3998 area Ac.0.16 dec. (bearing note of possession in favour of Shama Parida, Sunakar Parida, Basu Parida and Mani Parida) and the recorded tenants being Pahali Parida S/o Antarjami Parida, Shama Parida S/o Sadhu Parida, Kini Bewa W/o Chai Parida, Sunakar Parida, Basu Parida S/o Madhu Parida, Mani Parida S/o Radhu Parida, Gama Bewa W/o Hari Parida, Gama Dei W/o Mani Parida, Jagannath Samantara S/o Somanath Samantarain Stithiban status.

Perused the certified copy of Plot Index wherein it is ascertained that Hal Plot No.2605, 2606 and 2607 corresponds to Sabik Plot No.3998. Also perused the photocopy of Plot Index Mouza-Pentha wherein Sabik Plot No. 3198/3998 corresponds to Hal Plot No. 2605, 2606 and 2607 respectively.

Perused the Regd. Gift deed bearing No.5026 dated27.05.1964 in which the Donor Pahali Parida son of late Shama Parida has gifted the suit land i.e. an area of Ac.0.05.3 out of Ac.0.16 dec from Sabik Plot No.3198/3998 in Sabik Khata No.190 of Mouza-Pentha to receiver Balikuda Lower Primary School Chairman.

Perused the RSD No.1330 dated 17.03.1982 in which the Vendor Nisamani Parida, son of late Sunakar Parida and Rasananda Parida Son of Late Basudeb Parida have transacted the suit land i.e. an area of Ac.0.05.3 dec out of Ac.0.16 dec from Sabik Plot No.3198/3998 in Sabik Khata No.190 of Mouza- Pentha to Vendee all the villagers of Pentha Samil Balikuda Marfat Agani Charan Parida Son of late Dambarudhar Parida.

9. Perused the para-wise report of Tahasildar, Marsaghai wherein it has been stated that Hal Khata No. 214 stood recorded in favour of Chairman , Balikuda Lower Primary School , Penthi Samil, , Balikuda where the name of the recorded tenant in Sabik Khata No. 190 has been mentioned as Pahali Parida S/o Antarjami Parida, Shama Parida S/o Sadhu Parida, Kini Bewa W/o Chai Parida, Sunakar Parida, Basu Parida S/o Madhu Parida, Mani Parida S/o Radhu Parida, Gama Bewa W/o Hari Parida, Gama Dei W/o Mani Parida, Jagannath Samantara S/o Somanath Samantara. As per the report of Revenue Inspector and Amin, Govt. U.P. School, Pethha ,Balikuda is situated over Hal Plot No. 2607, Ac 0.030dec, Kisam Gharabari.

As per order dated 24.04.2025, a field inquiry was conducted in the presence of the villagers of Mouza: Pentha, Balikuda. Upon verifying the records of the said plot, it is found that in Mouza: Pentha, under Hal Khata No. 214 with Sthitiban (permanent tenancy) status, Hal Plot No. 2607, measuring an area of Ac.0.03 decimals, is currently recorded in the name of the Chairman, Balikuda Primary School, Penthasamili.

Upon investigating the Sabik plot details of the said land, it was found that under Sabik Khata No. 190 (Sthitiban status), the names recorded were Pahali Parida S/o Antaryami Parida, Sama Parida S/o-Sadhu Parida, Kini Bewa, W/o- Chai Parida, Sunakar Parida, Basu Parida, S/o-Madhu Parida, Mani Parida, s/O-Radhu Parida, Gahma Bewa, W/o- Hari Parida, Gahma Dei, W/o- Mani Parida, Caste-Khandayat, Jaganath Samantra, S/o-Somanath Samantara Caste- Mahalaik, Vill-Nijigaon and Furthermore, Sabik Plot No. 3198/3998, measuring Ac. 0.16 decimals (Kisam: Biali Dophasai), with a note of possession in favor of Sama Parida, Sunakar Parida, Basu Parida, and Mani Parida. In total, 37 plots were recorded under this Khata, comprising a total area of Ac7.64dec. As per the Sarjamin (Field) Enquiry, Hal Plot No. 2607, measuring an area of Ac. 0.03 decimals with a classification (Kisam) of

Gharabari, is currently recorded in the name of Govt. Higher Primary School, Pentha, Balikuda. Furthermore, it is observed that on the south side of this plot, a Concrete (Dhalei) Road with a width of 20 Kadi has been constructed.

10. The Opp parties No.2 have submitted their written submissions wherein the following has been stated :

i. That, the Petitioner has no locus standi to file this revision because the cause of action did not arise against the respondent as per the Hal RoR published in the year 1991.

ii. That, as per the Amin report of Major settlement operation it is recorded that the Sabik Plot No.3198/3998 under Sabik Khata No.190 was divided into 3 hal plots i.e 2605, 2606 and 2607. Out of which the Hal Plot No.2605 Ac.0.02 dec and Hal Plot No.2606 Ac.0.03 dec was recorded in the name of Opp. Party No.2 vide RSD No.1330 dtd.17.03.1982.

iii. Further, the plot No.2607 was in the exclusive possession of Pahali Parida and he sold the same (vide Dattapatra) No. 5056 dtd. 27.05.1964 to the tune of Ac.0.03 dec in place of Ac.0.05 dec 3 kadis.

iv. That, the sale deed registered by the ancestors of the present petitioner according to amicable partition was reflected in the Sabik ROR remarks column and shows in the sale deed that physical possession was obtained and delivered possession to the respondent school.

v. That, the petitioner has never filed any objection before the measure settlement officer regarding recording the land in their favor as per the Sabik ROR. Also as per law the civil court has jurisdiction to decide the right title and interest of the suit land.

vi. That the petitioner has challenged the ROR issued by the Settlement Authority wherein he has admitted in the Revision petition the Sabik Plot No. 3198/3998 bearing Khata No. 190 Area Ac 0.16dec has been

recorded illegally in favour of the private party but unfortunately , the petitioner has initiated the entire proceeding on area Ac 0.16dec whereas the Hal ROR has been issued for an area of Ac 0.08dec in two separate ROR in the name of the Opp. Parties.

It has further being stated that without ascertaining the area of Ac 0.05dec 3 kadi of the land the petitioner has challenged the entire area for filing the Revision petition.

vii. That, the ROR has been published exclusively in the name of the School and the matter has been concluded by the Settlement officer. Hence it is not otherwise permissible to reopen the present revision after a period of 4 decades.

viii. Further, it has also been stated that the present Opp. Parties have accrued the right title and interest with respect to the suit land and have been occupying the land for the school purpose. Tahasildar has also received the rent and as per the Tenancy Act acceptance of rent is sufficient to settle the land in tenancy.

11. The Standing Counsel for the State has submitted his written submissions

i. The present Revision Petition No. 220/2021 has been filed seeking correction of Hal Record-of-Rights in respect of Hal Plot No. 2607, area Ac.0.03 dec, corresponding to Sabik Plot No. 3198/3998 under Sabik Khata No. 190, Mouza Pentha

ii. At the very outset, it is humbly submitted that the revision is not maintainable, as the petitioners have already filed Revision petition No. 219/2021 Challenging the settlement entries arising out of the same Sabik Plot NO. 3198/3998.

iii. That during Major Settlement Operation, the Sabik Plot No. 3198/ 3998 was lawfully sub-divided into Hal Plot Nos. 2605, 2606 and 2607 on the basis of Amin's field report, local enquiry, and possession as verified at the spot.

iv. The Hal ROR was prepared and finally published strictly in accordance with the statutory procedure.

v. That the final Hal ROR was published in the year 1991 and carries a statutory presumption of correctness. The present revision has been filed after nearly three decades, without any satisfactory explanation for such inordinate delay. Hence, the case is liable to be rejected on the ground of delay and laches.

vi. That the petitioners did not file any objection during Khanapuri stage, Draft publication stage, or Final publication stage of settlement.

vii. The present attempt is nothing but an effort to reopen long-settled records, which is impermissible under revisional jurisdiction.

viii. That the dispute raised by the petitioners involves: competing claims over share and entitlement, challenge to subdivision and recording based on possession, and questions relating to right, title and interest.

ix. These are disputed questions of civil title, which cannot be adjudicated under Section 15(b) of the O.S. & S. Act and are within the exclusive domain of a competent Civil Court.

x. That the settlement entries having been made on the basis of field enquiry and possession and there being no apparent illegality or clerical error, no interference is called for in exercise of revisional powers.

In view of the facts and submissions stated above, it is most humbly prayed that this Hon'ble Court may be pleased to dismiss Revision Petition No. 220/2021 as not maintainable and devoid of merit, on the grounds of laches, and involvement of disputed questions of title, leaving the petitioners at liberty to seek appropriate remedy before the competent Civil Court, if so advised.

12. Perused all the reports and documents on record wherein the following has been ascertained

i. That the petitioner has prayed for recording the name as per their entitlement and possession in the field as per Sabik RoR and Map in the separate Khata.

ii. It is seen that the Sabik Khata No. 190 stood recorded in favour of Pahali Parida and others while the note of possession against the Sabik Plot No. 3198/3998Ac.0.16 dec. was recorded in favour of Shama Parida S/o Sadhu Parida, Sunakar Parida & Basu Parida S/o Madhu Parida, Mani Parida

iii. It has been stated by the petitioner that each of the possession holder was entitled to 1/3rd of the share from the impugned Sabik Plot No. 3198/3998 after amicable partition. Further, it has also been stated that the family members of late Sadhu and late Madhu have sold some portions of their share from Sabik Plot No. 3198/3998 to Opp. Party No. 02 for the purpose of construction of School. However, the 1/3rd share of Mani Parida from Sabik Plot No. 3198/3998 has not been sold to anybody.

iv. On perusal of Regd. Gift Deed Nos. 5026 dated 27.05.1964 and 1330 dated 17.03.1982 as elaborated previously, it is ascertained that Pahali Parida, Nishamani Parida and Rasananda Parida have alienated their share (Ac.0.05 dec 3 kadi each) from Sabik Plot No. 3198/3998 to Pentha Samili Balikuda School.

v. The Plot Index reveals that the Sabik Plot No. 3198/3998 corresponds to Hal Plot No. 2607 under Hal Khata No. No. 214 .

vi. It is pertinent to mention that while the Hal Khata No.7 bearing Plot No. 2605 Ac.0.02 dec. and Plot No. 2606 Ac.0.03 dec. stood recorded in favour of Pentha Samili Balikuda Vill Marfat Agani Charan Parida Son of Damrudhar Parida in stithiban status , the Hal Khata No. 214 bearing Hal Plot No. 2607 Ac.0.03 dec. has been recorded in favour

of Chairman Balikuda Lower Primary Bidyalaya Pentha Samili, Balikuda in stithiban status. .

vii. It is evident that the corresponding Hal Plots i.e. 2605, 2606 and 2607 cumulatively form an area of Ac.0.08 dec., whereas the area alienated in favour of the School vide the aforesaid Regd. Gift Deed No. 5026 dated 27.05.1964 and RSD No. 1330 dated 17.03.1982 comes to Ac.0.10 dec 6 kadis approximately.

viii. It is clear that the Sabik Plot originally had an area of Ac.0.16 dec, which came to be settled in 3 hal plots i.e 2605, 2606 and 2607 respectively for an area of Ac.0.08 dec only. It is also to be considered that the School has a bonafide title bestowed upon it vide the aforesaid RSDs for an area of Ac.0.10 dec 6 kadis approx. Also what cannot be disputed is the claim of the Petitioner who claims to have not sold his share from the impugned Sabik Plot.

ix. Assuming that the prayer of the petitioner were to be considered, then the share of the Petitioner being Ac.0.05 dec approximately could be recorded in his favour as per the Sabik records, however, considering that the total area in hal settlement being Ac.0.08 dec (divided amongst the three plots), the Regd. Gift Deed and RSD would lose all relevance and the entitlement of the School would be reduced to mere Ac.0.03 dec despite a purchase/ donation of Ac.0.10 dec.

x. This evidently has gives rise to dispute which is civil in nature and cannot be settled within the jurisdiction of this Court.

In the above grounds, the prayer of the Petitioner cannot be considered and the Petitioners are at liberty to approach the appropriate forum.

13. Resultantly, the Revision Petition is dismissed.

Pronounced the order in the open Court to-day, the -8th day of April, 2026.

Send the copy of this order to the Tahasildar, Marshaghai for the needful.

Sd/-
Commissioner, Consolidation,
Odisha, Cuttack

OSS Case No. 1376 of 2019

Decided on 26.02.2026

(Order by Sri Prabeer Kumar Nayak, O.A.S(SAG)
Addl. Commissioner, Addl. Revisional Court No. III, Bhubaneswar)

Chittaranjan Jena ... **Petitioner**

-Versus-

Settlement Officer, Cuttack & another ... **Opp. Parties.**

For the Petitioner : Mr. Nirmal Kishore Rath, Advocate & Associates

For Opposite Party No. 1 : Mr. H. Choudhury, Addl. Standing Counsel

For Opposite Party No. 2 : Mr. Jagannath Das, Advocate & Associates

Odisha Survey and Settlement Act, 1958 – Section 32 – Revision Petition – Maintainability – Res Judicata – Suppression of material facts – The petitioner challenged the settlement recording of an area of Ac.0.069 dec. under Hal Plot No. 290 carved out in favor of Opposite Party No. 2. The Revisional Court observed that the validity of the registered sale deed dated 31.10.1994 executed in favor of Opposite Party No. 2 had already been conclusively upheld by the Hon'ble High Court in W.P.(C) No. 33177 of 2011, establishing her absolute title over the land. It was further established that the petitioner had suppressed critical material facts, including the dismissals of a civil suit (C.S. No. 1635/2019) and a subsequent appeal (CMA No. 124/2023) involving the same subject matter and parties. Held, a revision petition cannot be entertained where the matter has already been agitated, heard, and conclusively decided by competent forums on merits. The principle of Res Judicata under Section 11 of the Civil Procedure Code is fully attracted, disentitling the petitioner from seeking any fresh relief. Revision Petition disallowed.

D E C I S I O N

This Revision has been filed with a delay condonation petition U/s 5 of Limitation Act and the delay for filing the Revision mentioned therein is considered. Delay has been condoned and case was admitted.Notice issued to Opp. Party through Regd. Postdeemed sufficient. OP-2 appeared though her Counsel and filed written note of objection which is taken into record.

Counsel for the petitioner, Counsel for OP-2 and Addl. Standing Counsel for the State are present. Heard them on the merit of the case and perused the relevant records/reports from the concerned Authorities and documents submitted by the Petitioner/OP-2 in support of their claim.As per submission, Sabik Khata No. 190, Sabik Plot No. 4611 Ac 5.520 dec of Mouza- Gadakana under Bhubaneswar Tahasil was recorded in favour of Kailash Jena &Baikuntha Jena both are S/o- Krushna Chandra Jena having 8 Anna share, Ugrasen Jena S/o- Chintamani Jena having 4 Anna Share, Chakradhar Jena, S/o- Jayakrushna Jena having 2 Anna Share and Shyam Sundar Jena, S/o- Banamali Jena with 2 Anna Share.

Prime contention of the pleading of the petitioner is that, the suit property is his ancestral property wherein Sabik Khata has not yet been partitioned among all the shareholders by metes and bounds and all are in joint possession over the suit Hal area.The shareholders namelyKailash Chandra Jena and Baikuntha Jena illegally sold an area of Ac.0.069 dec. to UrmilaPatra, W/o Ramesh Chandra Patra (OP-2) by way of a registered sale deed No. 4524 dated 31.10.1994. On the basis of such sale deed, the lower Settlement authorities have illegally carved out a separate Plot No.290 for an area of Ac.069 dec. under Khata No.428 and jointly recorded it in the name of all the shareholders along with the Opp. Party No-2UrmilaPatra in place of Kailash Chandra Jena and Baikuntha Jena.

It is further pleaded by the petitioner that, Hal Plot No.287 is still recorded in the name of all the shareholders and the present suit plot No.290 has been carved out from the said land which is being challenged by the petitioner in the present Revision case. Hence his prayer is to amalgamate this Hal Plot No.290 with Hal Plot No.287, which is recorded jointly in the name of all the shareholders as per 1973 Settlement. In that Khata, the name of OP-2 may kindly be included. It is pleaded

that, when the Sabik plot/land has not yet been partitioned by metes and bounds, how the lower Settlement authorities created a new Plot No.290. So, the action of the said authorities is bad in law which requires interference of this Hon'ble Court.

OP-2 filed her written note of objection. The crux of the objection is that, the Opp. Party No.2 had purchased an area Ac.0.069 dec. from Kailash Jena and Baikunthanath Jena vide Regd. Sale Deed No.4524, dt.31.10.1994 and delivered possession thereof in favour of the Opp. Party No.2 and accordingly a separate Khata has been carved out in favour of the Opp. Party NO. 2 vide Hal Khata No. 428.

It is further submitted that the Opp. Party No. 2 had filed one objection case before the Asst. Settlement Officer to record her name in pursuance to the purchase from 8 anna share holder such as Kailash Jena and Baikuntha Jena as stated above. But unfortunately the learned ASO rejected the objection case bearing No.2880 vide order dt.3.7.2002, stating that neither other shareholder have given their consent nor was present during the hearing of the Objection Case No. 2880.

Opp. Party No. 2 being aggrieved by the said order filed a revision case before the Commissioner of Land Records and Settlement, Odisha, Cuttack U/s.32 of the OSS Act vide Revision Case No.3035/2002. In the said revision case learned commissioner allowed the revision case and remanded the matter before the Settlement Officer for appropriate order. The directive part of the said order is as follows:

"The learned Advocate for the Petitioner is present. This Revision No. 3035/ 2002 has been filed U/s 32 of the OSS Act 1958 in absence of any order passed by the Appellate Court.As no appeal has been filed the Settlement/Charge Officeris to treat and hear the petition U/s. 22 of the Act and notice all the parties including any party whose interest is likely to be affected by the order of the Appellate Court and decide the case of the petitioner on merit before the R.O.R is finally published.

If the claim of this case has already been heard and adjudicated on merit U/s. 22 of the Act by the Appellate Court or the records of the said village have already been finally published then the case be dropped by the Settlement/Charge Officer. With the above observation the case is transferred to the Court of Settlement/

Charge Officer to exercise his suomotu power U/s. 22(2)(a) of the Act and to decide the matter as per law."

Learned Settlement Officer registered an appeal case bearing No.231/2003 U/s *22(2)(a) of the OSS Act,* as per direction of R.P. Case No. 3035/2002. Learned Settlement Officer in his order dtd 21.12.2006, ordered to change the status of the case land from 'Gharabari-1' to 'Bagayat-2' and to record the suit Hal Plot No. 290 with an area Ac 0.070 dec in the name of OP-2 UrmilaPatra along with others.

Being aggrieved upon the said order of the learned Settlement Officer, the Opp. Party No. 2 challenged the said order before the Hon'ble High Court of Orissa by filing Writ Application vide W.P.(C) No.33177 of 2011.Hon'ble High Court vide order dt.23.9.16 allowed the Writ Application inter alia holding the sale deed of Opp. Party No-2 UrmilaPatra is valid accordingly set aside the orders of both the courts such as ASO and Settlement Officer and directed ASO that the purchased land of the Opp. Party No. 2 UrmilaPatra should be recorded in her name.

In pursuance to such order of Hon'ble High Court a suomotu Mutation Misc. Case has been initiated before the learned Tahasildar Bhubaneswar as per the letter of Settlement Officer, Major Settlement Cuttack vide Mutation Misc. Case bearing No.20518/2016. Accordingly a new Khatian has been carved out in the name of UrmilaPatra under Khata No.428, Plot No.290, areaAc.0.069 dec. Later, the same has been converted to Homestead in OLR case 8(A) Case No. 21574/2025.

It is further submitted by the OP-2 that, petitioner challenged the aforesaid Mutation Misc. Case before the Learned Sub-Collector Bhubaneswar by filing Mutation Appeal bearing No.231 of 2019. But said mutation appeal has been quashed by the Hon'bleHigh Court in W.P.(C) No.11376/2020 filed by the OP-2 as against Mutation Appeal bearing No.231 of 2019, vide their order dt.23.11.2020.

Irrespective of the same the petitioner also filed a civil suit against the opp. Party No. 2 vide CS NO. 1635/2019 which has been dismissed on dtd. 07.07.2023 by the Hon'ble Civil Judge Senior Division Bhubaneswar. And thereafter the said petitioner also filed a CMA bearing No. 124/2023, which has also been dismissed vide order dt. 13.05.2024.

In view of the aforesaid factual background, OP-2 stressed upon that as this Revision petition lost his force and petitioner has suppressed all these material facts about the case land, and as the matter has already been conclusively decided on its merits by a competent Court i.e. the Hon'ble High Court and accordingly a separate ROR has been issued in favour of the Opp. Party No. 2, filing of this Revision petition itself will attract the provision of Res judicata. Under the aforesaid facts and circumstances, OP-2 prayed that the revision petition may be dismissed with exemplary cost.

Heard both the parties. Gone through all the relevant documents. Perused the R.S.D., objection case bearing No.2880, Order of the Commissioner of Land Records and Settlement, Odisha, Cuttack in Revision Case No. 231/2003 filed U/s.32 of the OSS Act, Order of Appeal case bearing No.231/2003, Order of Hon'ble High Court in W.P.(C) No.33177 of 2011, Order of Tahasildar Bhubaneswar in Mutation Misc. Case bearing No.20518/2016, Order of Hon'bleHigh Court in W.P.(C) No.11376/2020 filed by the OP-2 as against Mutation Appeal bearing No.231 of 2019, Civil Suit Order against the opp. Party No. 2 vide CS NO. 1635/2019.

The prime contention/issue of the present Revision as pleaded by the petitioner is that whether the sale transaction executed by Kailash Chandra Jena and Baikuntha Jena in favour of UrmilaPatra, W/o Ramesh Chandra Patra (OP-2) by way of a registered sale deed No. 4524 dated 31.10.1994 is illegal and whether the act of lower settlement Authorities is not tenable in the eyes of law by creating a separate new plot vide Hal Plot No. 290 in the name of UrmilaPatra (OP-2).

On perusal of all the Orders as stated above and by going through the all relevant documents, this Court is convinced that, the sale transaction made between Kailash Chandra Jena and Baikuntha Jena in favour of UrmilaPatra, vide RS.D.No. 4524 dated 31.10.1994 has already been settled in the Order of Hon'ble High Court in WPC No. 33177/2011 wherein in para-7 of its order dtd 23.09.2016 clearly says that

'Since the sale deed is valid for the reason of sale of land by the true owners of the land in their full right title interest, this Court finds neither there was any illegality in the same nor any illegality in the claim of the petitioner.'

Accordingly, Hon'ble High Court has allowed the writ petition and directs for inclusion of the name of the petitioner (Smt. UrmilaPatra) in the record of rights confirming the extent of land purchased vide R.S.D. Accordingly, Tahasildar Bhubaneswar has mutated the suit land i.e. an area Ac 0.069 decin the name of UrmilaPatra under Khata No.428, Plot No.290.

Hence as the prime contention of the Revision Petition has already been settled by the Hon'ble High Court vide WPC No. 33177/2011, this Court finds the pleading of the of the petitioner has no weightage and stands no merit. Petitioner has supressed all these facts (as stated above) in his pleading. Moreover this Revision Petition attracts the principle of Res judicata. As per Section 11 of CPC "*No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court."*

In the present case, as the suit land has already been recorded in the name of UrmilaPatra (OP-2) as per the order of Hon'ble High Court in WPC No. 33177/ 2011 vide their Order dtd 23.09.2016 wherein both the petitioner and OP-2 of this Revision petition were a parties to the WPC. In view of all the above facts and materials available as stated above, this Court is convinced that theclaim of the petitioner cannot be entertained and consequentially the Revision Petition is DISALLOWED.

Accordingly, the revision case stands disposed of.

Pronounced the order in the open court today i.e. on 26th February 2026.

Sd/-
Additional Commissioner,
Addl. Revision Court No. III, Bhubaneswar

MISC. Case No. 04 of 2022

(Arising out of R.P. Case No. 587 of 2015)

Decided on 13.07.2026

(Order by Sumita Sarkar, O.A.S(SS)
Addl. Commissioner, Settlement & Consolidation, Kataka)

State of Odisha represented by
The Tahasildar, Kataka Sadar, Kataka ... **Petitioner**

-Versus-

P. K. Sahoo & another ... **Opp. Parties.**

For the Petitioner	:	Mr. K. K. Das, Standing Counsel
For Opposite Party No. 1	:	Sri P. K. Jena, Advocate
For Opposite Party No. 2	:	Sri N. Nanda, Advocate

The Court of the Additional Commissioner(C&S), Katakaheld that the review/modification petition was maintainable under Section 7 of the Orissa Board of Revenue Act, 1951 read with Rule 4 of the 1959 Rules. It found that the original revision had been disposed of without notice to affected parties, without furnishing a copy to the State, and without obtaining the Tahasildar's report despite involvement of Government land. Holding that these lapses violated principles of natural justice, the Court held that the Misc. Case is maintainable. Hence, restored R.P. Case No. 587 of 2015 for fresh hearing and disposed of the Misc. Case accordingly.

D E C I S I O N

This Case is taken up today.

The matter is taken up afresh for hearing on the question of maintainability of Misc. case No. 04 of 2022 arising out RP case No. 587 of 2015 pursuant to the order of the Hon'ble High Court of Orissa in WP(C) No. 19534 of 2025. The brief history of the Misc. Case No. 04 of 2022is as follows.

The present Misc. Case was filed by the Tahasildar, CuttackSadar seeking review of the order passed in RP Case No. 587 of 2015 dtd. 04.03.2020, whereby Govt. land was directed to be recorded in favour of the private parties. The learned Standing Counsel for the petitioner (the State) contended that the original revision was disposed of without notice to the affected parties, without hearing the state and without obtaining Tahasildar report regarding the suit land i.e Govt. land.The said Misc. Case no. 04 of 2022 was held maintainable by the then Addl. Commissioner, C&S, Cuttack vide order dtd. 05.09.2023. Further, pursuant to the direction of the Hon'ble High Court of Orissa in WP(C) No. 4068/2024, the question of maintainability of the Misc. case was again examined. Upon consideration of the section 7 of the Board of Revenue Act, 1951 read with Rule 4 of Odisha Board of Revenue Rules, 1959, the Misc. Case was held maintainable and the original RP Case No. 587 of 2015 was restored for fresh hearingvide order dtd. 04.06.2025. Accordingly, the Misc. Case was disposed of.

Presently, pursuant to the order of Hon'ble High Court Orissa in WP(C) No. 19534 of 2025 for fresh hearing on the question of maintainability of Misc. Case No. 04 of 2022, heard the Learned Counsel appearing for the parties at length. Perused the Recordsand theprovisions of law applicable to the case.

The Learned Counsel for Opposite Party No.1 submitted that the Misc. Case is not maintainable in law. It is contended that the Tahasildar has no locus standi to file the present Misc. Case and is bound to implement the order passed in R.P. Case No.587 of 2015 in view of Rule 35 of the OSS Rules, 1962 citing the judgement passed by the Hon'ble High Court of Orissa in WP(C) No. 9839 of 2014 in the matter of Sanatan Acharya -Vrs- TahasildarPanposh& others. It is further contended that as per order 47 Rule 1 Sec. 114 - Review jurisdiction is extremely limited and unless there is mistake apparent on the face of the record, the order/judgement does not call for review. The mistake apparent on record means that the mistake is self-evident, need no search and stares at its face. Review jurisdiction is not an appeal in disguise. Review does not permit rehearing of the matter on merit. Moreoverthe Misc. Case has been filed beyond the prescribed period of limitation and is therefore liable to be dismissed.

Per contra, the learned Standing Counsel for the State submitted that the Tahasildar, being the custodian and protector of Government land within his jurisdiction, is competent to bring to the notice of this Court any illegality or procedural irregularity affecting Government property. It is argued that by order dated 04.03.2020 passed in R.P. Case No.587 of 2015, land recorded in Government Khata was directed to be recorded in favour of private parties without issuance of notice to the State Government and without calling for any report from the Tahasildar, CuttackSadar. The Tahasildar was a party to the original revision proceeding and being aggrieved by the said order which adversely affects Government interest, has filed the present Misc. Case seeking appropriate relief for protection of Government property.Regarding limitation, the learned Standing Counsel submitted that under Section 7(2) of the Board of Revenue Act, 1951, the Board possesses the discretion to admit an application beyond the prescribed period on sufficient cause being shown. It is further submitted that Government property being involved in the present case, prior approval of the Government has been obtained vide Letter No.19084/R&DM dated 27.05.2025 as required under Rule 4 of the Board of Revenue Rules, 1959 for review of the Misc. Case.

The opposite parties haveraised the questionofmaintainability of the Misc. Case on the following two grounds.

i) That the Tahasildarcannot entertain a Misc. application representing the state.

ii) That the Misc. application itself essentially seeks review of the order but filed beyond the period of limitation.

At the outset it is necessary to refer to section 7 of the Board of Revenue Act, 1951 which provides that

"7. Power of Board to review any order.

(1) The Board may either on its own motion or on the application of any person aggrieved by any order of the Board, review any order passed by itself and pass such order in reference thereto as it thinks fit :Provided that no order shall be varied or reversed unless notice

has been given to the parties interested to appear and be heard in support of such order.

(2) ***Every application under Sub-section (1) for a review of any order shall be made within three months from the date of the order :Provided that the Board may in its discretion in any case extend such period, if sufficient reasons be shown for so doing***"

Further, Rule 4 of the Board of Revenue Rules 1959 regulates the exercise of such power and prescribes the procedure relating to review petition which is as follows.

Rule 4 " ***With the prior approval of the State Government, the Member shall, in the absence of the authority which passed the original order, hear applications for review in the capacity of his successor in office***."

The statutory framework therefore expressly recognizes the jurisdiction of the authority to entertain an application seeking reconsideration of an earlier order. Accordingly, in order to review the Misc. Case prior approval of the Govt. has been obtained vide Lt. No. 19084/R&DM dated 27.05.2025. The contention that the Tahasildar lacks locus standi to maintain the present proceedings is wholly misconceived. The Tahasildar is a statutory Revenue Officer entrusted with the administration, protection and management of Govt. land and public property within his jurisdiction under the relevant provisions of Odisha Revenue laws.

Whenever any order passed by a RevisionalCourt is perceived to have affected Govt. interest, public records or state property, the Tahasildar is not only competent but also duty bound to bring such facts to the notice of thecompetent authority. The present proceeding has not beeninstituted by the Tahasildar in his personal capacity, rather the application has been filed in discharge of his official functions as a Revenue Officer representing Govt. interest. Therefore the objection regarding locus standi is devoid of merits.

The Govt.property cannot be lost because of technical objections. The Supreme Courtin Indian Bank -Vrs- Satyam fibers (India) Pvt. Ltd (1996) 5 SCC 550 held that every Court or Tribunal has inherent power to recall an order obtained through mistake, misrepresentation or suppression of material facts.

Similarly United India Insurance Co. Ltd –Vrs-RajendraSingh (2000) 3 SCC 581 held that no Court or Tribunal is powerless to recall an order which result in miscarriage of Justice.

As regards the Second Objection, it is necessary to bear inmind that the issue presently under consideration is not whether the applicant/ petitioner ultimately succeeds in Misc. Case but whether the proceeding itself is maintainable in law.

Section 7 of the Board of Revenue Act. 1951 empowers the Board and its delegate authorities to review their orders either suo-moto or on an application made by an aggrievedperson. Rule 4 of Board of Revenue, Rules 1959 further regulates the exercise of such jurisdiction. The combined readings of the aforesaid provisions leaves no manner of doubt that the statute itselfrecognizes the jurisdiction of the authority to entertain an application seeking reconsideration of an earlier order in appropriate circumstances.

It is equally well settled that a proceeding cannot be rejected as non-maintainable merely because of a plea of limitation has been raised. Limitation is ordinarily a mixed question of law and fact and unless the statute expressly bars the entertainment of the proceeding, the issue requires adjudication upon consideration of the pleadings and materials on record. Therefore the plea of limitation by itself cannot result in dismissal of the proceeding at the threshold.

Moreover,where an authority is called upon to examine allegations affecting the legality of its own order and involving public interest on Govt. land,the issue cannot be foreclosed merely on technical considerations without examining the matter on merit.

The Court is also mindful of the principle laid down by the Hon'ble Supreme Court in State of Punjab Vrs. ShamlalMurari (1976) 1 SCC 719 that procedural law is intended to advance justice and not to defeat it. The administration of justice cannot be rendered subservient to technical objections when substantial questions affecting publicrecords and Govt. interest are raised for consideration.

In view of the foregoing discussions, both thepreliminary Objections raised by theOpposite Parties in this Misc. Case are hereby rejected.Consequently, this Court holds that Misc. Case is maintainable. Hence, the Misc. Case is allowed andoriginal RP Case No 587 of 2015 is hereby restored for hearing on merit. Accordingly, Misc. Case no. 04 of 2022 is disposed of.

Pronounced the order in the open Court todayi.e 13th July, 2026.

Sd/-
Additional Commissioner,
Settlement & Consolidation, Kataka