COURT OF THE SUB-COLLECTOR, ATHAMALLIK

Mutation Appeal No. 06 of 2021

(Against the order dated 22.06.2017 of the Tahasildar, Athamallik in Mutation Case No. 384/2014)

Charulata Mishra … Appellant v. Tahasildar, Athamallik … Respondent

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Mutation – Plots left out of an earlier mutation on a 1976 sale deed. Where the appellant holds a registered sale deed and possession of plots that were left out when the rest of the purchase was mutated, mutation of those plots should be allowed. A plot the appellant has donated for a temple is excluded with her consent. Mutation does not decide title; title disputes lie before the civil court.

Result: Appeal allowed in part. Mutation of two plots directed; one plot excluded.

ORDER

1. The case was taken up today. Perused the Mutation Appeal filed by the appellant. The appellant has purchased 2.46 Acres of land in plot number 52, 151, 188, 487, 491, 585, 807, 807/1574/1215/1707/, of Khata number 126 of Mouza Khandapada on 17.12.1976. The Tahasildar in Mutation case number 834/77, while deciding the case, allowed mutation of only six numbers of cases out of nine plots. The appellant once again reapplied for mutation of the rest of the cases on 30.04.2014 to the area measuring 0.32,0.05 & 0.10 of plot numbers 188,487 & 807/1574 respectively. However the Tahasildar Athamallik once again rejected the case. Hence, this appeal.

2. This appeal is filed by Charulata Mishra against the order dated 22.06.2017 passed by the Tehsildar, Athmallik, in Mutation Case No. 384/2014, wherein the mutation proceedings concerning Plot Nos. 188, 487, and 807/1574 under Khata No. 126, Mouza Kandhapada, were dropped on the grounds that the appellant was not in physical possession of the suit land and that the matter appeared to be civil in nature. The court has carefully perused the appeal memo, the Tehsildar's letter no. 3803 dated 17.09.2025, para-wise comments submitted by the Tehsildar, the Lower Court Record (LCR), and the orders dated 15.04.2017 and 22.06.2017. The appellant claims to have purchased 2.46 acres of land, including Plot Nos. 52, 151, 188, 487, 491, 595, 807, 807/1574, and 1215/1707 under Khata No. 126, Mouza Kandhapada, through a registered sale deed. The appellant asserts that she took possession of the land on the date of execution of the sale deed and has remained in continuous possession without interruption. In an earlier mutation proceeding, the Tehsildar allowed mutation for six out of nine plots in favor of the appellant. The present appeal pertains to the remaining three plots, namely Plot Nos. 188 (0.32 acres), 487 (0.05 acres), and 807/1574 (0.10 acres).The Tehsildar's order dated 15.04.2017 noted that the appellant could not provide the addresses of the lawful heirs of the deceased vendor and that one plot was not in the appellants possession. Consequently, the Revenue Inspector (R.I.), Athmallik, was directed to conduct a fresh inquiry. The subsequent order dated 22.06.2017, based on the R.I.s field inquiry report, concluded that Plot Nos. 188 and 487 were not under the appellants physical possession, and objections were raised by one of the recorded tenants and a legal heir of the vendor. Additionally, the appellant expressed no interest in pursuing mutation for Plot No. 807/1574, as it had been donated for a temple. The Tehsildar deemed the matter civil in nature and dropped the mutation proceedings. During the hearing before this court, the appellants advocate submitted that Plot No.

807/1574 was donated for a temple, and the appellant has no objection to its exclusion from the mutation proceedings. However, the advocate contended that the appellant is in possession of Plot Nos. 188 and 487 and is actively cultivating the same. The Revenue Inspector, Madhapur, present during the hearing, corroborated the appellants possession of these plots. Upon careful consideration of the LCR, the Tehsildars reports, the field inquiry, and the statements made during the hearing, this court finds that the appellant has provided sufficient evidence of possession over Plot Nos. 188 and 487. The R.I.s statement during the hearing supports the appellants claim of physical possession and cultivation. The objection raised by one of the recorded tenants and a legal heir does not sufficiently disprove the appellants possession, as mutation proceedings are primarily concerned with updating revenue records based on possession and not adjudicating title disputes, which are civil in nature. The donation of Plot No. 807/1574 for a temple, as confirmed by theappellant, removes it from the scope of this appeal.

3. In view of the above, this court is inclined to allow the appeal in part. The order of the Tehsildar, Athmallik, dated 22.06.2017, in Mutation Case No. 384/2014, is hereby set aside with respect to Plot Nos. 188 (0.32 acres) and 487 (0.05 acres). The Tehsildar, Athmallik, is directed to: 1. Allow the mutation of Plot Nos. 188 and 487 under Khata No. 126, Mouza Kandhapada, in favor of the appellant, Charulata Mishra, based on her possession and the registered sale deed, subject to compliance with relevant provisions of the Odisha Land Reforms Act and other applicable laws. 2. Update the revenue records accordingly within a period of 30 days from the date of receipt of this order. 3. Exclude Plot No. 807/1574 from the mutation proceedings, as the appellant has donated it for a temple and has no objection to its exclusion. The parties are at liberty to approach the appropriate civil court for adjudication of any title disputes, as mutation proceedings do not confer or determine title. A copy of this order shall be communicated to the Tehsildar, Athmallik, and supplied to the appellant for compliance.

Sd/-
Sub-Collector, Athamallik

Odisha Revenue Laws · Revenue Court Orders. Reported for the reference of revenue officers. The order applies to its own facts; check the current law before relying on it.