COURT OF THE SUB-COLLECTOR, ATHAMALLIK

Mutation Appeal No. 07 of 2026

(Against the order dated 07.04.2026 of the Tahasildar, Athamallik in Mutation Case No. 847/2026)

Appellants (purchasers) v. Legal heirs of Bimbadhar Nayak and Tahasildar, Athamallik … Respondents

Decided on 29 May 2026

Mutation – Recorded tenant dead – Case dropped because legal heirs could not be served. The death of the recorded tenant is no ground to drop a mutation case. The Tahasildar must have the legal heirs identified through field inquiry, serve them individual notice, and use substituted service (affixture in the locality) if they refuse to receive or sign it, then decide the case on merits.

Result: Appeal allowed. Order set aside; remanded for disposal within 60 days.

ORDER

29.05.2026

1. The present appeal has been preferred by the Appellants challenging the order dated 07.04.2026 passed by the Learned Tahasildar, Athmallik in Mutation Case No. 847/2026, wherein the mutation application filed by the appellants was abruptly "dropped" on the grounds that the Recorded Tenants (RTs) are deceased and notices could not be personally served upon or signed by their legal heirs.

Brief Facts of the Case

2. The Appellants had purchased a specific piece of agricultural land measuring an area of Ac. 2.34 dec. (specifically covering portions of Plot Nos. 201 and 215 under Khata No. 38, Mouza: Hinsei, Kisam: Sharada Dui) from the recorded owner, Sri Bimbadhar Nayak, S/o Late Chintamani Nayak, via Registered Sale Deed (RSD) No. 272/1992 dated 10.03.1992.

3. The Appellants filed Mutation Case No. 847/2026 before the Tahasildar, Athmallik for correction of the Record of Rights (RoR) based on their long-standing physical, peaceful possession and the valid registered sale deed.

4. The case record was forwarded to the Revenue Inspector (RI), Puruna Manitri for field inquiry and service of notices.

5. The lower court record (LCR) sheet reveals glaringly contradictory entries. On 03.04.2026, the RI noted that individual notices and general notices were duly served and published, and no objections were received. However, in the very next line, the RI stated: "As the RT's are dead, the legal heir's of the RT's not receive and sign on the notice. Hence notice can't be solved."

6. Endorsing this mechanical approach, the Tahasildar, Athmallik, vide order dated 07.04.2026, dropped the mutation proceedings on identical lines.

Grounds & Findings of this Court

7. Application of Mind: The impugned order passed by the Tahasildar is completely contradictory and legally unsustainable. The order simultaneously records that individual notices were "duly served" and that notice "can't be solved" because the RTs are dead. This displays a completely

mechanical approach without any judicial application of mind.

8. Due Diligence in Notice Service: If the recorded tenants are deceased, it is the bounden duty of the mutating authority/field revenue staff to ascertain the names and addresses of the legal heirs through a localized administrative inquiry. Merely dropping a mutation case because a notice couldn't be signed by a deceased person or because legal heirs weren't immediately available constitutes a clear failure of administrative machinery and a miscarriage of the powers provided under the Orissa Mutation Manual, 1962.

9. Validity of the Deed: The Appellant appeared in person today, and his statement was recorded on solemn affirmation. He clearly deposed that the RSD No. 272/1992 has been in force for over 34 years and has never been declared void by any competent Civil Court, and they continue to maintain exclusive physical possession of the suit land.

10. In light of the above facts, circumstances, and statutory provisions, the order dated 07.04.2026 passed by the Tahasildar, Athmallik in Mutation Case No. 847/2026 dropping the case is hereby SET ASIDE.

11. The matter is remanded back to the Court of the Tahasildar, Athmallik with the following explicit directions:

12. The Mutation Case No. 847/2026 shall be restored to its original file.

13. The Tahasildar shall direct the concerned Revenue Inspector/Amin to conduct a fresh, thorough field verification to identify the legal heirs of the deceased Recorded Tenants.

14. Fresh individual notices in Form No. 10 must be validly served upon the identified legal heirs as per the prescribed rules. If they refuse to receive or sign, substituted modes of service (such as hanging/affixation in a conspicuous locality) must be utilized to treat service as sufficient.

15. After providing a reasonable opportunity of hearing to both sides, the case must be disposed of on its merits strictly in accordance with law within a period of 60 days from the receipt of this order.

16. The lower court case record be sent back immediately along with a copy of this order 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.