COURT OF THE SUB-COLLECTOR, ATHAMALLIK

Mutation Appeal No. 08 of 2026

(Against the order dated 07.04.2026 of the Tahasildar, Athamallik in Mutation Case No. 848/2026)

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

Decided on 29 May 2026

Mutation on a 1992 registered sale deed – Vendor dead – Case dropped without tracing legal heirs. Where the vendor-recorded tenant has died, the Tahasildar must cause a local inquiry to trace his legal heirs, notify them or follow substituted service under the Mutation Manual, and then pass a reasoned speaking order. Dropping the case for want of service is not a lawful disposal.

Result: Appeal allowed. Order set aside; remanded for a speaking order within 90 days.

ORDER

29.05.2026

1. This appeal is directed against the impugned order dated 07.04.2026 passed by the learned Tahasildar, Athamallik in Mutation Case No. 848/2026, wherein the mutation application filed by the appellants was dropped.

1. Brief Facts of the Case

2. The Appellants filed Mutation Case No. 848/2026 before the Tahasildar, Athamallik seeking mutation of land measuring Ac. 0.74 dec. out of Mouza: Nilakanthapada, Khata No. 44, Plot Nos. 377 (Ac. 0.1800), 378 (Ac. 0.1100), and 379 (Ac. 0.4500).The application is based on Registered Sale Deed (RSD) No. 271/1992 (also cited as 272/1992 in deposition) dated 10.03.1992, executed by the recorded owner/vendor, Bimbadhar Naik, S/o Late Chintamani Naik, in favor of the appellants. The case was referred to the Revenue Inspector (R.I.), Puruna Manitri for field inquiry and service of notices. On 07.04.2026, the learned Tahasildar dropped the case record, relying on the report of the R.I., Puruna Manitri, stating:

> *"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. hence dropped."*

2. Grounds of Appeal & Deposition

3. The Appellants, through their counsel and via solemn deposition before this Court, contended that they are bonafide purchasers in peaceful physical possession of the suit land since the execution of the deed in 1992.It is argued that the impugned order is contradictory on the face of the record. The order sheet simultaneously notes that

> *"Individual Notices have been duly served and General Notice has been duly published in the locality and S.R. back... No objection has been received."*

4. while paradoxically dropping the matter on the ground that notices could not be served due to the death of the Recorded Tenants (RTs).The Appellants maintain that if the recorded tenants are deceased, it is the bounden statutory duty of the mutating authority/extramural revenue staff to ascertain and substitute the legal heirs to satisfy the requirement of notice, rather than summarily

discarding a valid registered instrument.

3. Findings and Observations of the Court

5. Perused the Lower Court Records (LCR) of Mutation Case No. 848/2026, the grounds of the appeal memo, and the deposition recorded on 29.05.2026.

6. Contradictory Logic: The lower court's observation is inherently flawed. If individual and general notices were legally returned after successful execution/publication without any objections from the public, dropping the case under the pretext that "notices cannot be solved" reflects a clear non-application of judicial mind.

7. Procedures for Deceased Recorded Tenants: Under the Odisha Mutation Manual and the Odisha Survey & Settlement Rules, the death of a recorded vendor does not automatically invalidate a prima facie valid legal interest generated by a Registered Sale Deed. If the original RTs are deceased, alternative legal modalities—including searching out the legal heirs through localized inquiries or serving notice via substituted means—must be exhausted. Dropping a mutation case without an active effort to bring legal heirs onto the record amounts to a miscarriage of administrative power.

8. Validity of the Deed: The RSD has been verified through the online mutation web-service system and found correct. There is no evidence on record showing that a competent Civil Court has declared the sale deed void.

9. Therefore, the mechanical rejection of the mutation application by the Tahasildar without conducting a comprehensive inquiry into the legal successors of the deceased RT is legally unsustainable.

10. In view of the circumstances stated above, the interest of justice demands that the matter be remitted back for a lawful, afresh determination.

11. The impugned order dated 07.04.2026 passed by the Tahasildar, Athamallik in Mutation Case No. 848/2026 is hereby SET ASIDE.

12. The case is remanded back to the Court of the Tahasildar, Athamallik with a direction to restore Mutation Case No. 848/2026 to its original file.

13. The Tahasildar is directed to cause a fresh, localised inquiry through the Revenue Inspector to ascertain the identity and whereabouts of the legal heirs of the deceased Recorded Tenant(s).

14. Upon substituting/notifying the legal heirs or exhausting proper substituted service guidelines under the Odisha Mutation Manual, and allowing reasonable opportunity for hearing to all concerned parties, the Tahasildar shall pass a reasoned, speaking order on the merits of the mutation request within a period of 90 days from the receipt of this copy.

15. The Lower Court Record (LCR) be sent back immediately along with a copy of this order.

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.