COURT OF THE SUB-COLLECTOR, ATHAMALLIK

Mutation Appeal No. 16 of 2014

(Against the order dated 11.06.2024 of the Tahasildar, Kishorenagar in Mutation Case No. 1188/2013)

Appellant (vendee) v. Purusottam Pradhan and Lilabati Pradhan … Respondents

Decided on 6 August 2025

Orissa Survey and Settlement Rules, 1962 – Rule 39 – Sale of part of a joint holding by one co-sharer – Subdivision without consent. A subdivision of a holding cannot be allowed unless all parties interested consent or a competent court has ordered it. Where a co-sharer objects that the land was sold without her consent, and there is no partition decree, mutation of the purchased portion would amount to an unauthorised subdivision.

Result: Appeal dismissed. Order dropping the mutation case upheld.

ORDER

06/08/2025

1. The case was taken up today, and the appellant filed the mutation appeal. The appellant, along with his two other brothers, namely Basant Pradhan and Akshya Pradhan, jointly purchased 2.09 acres of land from respondent number 2, Purushottam Pradhan, as per RSD 48 dated January 24, 1980. Thereafter, Mutation was filed vide case number 1188/2013. An objection was filed by Lilabati Pradhan, stating that the case land was sold without her consent, as she is one of the co-sharers. The Tahasildar of Kishorenagar dropped the case. Hence, this appeal.

ANALYSIS

2. Perused the RSD enclosed in the case record. Vendor Purusottam Pradhan, son of Sukadeb Pradhan, caste-Chasa, sold the land to the vendee 1. Basant Kumar Pradhan 2. Ramakant Pradhan 3. Akhya Kumar Pradhan. The holding is recorded in the name of 1. Satyabhama Padhan, son of the late Sukadeb Pradhan, 2. Purusottam Padhan 3. Jamayanti Padhan 4. Lilabati Padhan, the son/ daughter of Sukadeba Padhan, resident of Dhaurapali.

3. The objection petition copy filed by Lilabati Padhan is available in the case record. The order dated 11.06.2024, passed by the Tahasildar, read as

> *[Passage in Odia in the original order; not reproduced here.]*

4. Rule 39 of the Orissa Survey and Settlement Rules, 1962, reads as follows

> *"The subdivision of a holding shall not be allowed unless all the parties interested in the holding give consent for the same or such a subdivision has been ordered by a competent Court or authority.*

5. Upon verification of the records, it is evident that the holding in question is jointly recorded in the names of multiple co-sharers, including the objector Lilabati Pradhan. The sale by Purushottam Pradhan alone, without the consent of all interested parties, contravenes the provisions of Rule 39 of the Orissa Survey and Settlement Rules, 1962, which stipulates that the subdivision of a holding shall

not be allowed unless all parties interested in the holding give consent for the same or such subdivision has been ordered by a competent Court or authority.

6. No evidence has been produced by the appellant to show that the consent of all co-sharers was obtained or that a competent Court has decreed the subdivision or partition of the holding. The mutation sought by the appellant would effectively result in an unauthorized subdivision of the joint holding, which is impermissible under the law. The objection raised by Lilabati Pradhan is valid and substantiated by the records.

7. In view of the above, the mutation appeal lacks merit and is hereby rejected. The order of the Tahasildar dated 11.06.2024 dropping Mutation Case No. 1188/2013 is upheld. No costs.

8. Communicate the order to the parties concerned and to the Tahasildar, Kishorenagar for necessary action.

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.