COURT OF THE SUB-COLLECTOR-CUM-APPELLATE AUTHORITY, ATHAMALLIK

Mutation Appeal No. 20 of 2026

(Arising out of the order of the Tahasildar, Athamallik in Mutation Case No. 3408/2026)

Bhargabi Biswal and another … Appellants v. Tahasildar, Athamallik … Respondent

Decided on 20 November 2026

Mutation of less area than conveyed by the deed without reasons. Where the Tahasildar mutates only part of the area conveyed by a 1978 sale deed, with no objection on record and no reason given for the shortfall, the omission must be set aside. The deed description has to be correlated with the Sabik and Hal records and the land measured at the spot, and the balance added or a speaking order passed.

Result: Appeal allowed in part. Remanded for the balance Ac.0.15 dec.; entry already made left undisturbed.

ORDER

1. The record is put up today for orders. Bhargabi Biswal and Late Malati Hati purchased land from Dirju Hati, S/o Raja Hati, under RSD No. 867 of 1978 (Sub-Registrar, Athamallik). The deed describes the land as an area of Ac.0.87 dec. in Holding No. 24, Plot No. 122/1, Kisam Sarad-I, out of Ac.1.87 dec. of Mouza Bhandarikata. Dirju Hati's title rested on the decree in Title Suit No. 25 of 1970. In Mutation Case No. 3408/2026 (applied online on 03.07.2026), the Tahasildar, Athamallik mutated only Ac.0.72 dec. of Plot No. 122, Khata No. 24, and a new patta (Holding No. 30/84) was issued for that area. The appellants obtained a certified copy on 19.09.2026 and have appealed, complaining that Ac.0.15 dec. purchased by them has been left out without any reason.

2. Record: The lower court record shows the following. After the individual notices (Form 10) and general notice (Form 9) were issued, the R.I., Madhapur reported on 24.07.2026 that no objection had been received from any quarter. Neither the R.I.'s report nor the final order explains why the area was confined to Ac.0.72 dec. against the Ac.0.87 dec. conveyed. The record also does not show whether Plot No. 122/1 of the deed corresponds wholly to Hal Plot No. 122, or partly to some other Hal plot. The parawise comments of the Tahasildar have not been received despite opportunity. The date of the sale deed is shown in the appeal memo both as 29.08.1978 and as 01.07.1978. Heard the appellants and perused the material on record.

3. Discussion: Mutation proceedings under Rules 34 to 41 of the Odisha Survey and Settlement Rules, 1962 ("the OSS Rules"), read with the Orissa Mutation Manual, 1962, are summary proceedings for keeping the Record-of-Rights up to date for fiscal purposes. A mutation entry neither creates nor extinguishes title, and complicated questions of title cannot be decided in such a proceeding (Jitendra Singh v. State of M.P., Supreme Court, 2021; Suraj Bhan v. Financial Commissioner, (2007) 6 SCC 186). The Mutation Manual is executive in nature and cannot override the OSS Rules. Within that limited scope, the Mutation Officer is nevertheless bound to give effect to a registered transfer to the full extent conveyed, so far as the transferor's interest in the recorded holding permits. If he records a lesser area, he must state his reasons, such as the area available in the Hal plot, a shortfall in the vendor's interest, or the location of the land in another plot. The order under appeal gives no reason for leaving out Ac.0.15 dec. It cannot be sustained to that extent. At the

same time, the appellants have not shown how the 1978 description corresponds to the present Hal record. That is a matter for verification by the Tahasildar with reference to the settlement records and a measurement at the spot, not something this Court can do on the present record. The appellants' prayer to declare the whole mutation proceeding void would only harm them, and is not granted. The mutation already made in their favour for Ac.0.72 dec. is not disturbed.

4. In the result, the appeal is allowed in part. The order in Mutation Case No. 3408/2026 is set aside only to the extent that it omits the balance area of Ac.0.15 dec. The matter is remitted to the Tahasildar, Athamallik, who shall:

(i) verify the original RSD No. 867 of 1978, including its correct date, and the decree in T.S. No. 25 of 1970 relied on by the vendor;

(ii) correlate the deed description (Holding No. 24, Plot No. 122/1, Ac.0.87 dec. out of Ac.1.87 dec.) with the Sabik and Hal settlement records and the Hal Khata No. 24, and cause the land to be measured at the spot by the Amin/R.I. in the presence of the appellants and the recorded co-sharers;

(iii) if the balance Ac.0.15 dec. is found to fall within the vendor's interest in Hal Plot No. 122 or any other Hal plot, correct the Record-of-Rights by adding it to the appellants' Holding No. 30/84 after notice to the co-sharers of Khata No. 24. Otherwise, he shall record his reasons in a speaking order;

(iv) complete the exercise within 60 (sixty) days of receipt of this order. The entry already made for Ac.0.72 dec. shall remain undisturbed.

5. Send a copy of this order to the Tahasildar, Athamallik for compliance, and supply copies to the appellants. The appeal is disposed of accordingly.

Sd/-
Sub-Collector-cum-Appellate Authority, 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.