COURT OF THE SUB-COLLECTOR, ATHAMALLIK

Mutation Appeal Nos. 26 and 28 of 2021

(Against the orders dated 29.10.2020 of the Additional Tahasildar, Kishorenagar in Mutation Case Nos. 674/2019 and 675/2019)

Girish Chandra Swain … Appellant v. Respondent (vendor) and Tahasildar, Kishorenagar

Decided on 11 June 2025

Mutation dropped because a civil suit is pending. A mutation case on a registered sale deed cannot be dropped merely by citing a pending civil suit, without giving reasons or a reasonable opportunity, particularly when the party relying on the suit does not produce it. The order must be set aside for fresh disposal.

Two appeals by the same appellant against identical orders were decided by identical orders; the order in Mutation Appeal No. 26 of 2021 is reproduced.

Result: Appeals allowed. Orders set aside; cases to be disposed of afresh.

ORDER

11.06.2025

1. The case was taken up today for order. One Girish Chandra Swain S/O- Sudakar Swain, resident of Handapa, PS Handapa, Dist. Angul submitted an appeal memo on 22.02.2024 challenging the impugned order passed by Tahasildar Kishorenagar in Mutation case no 674/2019. The appellant filed this mutation case on 22.11.2019 to issue ROR in his favour on the strength of RSD No 527/99, which was executed by the respondent in his favour. However, after the completion of the field enquiry and hearing from both sides, the learned Additional Tahasildar, Kishorenagar has been pleased to drop the proceeding on 29.10.2020 on the ground that the suit land relating is under sub-judice in the court of Civil Judge Sr Division arising out of CS NO 35/20 bearing IA NO 25/20.

2. Upon reviewing the paragraph-wise comments provided by the Tahasildar Kishorenagar on January 19, 2023, it is evident that the appellant acquired 0.77 and 0.017 acres of land from plots numbered 4 and 5 through registered sale deed number 527/1999. Furthermore, the field enquiry, the Revenue Inspector Nakchi report confirms the appellant's peaceful possession of the disputed land from the time of purchase. However, the mutation case number 674/2019 was dropped on 29.10.2020 due to Sub judice before the Court of Civil Judge Senior Division Athamallik in Civil suit number 35/2020.

3. The Tahasildar has not mentioned the land schedule mentioned in the Civil suit number 35/2020. Also copy of the same is not part of the case record. I found that the Mutation Officer has simply dropped this case without extending reasonable opportunity or a valid reason. The defendant’s advocate has also not submitted the same, as the burden of proof lies on him.

4. In view of the above findings, it is hereby ordered that: The order of the Additional Tahasildar, Kishorenagar, dated 29.10.2020, dropping Mutation Case No. 674/2019, is set aside. He is directed to dispose of the case afresh.

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.