COURT OF THE SUB-COLLECTOR, ATHAMALLIK

Mutation Appeal Nos. 30 to 36 of 2021

(Against the orders of the Tahasildar, Athamallik dropping the mutation cases, including Mutation Case No. 1138/2019)

Puspamanjari Behera … Appellant v. Tahasildar, Athamallik … Respondent

Decided on 19 September 2025

Mutation of land settled on agricultural lease to a Scheduled Caste lessee – No possession with purchaser – Possible resumption. Section 6A of the OLR Act bars transfer within ten years of settlement, and a sale 30 years later is outside that bar. Even so, a purchaser who cannot show possession is not entitled to mutation, and where the land lies uncultivated or has forest growth, the Tahasildar may examine resumption under the OGLS Act for resettlement with landless Scheduled Caste persons.

Seven appeals by the same appellant over different plots were decided by similar orders; the order in Mutation Appeal No. 30 of 2021 is reproduced.

Result: Appeals rejected. Orders dropping the mutation cases upheld.

ORDER

FACTUAL MATRIX OF THE CASE

1. One Puspamanjari Behera, wife of Udiachand Behera, resident of Chhendipada, District Angul, currently residing at Panchgachhia, Samalei, Bihar, Sambalpur, has filed this mutation appeal. She executed an RSD 10021200586 dated July 25, 2012 and applied for a mutation case with number 1138/2019. The Tahasildar dropped it on 18.02.2020, because the purchaser does not have possession of the case land.

Submission of the Tahasildar

2. Upon reviewing the paragraph-wise comments provided by the Tahasildar Athmallik on 05.08.2022, it is evident that the land under holding no. 49/6, plot no. 3/567, an area measuring 5.00 acres, Kissam-Taila-II is recorded in the name of Kalanidhi Mahanandia, son of Biswambar Mahanandia, from the village of Singarimunda, belonging to the PANA caste. The land in question has been leased for agricultural purposes. The Rt has sold the entire land to the land broker/land mafia, inspired by them, without leaving a single piece of land for her livelihood. From the inception of the lease, they had never occupied/cultivated the land in question until the date of the sale. There are valuable forest species, such as Sal, Asan, Mahua, and Bandhan trees, growing on the land. There is no sign of cultivation by the RT since the lease was sanctioned. The present applicant has purchased a type of land in series no., which is suitable for exploitation by people with low incomes. It is presumed that the land mafia indirectly acquires Government land in various ways, such as this. By taking advantage of the schedule caste certificate, the purchaser has acquired a series of leasehold lands from poor SC category individuals in Athmallik at the lowest rate, which negatively impacts the economic conditions of these individuals. Additionally, the Revenue Inspector Kiakata has reported that there is dense forest growth, which falls under the provisions of the Forest Acts/Rules.

3. The land in question should be resumed under the provisions of the OGLS Act/, Rule as the land in question has not been used by the family members of the Rts nor the purchasers since the inception of the lease to till date, and dense forest growth is also available over the case land, which is highly objectionable.

4. After a long gap, the recorded tenant sold the entire land without leaving a single piece, vide RSD No. 1021200586 dated 25.07.2012, for his livelihood, influenced by the land mafia, without considering the economic condition of the recorded tenant's family. The sale of the land is illegal, and no prior permission has been obtained from the competent authority.

5. The decision of the additional tahasildar is genuine and justified; therefore, the appeal petition may be dropped in the eyes of the law for the benefit of poor, landless SC category people.

Submission Of the Appellant

6. The appellant stated that she purchased the case land from RT No. 1, namely Ratnakar Mahanandia, in 2012 through a registered sale deed. The Tahasildar was also in charge of the sub registrar, but he never refused to register the RSD. The report of the Tahasildar does not substantiate this claim with credible evidence; instead, the RI had given possession to the applicant as per the OGLS Act when granting the lease. The Tahasildar has never conducted any field enquiry regarding the possession of the case land, either by the lessee or the purchaser. The Tahasildar has never issued any notice to the lessee regarding non-activities on the case land. The appellant also emphasised that though there is forest growth over the case land, the kind of land is Taila-II, which is alienable in nature. There is no hesitation in the conclusion as to the order for granting a lease in favour of the lessee. Any leased land can be transferred after 10 years as per the stipulated provision. Neither the OGLS Act nor the Transfer of Property Act prohibits the sale or lease of land after the ceiling period has expired.

ANALYSIS

7. Section 6A of the Odisha Land Reforms Act, 1960, imposes a temporary ban on the transfer of land settled by the government for agricultural purposes under a permanent lease. It prohibits transfers without prior written permission from the Revenue Officer for a period of 10 years from the date of settlement, rendering such transfers void. It also restricts the attachment and sale of property in the execution of money decrees without permission and mandates that the registration of transfer documents be accompanied by such permission. Exceptions apply to mortgages in favour of scheduled banks or cooperative banks. The provision aims to prevent the premature alienation of government-settled lands, ensuring their intended agricultural use.

8. The case land has been sanctioned in favour of Kalanidhi Mahanandia, son of Biswambar Mahanandia, caste Pana, vide Mutation case no. 828/81 dated 19.03.1982. The sale transaction took place in 2012, following a 30-year gap, which does not fall under Section 6A of the OLR Act 1960.

9. The Orissa Mutation Manual, 1962, treats evidence of possession as a critical but secondary factor in mutation proceedings. Revenue officers rely on physical verification, documentary proof (e.g., deeds, revenue receipts), and witness statements to confirm possession..

10. The case was taken up today for final hearing and disposal. Heard the arguments advanced by the appellant and perused the case records, including the Registered Sale Deed (RSD) No. 10021200586 dated July 25, 2012, the order dated 18.02.2020 passed by the Tahasildar, Athmallik, in Mutation Case No. 1138/2019, and the Parawise Comments (PWC) submitted by the Tahasildar dated 05.08.2022.

11. The brief facts of the case are that the appellant, Puspamanjari Behera, claims to have purchased the land under Holding No. 49/6, Plot No. 3/567, measuring 5.00 acres, Kissam-Taila-II, recorded in the name of Kalanidhi Mahanandia (son of Biswambar Mahanandia, caste Pana, Scheduled Caste), vide the RSD above from Ratnakar Mahanandia (apparently an heir or successor). The land was settled initially vide Lease Case No. 828/81, dated 19.03.1982, under the Odisha Government Land Settlement Act, 1962 (OGLS Act), for agricultural purposes. The appellant-initiated Mutation Case No. 1138/2019 to record the land in her name, which the Tahasildar rejected because the purchaser did not have possession of the land in question.

12. Upon verification of the records, it is evident that the lease was granted over 30 years before the sale transaction in 2012, thus not attracting the temporary ban on transfers under Section 6A of the Odisha Land Reforms Act, 1960, which prohibits alienation without prior permission from the Revenue Officer only for the first 10 years from the date of settlement. The sale deed appears valid on this count, as no consent was required after the 10-year period has elapsed. Further, as the recorded tenant belongs to the Scheduled Caste (Pana caste), and the Odisha Land Reforms Act, 1960, imposes restrictions on alienation

13. However, the core issue in this mutation appeal pertains to possession and compliance with the lease's conditions. As per Paragraph 34 of the Orissa Mutation Manual, 1962, mutation proceedings necessitate an inquiry into the factum of possession, a critical factor for updating revenue records for fiscal purposes. The Tahasildar's PWC and the report of the Revenue Inspector, Kiakata, clearly indicate that neither the original lessee nor the appellant has ever occupied or cultivated the land since the lease was first issued in 1982. The land remains covered with dense forest growth, including valuable species such as Sal, Asan, Mahua, and Bandhan trees, with no signs of agricultural activity. This contravenes the purpose of the settlement under the OGLS Act, 1962, which mandates the use of farming purposes. Under Section 7-A of the OGLS Act, land settled for agriculture is liable for resumption if not utilised for the intended purpose or if lease conditions are violated. Moreover, land with forest growth falls under the purview of the Forest Conservation Act, 1980, and the Odisha Government Land Settlement Rules, 1983 (Rule 5), which prohibit settlement or continued use without de-reservation if it qualifies as forest land.

14. The appellant's contention that the Revenue Inspector handed over possession at the time of lease and that the Tahasildar conducted no field enquiry is not substantiated by evidence. The records, including the RI's report, confirm the absence of cultivation and the presence of dense forest, rendering the land unsuitable for immediate agricultural use without clearance. In mutation proceedings, which are summary in nature, revenue authorities cannot adjudicate complex issues like title or force possession; mutation follows verified possession aligned with valid title documents. The appellant has failed to demonstrate actual possession, and the Tahasildar's decision to drop the mutation case is justified on this ground.

15. Additionally, the sale of the entire holding without leaving any land for the lessee's livelihood, allegedly influenced by land brokers, raises concerns about the exploitation of vulnerable Scheduled Caste individuals. However, this does not invalidate the sale per se. However, given the non-use of the land for agriculture and the forest growth, this Court directs the Tahasildar, Athmallik, to initiate resumption proceedings under Section 7-A of the OGLS Act, 1962, after issuing due notice to all interested parties, including the original lessee and the appellant, and to conclude the same expeditiously in accordance with law. If resumption is ordered, the land shall revert to the Government for resettlement, as per the provisions that favour landless Scheduled Caste persons.

16. In view of the above, the mutation appeal is hereby rejected as lacking merit. The order of the Tahasildar dated 18.02.2020 dropping Mutation Case No. 1138/2019 is upheld. No costs.

17. Communicate the order to the parties concerned and to the Tahasildar of Athmallik for necessary action and 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.