By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
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No. RDM-CHS-POLICY-0042-2019-33321 /R&DM dated 15 SEP 2023

From

Shri Sashadhar Nayak
Additional Secretary to Government

To

All Collectors

Sub: Regarding disposal of mutation cases

Ref: This Department letter No.10186 dt.24.03.2021

Sir,

In inviting a reference on the subject cited above, I am directed to enclose herewith a copy of the letter No. 40246 dated 25.07.2023 of O/o the Advocate General, Odisha, Cuttack along with copy of order No-02 dtd. 21.07.2023 passed in the WP(C) No- 18403 of 2023 and to say that Government have already issued detailed instructions for disposal of un-contested mutation cases within 7 days and contested mutation cases within 30 days vide this Department letter No.10186 dt.24.03.2021. You were advised to ensure that these instructions are meticulously followed by the field officers. However, many instances have come to notice where the Tahasildars are not following these instructions while disposing mutation cases and citizens are deprived from availing the facility of mutation services within the timeframe as decided by State Government.

Hence, it is reiterated to strictly follow the instructions enumerated in this Department letter No.10186 dt.24.03.2021(Copy enclosed) while disposal of mutation cases for timely delivery of mutation services .

Further, the Sub Collectors are hereby instructed to make a periodical review(preferably fortnightly) of disposal of cases to find out whether the above practice-directions are being followed meticulously or not so that the mutation cases can be disposed at the earliest and invariably within the time-frame.

This may be treated as **MOST URGENT**.

Yours faithfully,

15/9/2023

Additional Secretary to Government

PTO

Memo No. 33322 / Dt 15 SEP 2023

Copy with enclosure forwarded to all Revenue Divisional Commissioners for information and necessary action.

Additional Secretary to Government

Memo No. 33323 / Dt 15 SEP 2023

Copy with enclosure forwarded to the Secretary, Board of Revenue / Director, Land Records and Survey for information and necessary action.

Additional Secretary to Government

Memo No. 33324 / Dt 15 SEP 2023

Copy with enclosure forwarded to all Sub-Collectors/ Tahasildars for information and necessary action.

Additional Secretary to Government

Memo No. 33325 / Dt 15 SEP 2023

Copy forwarded to Advocate General, Odisha, Cuttack for information and necessary action in response to his letter No. 40246 dated 25.07.2023.

Additional Secretary to Government

Email : FAX : **COURT MATTER EXTREMELY URGENT**

OFFICE OF THE ADVOCATE GENERAL, ODISHA, CUTTACK
DEBAKANTA MOHANTY, **Email. advgen@nic.in**
ADDL. GOVERNMENT Advocate **FAX : 0671-2507846**
MOBILE NO. 9437039542, 8917345458
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L. No. 40246(5) dse **Date : 25.07.2023**

To

1. The Addl. Chief Secretary to Govt.,
   Revenue & Disaster Management Dept.,
   Lokseva Bhawan, Bhubaneswar
2. RDC (SD), Berhampur
3. Collector, Ganjam
4. Sub Collector, Bhanjanagar, Dist. Ganjam
5. Tahasildar, Belaguntha, Dist.- Ganjam

Sub : WP(C) PIL No. 18403/2023 (K. Rabindra Kumar Patro Vs State of Odisha)

Sir,

The above noted PIL is filed against the inaction of the Tahasildar, Belguntha in not disposing of the Mutation applications and other miscellaneous applications in terms of the standing instruction of the State Govt. vide Notification dt. 24.03.2021 which was communicated to all Collectors for strict observance. The petitioner has alleged that Tahasildar, Belaguntha has not observed the said practice / direction as per the said Govt. Notification.

The matter was listed on 21.07.2023 and the Hon'ble Court passed final order a copy of which is enclosed to this letter for strict compliance. In para – 6 of the said order the court has recorded an observation about non-compliance of the Govt. Notification by the Tahasildar, Belaguntha and accordingly the Hon'ble Court in para – 10 of the order directed the State Govt. to issue a fresh memorandum directing all the concerned Revenue Officers to strictly observe the practice/ directions as reflected in the Govt. Notification dt. 24.03.2021. The Hon'ble Court has further directed that responsibility would be saddled on the Sub Collector to make a periodical review of the disposals to find out whether those practice / directions are being observed or not and further the Hon'ble Court directed that the mutation be granted at the earliest and invariably within the time framed as set up in the said Govt. Notification dt. 24.03.2021.

The Addl. Chief Secretary to Govt., Revenue and Disaster Management Dept. is requested to issue fresh memorandum in compliance with the above noted directions of the Hon'ble Court stated in para 10 of the order forthwith.

You can get the copy of the writ petition from the LMS website of the office of the Advocate General. (http://orissalms.in/lms) (Contact No. of LMS cell : 0671-2509188) or you may collect the copy of the writ petition from the office of the Advocate General, Odisha, Cuttack.

Yours faithfully,

(DEBAKANTA MOHANTY)
ADDL. GOVT. ADVOCATE

Encl : Order dt. 21.07.2023.

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC No.18403 of 2023

K. Rabindra Kumar Patro ..... Petitioner

Mr. Sarathi Jyoti Mohanty, Advocate.

-versus-

State of Odisha & Others ..... Opposite Parties

Mr. D.K. Mohanty, Additional Government Advocate.

CORAM:
JUSTICE S. TALAPATRA
JUSTICE SAVITRI RATHO

ORDER
21.07.2023

Order No.

02. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. Sarathi Jyoti Mohanty, learned counsel appearing for the petitioner who is a public spirited individual. He has filed this public interest litigation (PIL) challenging the action of the Tahasildar, Beleguntha (the Opposite Party No.4) alleging that such action has been taken in contrast to the Standing Instruction available in the notification dated 24.03.2021 (Annexure-1 to the writ petition) regarding disposal of the mutation cases.

3. The said notification since contains the practice-directions was communicated and circulated to all the Collectors and the concerned officers for strict observance.

4. According to the petitioner, the said Tahasildar has not observed the said practice-direction. Moreover, he is deciding the mutation cases whimsically, causing prejudice.

5. In such circumstance, the petitioner had filed a representation to the Principal Secretary to the Government of Odisha, Revenue & Disaster Management Department on 02.06.203, urging his intervention and making an inquiry in the matter relating to disposal of the mutation cases by the Tahasildar, Belaguntha.

6. It has been urged that a due inquiry shall be made to ascertain whether the said Tahasildar has been observing the instructions contained in the said notification under Annexure-1 to the writ petition.

7. The primary grievance of the petitioner is that his representation has not been disposed of, communicating what action has been taken on his demand.

8. We have heard Mr. D.K. Mohanty, learned Addl. Government Advocate. He has emphatically stated that in most of Tahasils, those practice-directions are strictly observed, but there may be some cases where within the time frame, the mutation cases cannot be disposed of for various reasons.

9. According to Mr. Mohanty, learned Addl. Government Advocate, the persons who are applying for the mutation are immediately informed why their cases could not be disposed of within the time-frame.

10. Be that as it may, without making any observation on the conduct of the Opposite Party No.4, we direct the Opposite Party No.1 to issue a fresh memorandum directing all the concerned Revenue Officers to strictly observe the practice-

directions as reflected in the Notification under Annexure-1 to this writ petition. We would further direct the competent authority to saddle the responsibility on the Sub Collectors to make a periodical review of disposals to find out whether those practice-directions are being observed or not. The ordinary citizens should not suffer for dereliction of the revenue officers. Mutation be granted at the earliest and invariably within the time-frame as set up by the said notification.

11. In terms of the above observation and direction, this writ petition stands disposed of.

12. A free copy of this order be supplied to Mr. Mohanty, learned Addl. Government Advocate for communications to the appropriate authorities.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

Rati Ranjan

Signature invalid

Digitally Signed
Signed by: RATI RANJAN NAYA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 24-Jul-2023 16:03:06

Top Priority

By Fax / e-Mail

Government of Odisha

Revenue & Disaster Management Department

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RDM-CHS-POLICY-0042-2019 10186 / R & DM dated, 24 MAR 2021

From

Shri Bishnupada Sethi, IAS

Principal Secretary to Government

To

All Collectors

Sub: Regarding disposal of mutation cases

Ref: This Department letter No.19507 dt.11.6.2020

Madam/Sir,

I am to say that detailed instructions for disposal of uncontested mutation cases were issued vide the afore-mentioned letter. It was made abundantly clear that uncontested mutation cases across the state constitute about 70% of the total number of revenue cases and therefore need due attention for public service delivery by the Department. Though further instructions had been communicated for expeditious disposal vide this Department letter no. 31757 dated 4th of November, 2020, it appears, the field officers need further sensitisation.

Recently, Odisha Survey and Settlement Rules,1962 have been amended along with Mutation Manual. As per amendments, no notice is required to be issued when all co-sharers sell the plot (part or in full) and mutation application therefore can be disposed of without hearing the parties and resorting to any field enquiry which were taking long time earlier. It has now been provided that period of appeal which

was previously 30 days is extended to 180 days and more so, appeal period will not be a bar for correction of records and maps once final order is passed in a mutation case.

You are aware that when pursuant to registration, Form No.3 is forwarded to concerned tahasil for auto-registration of mutation case, land particulars etc. are properly checked at the level of Registering Officer with reference to Bhulekh and other connected records/ documents, so that a transaction is prima-facie flawless. *Therefore, this leaves little scope for the Tahasildar to treat a mutation case as 'contested' unless there are compelling reasons.* However, several complaints are being received at this end that uncomplicated transactions are being treated as contested cases, citing flimsy grounds. This is not expected from the Revenue Officers when this Department has been covered under Mo Sarkar programme and acknowledged as a forerunner of 5T Initiatives in the state. Postponement of disposal citing unjustifiable/ pretty ground is an *alibi* which defeats the cardinal principle of public service.

Therefore, after careful consideration, the Government have now been pleased to instruct as follows:

a. Mutation cases under normal circumstances shall be disposed of within a week.

b. NIC has been instructed to make necessary changes in e-Mutation application software to incorporate new provisions including hierarchical matrix in which information on mutation cases pending beyond fixed timeline will be escalated to senior officers.

c. A red flag will be generated for those cases pending with Tahasildar/ Addl. Tahasildar beyond 04 working days.

d. If mutation is delayed beyond 07 working days, an intimation will be sent to concerned Sub-Collector.

e. If the delay is beyond 15 days, Collector will be notified in the system and those mutation cases pending beyond one month with Tahasildar will be escalated to R & DM Department senior officers.

f. In case, it turns out that a mutation case is contested, the same shall be disposed of maximum within a period of **30** working days.

g. RoRs as advised earlier, shall remain to be dispatched through Speed Post.

It is also decided that to dispose with personal appearance of the applicant in a contested mutation case, the Tahasildar shall resort to video calling/ conference through whatsapp or any other digital mode as convenient to the applicant. At the same time, Tahasildar shall ensure that the person presenting himself/ herself through video call is genuine and as per requirement, he may insist on production of any recognized document in support of identity.

The Government is also keen to appreciate the good performance of Tahasildars, specifically on disposal of mutation cases. Detailed guidelines will be communicated later on, which may be used by Revenue Officers in their PAR by attaching the Rank/ Performance document as will be communicated by this Department.

Keeping in view the importance of disposal of mutation cases, you are advised to ensure that these instructions are meticulously followed by the field officers and senior Revenue Officers are entrusted with monitoring of case disposal during their visit to tahasils.

This supersedes all previous instructions in the matter.

Yours faithfully,

Principal Secretary to Govt.

Memo No. 10187 / Dt 24 MAR 2021

Copy forwarded to all Revenue Divisional Commissioners for information and necessary action.

Addl. Secretary to Govt.

Memo No. 10188 / Dt 24 MAR 2021

Copy forwarded to the Secretary, Board of Revenue / Director, Land Records and Survey for information and necessary action.

Addl. Secretary to Govt.

Memo No. 10189 / Dt 24 MAR 2021

Copy forwarded to Sr. Director, NIC, Bhubaneswar for information and necessary action.

Addl. Secretary to Govt.

Memo No. 10190 / Dt 24 MAR 2021

Copy forwarded to all Sub-Collectors/ Tahasildars for information and necessary action.

Addl. Secretary to Govt.

Memo No. 10191 / Dt 24 MAR 2021

Copy forwarded to Joint Secretary, e-Governance for information and necessary action with a request to publish the letter in the website of R & DM Department.

Addl. Secretary to Govt.