

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P.(C) No. 5160 OF 2023**

***Pravati Mohanty***

....

***Petitioner(s)***

Mr.S.C.Satapathy,Adv.

-versus-

***State of Odisha and others***

....

***Opposite Party(s)***

Mr.S.Ghosh,AGA

**CORAM:**  
**JUSTICE BISWANATH RATH**

**ORDER**

**28.02.2023**

**Order No.**

01.

1. Heard learned counsel for the Petitioner.
2. Through order dated 04.02.2018 and 18.01.2019, it is demonstrated that there has been some cause of action undertaken in exercise of power under Rule 34 of the Odisha Survey and Settlement Rules, 1962 read with paragraph-17 of the Odisha Mutation Manual.
3. Considering there is serious allegation that there has been clear pleading making a demand for correction of Record of Rights, through the sale deed though the order dated 03.02.2018 as well as 04.12.2018, this Court finds, there is no lawful obstruction in the transfer of the lease hold property vide Wl. No.185 of 89 as there is no bar in sale of such property and further in the event there is registered sale deed involved on the lease hold property may be under the lease agreement, there is no bar in accepting for preparation of Record of Rights in terms of the sale deed.

4. This Court finds force in non-consideration of either of the issues by the Additional Tahasildar, Bhubaneswar vide order dated 14.04.2022 which is further also appears to be cryptic one as it has not deliberated on the claim and dealt with claim involved except observing lease hold property should not have been transferred.

5. In the circumstance this Court finds, this is a fit case to be considered and directing the Additional Tahasildar, Bhubaneswar for re-disposal of the Mutation Case No.32205 of 2018 in the involvement of the Petitioner and objector, if any. Petitioner is directed to appear before the Additional Tahasildar, Bhubaneswar on 13.03.2023 along with copy of this order.

6. With this observation, the Writ Petition stands disposed of.

7. Free copy of this order be handed over to learned State Counsel.

*S.Dash*

