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**(2025) 12 OHC CK 0035**

**Orissa HC**

**Case No:** Writ Petition (C) No. 23911 Of 2025

Kartik Singh

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

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Date of Decision: Dec. 9, 2025

Acts Referred:

- Constitution Of India, 1950-Article 226, 227

Hon'ble Judges: A.C.Behera, J

Bench: Single Bench

Advocate: G. Rout, S. Nayak

Final Decision: Disposed Of

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### **Judgement**

A.C. Behera, J

1. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner praying for quashing(setting aside) the impugned order dated 20.07.2025(Annexure-7) passed in Mutation Case No.12028 of 2025 by the Additional Tahsildar, Bhubaneswar(Opposite Party No.3), wherein, the Mutation Case No.12028 of 2025 was rejected.

2. I have already heard from the learned counsel for the petitioner and learned Additional Standing Counsel for the State.

3. The factual backgrounds of this writ petition, which prompted the petitioner for filing of the same is that, the petitioner had purchased the case land through registered sale deed No.5265 dated 24.08.1984 from one Kailash Nayak, who had got the case land on lease in W.L. Case No.2331 of 1974. Thereafter, the said land was recorded in the name of Kailash Nayak under Khata No.229/17, Plot No.248/1169 Ac.0.100 decimals under Bhubaneswar Tahasil. Kailash Nayak sold the case land through RSD No.5265 dated 24.08.1984 to the petitioner. After purchasing the case land, the petitioner applied for mutation of the same to his name by filing Mutation Case No.12028 of 2025 before the Tahasildar, Bhubaneswar. The Tahasildar, Bhubaneswar transferred the said case to the Additional Tahasildar, Bhubaneswar for its final disposal, but, the Additional

Tahasildar, Bhubaneswar rejected the said Mutation Case No.12028 of 2025 of the petitioner through one line impugned order dated 20.07.2025(Annexure-7) as follows :-

*“on perusal of the deed, it is found that, this land scheduled is a leasehold land. Hence, this case is may be rejected.”*

4. The above impugned order dated 20.07.2025 is a very short, cryptic, non-speaking and unreasoned order without application of mind of the Additional Tahasildar, Bhubaneswar. Because, proper reasons have not been assigned by the Additional Tahasildar, Bhubaneswar in the impugned order for rejection of the mutation case of the petitioner.

5. It is the settled propositions of law that, an unreasoned, short, cryptic and non-speaking order like the impugned order cannot be sustainable under law. Because, any court or authority cannot pass short, cryptic, non-speaking and unreasoned order without assigning proper reasons or the basis for passing such order.

On this aspect, the propositions of law has already been clarified in the ratio of following decisions:-

*(i) In a case between **Surendra Kumar Jain vrs. Santobai and another** : reported in **INSC(S.C.)-230 at Para No.12** that, an order must not be passed in a cryptic manner without recording any reason and must reflect the application of mind.*

*(ii) In a case between **C. Saravana Kumar vrs. The Commissioner of Rural Development and Panchayat Raj, Saidapet, Chennai and another** decided in **W.P.(C) No.25723 of 2008 and M.P. No.2 of 2008(Mad.) at Para No.5** that, the act of passing a cryptic order itself amounts to violation of Principles of Natural Justice.*

*(iii) In a case between **State of Uttarakhand and another vrs. Ravi Kumar(deceased) through legal representatives and others** : reported in **(2023) 18 scc-281(AT Paras 69 and 70)** that, casual findings/observations made by the Revenue Authority or the Civil Court shall not be accepted at their face value. For which, the matter was remanded back for its fresh disposal.*

6. When, as per law, an unreasoned, short, cryptic and non- speaking order is not sustainable under law, as the said order is against the principles of natural justice, then at this juncture, by applying the principles of law enunciated in the ratio of the aforesaid decisions to this matter at hand, it is held that, the impugned order dated 20.07.2025(Annexure-7) passed in Mutation Case No.12028 of 2025 by the Additional Tahsildar, Bhubaneswar is held as not sustainable under law. For which, the same is liable to be quashed(set aside).

7. Therefore, there is merit in the writ petition filed by the petitioner. The same is to be allowed.

8. In result, the writ petition filed by the petitioner is allowed on contest. The impugned order dated 20.07.2025(Annexure-7) passed in Mutation Case No.12028 of 2025 by the Additional Tahsildar, Bhubaneswar is quashed(set aside).

The matter vide Mutation Case No.12028 of 2025 is remitted back to the Tahasildar, Bhubaneswar to decide the same afresh as per law through a reasoned order after giving opportunity of hearing to the parties complying the principles of natural justice as expeditiously as possible preferably within a period of two months from the date of filing of the certified copy of this order by the petitioner.

The parties in this writ petition are directed to appear before the Additional Tahasildar, Bhubaneswar in Mutation Case No.12028 of 2025 on dated 22.12.2025 for the purpose of receiving the directions of the Additional Tahasildar, Bhubaneswar as to further proceedings of the Mutation Case No.12028 of 2025.

9. As such, this writ petition filed by the petitioner is disposed of finally.