

**Top Priority**  
**By Fax / e-Mail**

Government of Odisha  
Revenue & Disaster Management Department  
RDM-CHS-CLRFIC-0004-2018 \*\*\*\*\*

L. No. 23734 / R & DM dated, 2019 **13 AUG 2019**

From

Sailendra Dwivedi,  
Addl. Secretary to Government

To

The Collector, Mayurbhanj

Sub:-

Rejection of Mutation cases on various grounds.

Ref:

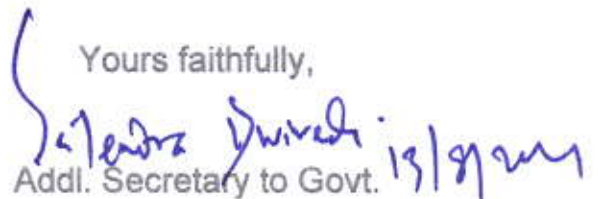
This Dept. Letter No.16449, dt.07.5.2018

Sir,

With reference to above cited letter, I am directed to say that the validity of a Will is generally examined in probate proceeding. A will has no legal effect until it is probated. To determine the right of legality under will, initiation of the probate proceedings is not necessary in some part of our state. The district of Mayurbhanj comes under this category. This has been endorsed by the Hon'ble High Court, Odisha in case of Ritesh Kumar Patel @ Ritesha Patel Vrs. Kishore Chandra Patel and others as reported in 2015 (II) OLR -1025. The judgment is binding on all and sundry until it is set aside by a higher bench or the Hon'ble Supreme Court. Hence, as the matter stands now, the probation of a will is not required in the district of Mayurbhanj.

This Dept. letter No.16449, dt.07.5.2018 (Para-6) so far it relates to district of Mayurbhanj stands modified accordingly.

Yours faithfully,

  
Addl. Secretary to Govt. 13/8/2019

Memo No. 23735 / Dt 13 AUG 2010

Copy forwarded to all Collectors except Mayurbhanj for information and necessary action with reference to this Dept. letter No.16449, dt.7.5.2018.

*S. Jena*  
Addl. Secretary to Govt. 13/8

Memo No. 23736 / Dt 13 AUG 2010

Copy forwarded to the Secretary, Board of Revenue / DLRS, Odisha, Cuttack for information and necessary action.

*S. Jena*  
Addl. Secretary to Govt. 13/8

Memo No. 23737 / Dt 13 AUG 2010

Copy forwarded to the e-governance cell for publication.

*S. Jena*  
Addl. Secretary to Govt. 13/8