

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.5784 of 2022

Dhiren Kumar Pani & others* *Petitioners

-versus-

State of Odisha & others* *Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER
30.03.2022

Order
No.

01.

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioners.
3. The Petitioners have filed this writ petition on an apprehended cause of action i.e. their father being 97 years old, some mischievous persons taking advantage of his old age and insanity, are trying to transfer his land through deed of sale or gift or Will and, as such, necessary direction may be issued to the District Sub-Registrar concerned not to register any such documents stated to have been executed by him.
4. Considering the facts and circumstances of the case, this Court disposes of the writ petition giving liberty to the Petitioners to approach the appropriate forum declaring their father to be insane if at all he is so, and seek interim relief as prayed for therein, inasmuch as this Court in the writ petition

cannot restrain the District Sub-Registrar not to discharge his statutory duties.

5. However, it is made clear that if any such deed is executed by the father of the Petitioners who is now 97 years old stated to be unable to understand the things, the Sub-Registrar concerned shall make an enquiry about the power of understanding and the fact that executants has with the understanding of the consequence of execution of the deed executed by him and only on being satisfied of the same, allow such deeds to be registered, of course on compliance of other conditions required.

6. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

PKS