

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.7512 of 2022

Kailash Chandra Mohanta ***Petitioner***

-versus-

State of Odisha and others ***Opposite Parties***

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
29.04.2022**

**Order
No.**

02. 1. This matter is taken up through Hybrid mode.
2. The Petitioner has filed this writ petition praying for a direction to the District Sub-Registrar, Baliana, Opposite Party No.4 and the Tahasildar, Baliana, Opposite Party No.5, to allow Opposite Party No.6 to execute the registered sale deed in favour of the Petitioner in order to enable him to take possession of his flat from Opposite Party No.6.
3. Heard learned counsel for the Parties.
4. As submitted by the learned counsel for the parties, this Court in similar matters in WP(C) No.19171 and 16414 of 2017 vide order dated 08.03.2019 arising out of the same cause of action in Paragraphs-5 and 6 passed the following directions:

“05. In that view of the matter, this Court is of the considered opinion that the investigating agency

cannot instruct the statutory authority like District Sub-Registrar or Tahasildar not to allow or register any kind of sale or purchase, instead, he should proceed either under the provisions of Criminal Law Amendment Ordinance, 1944 or under the provisions of the O.P.I.D. Act, to protect the interest of the investors. In this case, the investors themselves have come forward and prayed that the letter dated 12.01.2017 issued by the Inspector-In-Charge be modified in a project specific manner to exclude the Sai Enclave Project, so that their properties can be conveyed to them which they have purchased by investing their hard money and since most of them are Government employees and have retired from their services, so also most of them have taken loan from the banks for booking the dwelling units in Sai Enclave Project, they having no dwelling units, are facing lots of hardship.

06. Therefore, both the aforesaid writ petitions are allowed. The letter dated 12.01.2017 of the Inspector-In-Charge, Saheed Nagar Police Station, Bhubaneswar is modified to the extent that the Tahasildar, Baliana shall entertain the deed of conveyance and sale to be executed by the Company in favour of the petitioners individually and the cost of registration and the stamp duty shall be borne by the petitioners.”

5. Considering the facts and the submissions made, especially the submission made that the Petitioner's case is squarely covered by the decision rendered in WP(C) Nos.19171 and 16414 of 2017, this Court disposes of the writ petition with a direction to the District Sub-Registrar, Baliana, Opposite Party No.4 and the Tahasildar, Baliana, Opposite Party No.5,

to act in accordance with the directions given in WP(C) Nos.19171 and 16414 of 2017.

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

(S. Pujahari)
Judge

PKS

