

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 8621 of 2022

Susanta Kumar Pradhan

.....

Petitioner

Miss Deepali Mahapatra, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Suvashish Pattanaik,
Additional Government Advocate
(For Opposite Party Nos.1 to 4)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

21.09.2022

Order No.

- 4.
1. This matter is taken up through hybrid mode.
 2. Counter and Rejoinder affidavits filed in Court today are taken on record, copies of which have already been exchanged between the parties.
 3. Petitioner in this writ petition seeks to assail the letter dated 4th March, 2022 (Annexure-5) whereby the District Sub-Registrar, Ghumsur at Bhanjanagar- Opposite Party No.4 refused to register the documents on the following ground:-

“As per letter No.1472/Rgn. Dated 19.03.2019 of Board of Revenue Odisha Cuttack in application ID 592200370, dt.3.2.2022 is rejected because the flow of the title ROR to ROR is not correct.”

The Petitioner also assails the instruction issued by the Board of Revenue, Odisha, Cuttack dated 19th March, 2019 (Annexure-6), which has already been superseded vide letter dated 17th November, 2019 issued by the State Government under the Revenue and Disaster Management.

4. Miss Mahapatra, learned counsel for the Petitioner submits that the sale deed executed by one Ranjan Nayak, i.e., one of the legal heirs of Kanchan Nayak, the grandmother of the vender of the Petitioner on 13th January, 2022 was presented before the Registering Officer (OP No.4). Although the document was admitted for registration, but subsequently vide letter under Annexure-5, the registration was refused. Hence, this writ petition has been filed.

4.1 It is contended that confusion arose in registration of the RSD because of inadvertent mentioning of Khata No.533 instead of 517 in the sale deed executed in favour of the vender. It is clear from the Yadast prepared during Settlement that the Khata number reflected in the sale deed executed in the name of Petitioner's vender has been wrongly stated to be 533 in place of 517. As such, there is no confusion with regard to flow of title of the Petitioner's vender. The Petitioner also relied upon the ROR published in the name of one Rama Jena wife of Akula Jena, namely the vender's vender. Although the aforesaid documents were enclosed to the sale deed presented for registration, the Registering Officer-Opposite Party No.4, without verifying the same has mechanically refused to register the same in exercise of power under Section 71 of the Registration Act. Hence, this writ petition has been filed.

5. Mr. Pattanaik, learned AGA submits that the Petitioner never insisted upon production of ROR; however, registration of the document was refused on the ground quoted supra, i.e., flow of title shown in the sale deed was not correct. The land schedule that the vender intended to transfer vide the document

presented before the Registering Officer was not the same as the land schedule that had been transferred vide document No.3698 dated 23rd August, 1962 and Document No.3995 dated 6th July, 1976 (Annexure-2). Thus, the Sub-Registrar has committed no error in refusing to register the document. The Petitioner, however, has filed rejoinder to the counter, which is taken on record.

6. Taking into consideration the submissions of learned counsel for the parties, this Court feels that the Sub-Registrar, Ghumsur at Bhanjanagar while scrutinizing the materials on record, did not refer to the Yadast prepared during Settlement operation. The Yadast stated to have been enclosed to the deed presented for registration, would have thrown some light on the flow of the title.

7. In view of the above, this Court feels that the matter requires fresh consideration by Sub-Registrar, Ghumsur at Bhanjanagar. Accordingly, the impugned endorsement of refusal dated 4th March, 2022 (Annexure-5) is set aside. The Petitioner directed to present the documents in original before the Opposite Party No.4 along with relevant documents within a period of two weeks hence along with certified copy of this order and in that event Opposite Party No.4 shall do well to consider the same extending opportunity of hearing to the parties concerned and pass a reasoned order thereon, as expeditiously as possible, preferably within a period of four weeks therefrom and communicate the result thereof to the Petitioner forthwith.

8. With the observation and direction, as aforesaid, the writ petition is allowed the extent indicated above.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy

