

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 10572 OF 2022

Pravat Kumar Mishra ***Petitioner***

Mr. Goutam Charan Rout, Advocate

-versus-

State of Odisha and another ***Opp. Parties***

Mr. D.K. Mishra,

Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

25.11.2022

Order No.

I.A. No. 13304 of 2022

9. 1. This matter is taken up through hybrid mode.
2. This is an application filed by the Sub-Registrar, Khandagiri-Opposite Party No.2 for modification of the order dated 5th September, 2022 by which the writ petition was disposed of.
3. Mr. Mishra, learned Additional Government Advocate submits that although the process of registration is almost complete, the document has not yet been registered and the Registering Authority is yet to sign the same. However, taking note of the averments made at paragraph-7 of the counter affidavit, this Court while disposing of the writ petition directed to return the registered sale deed dated 11th October, 2021 to the authorized person as expeditiously as possible preferably within a period of fifteen days from the date of production of certified copy of the said order on proper acknowledgement.

4. Mr. Mishra, learned Additional Government Advocate draws attention of this Court to the relevant portion of paragraph-7 of the counter affidavit filed by Opposite Party No.2, which reads as under:

“7. xxx xxx xxx

Further, it is humbly submitted that although registration of the sale deed alleged by the petitioner has been completed with due official procedures, in view of the letter of Board of Revenue, Odisha, Cuttack dated 29.11.2016 (Annexure-A/2 of this counter affidavit), the registered sale deed as alleged by the petitioner has been held up.”

5. Hence, he prays for a direction to delete the words “registered’ appearing in between the words “and” and “dated 11th October, 2021” from paragraph-5 of the order dated 5th September, 2022.

6. Mr. Rout, learned counsel for the Petitioner vehemently objects to the same and submits that from the encumbrance certificate under Annexure-1, it is evident that the sale in favour of the Petitioner is complete. Further, after admission of the document for registration, a receipt under Section 52(b) of the Registration Act, 1908 has been issued under Annexure-4 by the Registering Authority. Thus, it is apparent that the document has already been registered.

7. Considering the submissions made by learned counsel for the parties and to avoid controversy, it is directed that the document of sale dated 11th October, 2021 shall be returned to the authorized person in its present status within a period of one week from the date of production of certified copy of this order.

8. With the aforesaid modification of the order dated 5th September, 2022, the I.A. is disposed of.

9. As requested by Mr. Mishra, learned Additional Government Advocate, a copy of this order be handed over to him for communication and compliance.

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

(K.R. Mohapatra)
Judge

bks

