

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10668 of 2022

Swati Das

....

Petitioner

-versus-

State of Odisha and others

....

Opposite Parties

CORAM: JUSTICE S. PUJAHARI

ORDER

05.05.2022

Order
No.

01. 1. This matter is taken up through hybrid mode.
2. This writ petition has been filed by the Petitioner seeking a direction to the Opposite Party No.3-Sub-Registrar, Baliana and Opposite Party No.4-Tahasildar, Baliana to allow Opposite Party No.6 to execute the registered sale deed in favour of the Petitioner in order to enable her to take possession of the property 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 W.P.(C) Nos.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 this case is squarely covered by the decision of this Court rendered in W.P.(C) Nos.19171 and 16414 of 2017, this Court disposes of the writ petition with a direction to the Opposite Party No.3- Sub-Registrar, Baliana and Opposite Party No.4-Tahasildar, Baliana, to act in accordance with the directions given in W.P.(C) Nos.19171 and 16414 of 2017.

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

(S. Pujahari)
Judge