

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.11520 OF 2022

Suresh Chandra Nayak

.... Petitioner

Mr. Subrata Mishra, Advocate

-versus-

***District Sub-Registrar, Dolipur and
another***

.... Opp. Parties

Mr. Suvashish Pattanaik,
Additional Government Advocate

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
10.08.2022**

Order No.

4. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to set aside the Letter No.597 dated 15th February, 2011 (Annexure-7) issued by the Additional District Magistrate, Jajpur to the Sub-Registrar, Dolipur, Jajpur Road in respect of Petitioner's land and further prays a direction to the Sub-Registrar to register the sale deed to be presented by the Petitioner for his legal necessity.
3. Mr. Mishra, learned counsel for the Petitioner submits that the Petitioner is in possession of Plot No.1321/1778 to an extent of Ac.0.14 decimals under Khata No.359/27 situated in mouza Rampas in the district of Jajpur having right, title and interest thereon. Draft R.O.R. has also been prepared in the name of the Petitioner under Annexure-5. Due to his legal necessity, the Petitioner intended to sell the land in question, but the letter dated 15th February, 2011 (Annexure-7) issued by the

Additional District Magistrate, Jajpur to the Sub-Registrar, Dolipur stands as a stumbling block in registering the sale deed. Hence, the Petitioner has filed this writ petition for the aforesaid relief.

4. It is his submission that in the letter under Annexure-7, the Sub-Registrar, Dolipur has been directed not to register documents of any transaction pertaining to Sabik Khata No.52, Plot No.404 to an extent of Ac.293.40 decimals of mouza Rampas, P.S. Jajpur Road as per the order of the Member, Board of Revenue dated 10th December, 2010, which includes the land of the Petitioner. It is further submitted that since R.O.R. has already been prepared in the name of the Petitioner, there cannot be any impediment on the part of the Petitioner to alienate the property independently. He, therefore, prays for setting aside the letter under Annexure-7 so far as it relates to the land of the Petitioner, as aforesaid.

5. Mr. Pattanaik, learned Additional Government Advocate referring to the counter affidavit submits that Annexure-5 is a draft R.O.R. published under Section 12-B of the Orissa Survey and Settlement Act, 1958 and final R.O.R. in the said mouza is yet to be published. Hence, any transaction in the interregnum will certainly affect the publication of the final R.O.R. The Petitioner if so desires may approach the concerned Settlement Officer to grant permission for alienation of the property. He further submits that the Petitioner has not yet presented the document for registration. Hence, apprehension of the Petitioner

is baseless and the writ petition is premature. He, therefore, prays for dismissal of the writ petition.

6. Taking into consideration the rival contentions of the parties, this Court without expressing any opinion on the plea of the Petitioner disposes of this writ petition with a direction that in the event the Petitioner presents the sale deed to be registered before the Sub-Registrar, Dolipur, Jajpur Road-Opposite Party No.1 within a period of two weeks hence along with certified copy of this order, he shall do well to consider the same in accordance with law. If he is of the opinion that the sale deed is not registerable, he shall pass an order under Section 71 of the Registration Act, 1908 and communicate the same to the Petitioner forthwith. If he is of the opinion that the document so presented by the Petitioner can be registered, he shall proceed with the matter accordingly.

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

(K.R. Mohapatra)
Judge

bks