

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18587 of 2021

Dipesh Somani

..... Petitioners

Mr. Ranjan Kumar Rout, Advocate

-versus-

***Inspector General of Registration,
Odisha and others***

.... Opp. Parties

Mr. Ajodhya Ranjan Dash,
Additional Government Advocate

Mr. Bibekananda Bhuyan, Advocate
(For OPID)

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

**ORDER
15.09.2022**

Order No.

14. 1. This matter is taken up through Hybrid mode.
2. Petitioner in this writ petition prays for a direction to Sub-Registrar, Malkangiri-Opposite Party No.2 to register the sale deed under Annexure-1.
3. Mr. Rout, learned counsel for the Petitioner submits that although an attachment order has been passed by Government of Odisha in Finance Department, vide order dated 5th August, 2022, the said order does not include the land in question. Hence, there is no difficulty on the part of the Sub-Registrar, Malkangiri to register the sale deed under Annexure-1. He further submits that the sale deed in question was presented before the Sub-Registrar on 11th July, 2019 for registration, but the Sub-Registrar without following due procedure of law kept the matter pending. Subsequently, the order of attachment was passed by the Finance Department. He, therefore submits that

there is no difficulty on the part of the Sub-Registrar to register the sale deed in question.

4. Mr. Bhuyan, learned counsel for OPID submits that order of attachment dated 5th August, 2022 includes the property in question. Hence, the sale deed in question cannot be registered for the present.

5. Mr. Dash, learned AGA referring to Annexure-B/2 to the counter affidavit filed by Opposite Party No.4 submits that the Sub-Registrar, Malkangiri had already refused to register the sale deed in question and communicated the same vide his letter dated 24th November, 2021. Hence, the prayer of the Petitioner in this writ petition has become infructuous.

6. Taking into consideration the rival contentions of the parties and on perusal of record, it appears that vide letter dated 24th November, 2021 (Annexure-B/2 to the counter), the District Sub-Registrar, Malkangiri communicated the Petitioner about refusal to register the sale deed in question. Although the letter is not suitably worded, but the purport of the letter suggests that the Sub-Registrar has refused to register the sale deed in question.

7. In that view of the matter, the writ petition has become infructuous and is disposed of as such.

7.1 However, the Petitioner may work out his remedy in accordance with law and in that event, the authority/Court will take into consideration the period of pendency of the writ petition before this Court from 24th June, 2021 till date along with other grounds.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

