

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) NO.15449 OF 2022**

***Jibanananda Behera***

***Petitioner***

Mr. Ramesh Chandra Ojha, Advocate

*-versus-*

***State of Odisha and others***

***.... Opp. Parties***

Mr.Swayambhu Mishra,  
Additional Standing Counsel

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**22.06.2022**

**Order No.**

- 01.
1. This matter is taken up through hybrid mode.
  2. The Petitioner in this writ petition seeks for a direction to the Sub-Registrar, Salipur-Opposite Party No.3 to register the agreement for equitable mortgage.
  3. Mr. Ojha, learned counsel for the Petitioner submits that although the Petitioner has produced the document for registration before the Sub-Registrar, Salipur, he has refused to register the same.
  4. Section-71 (1) of the Registration Act, 1908 (for short 'the Act') provides that every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situated within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No.2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.
  5. In view of the clear provision, the Petitioner is required to file an application under Section 71 of the Act in order to take

further action in the matter. Accordingly, it is directed that in the event the Petitioner files an application under Section 71 of the Act along with the document intended to be registered within a period of two weeks hence along with certified copy of this order, the Sub-Registrar, Salipur-Opposite Party No.3 shall do well to consider the same and pass a reasoned order thereon. If the Sub-Registrar, Salipur is of the opinion that the deed/document in question cannot be registered, he shall supply the reasons of refusal of registration of such document within a period of two weeks therefrom.

6. With the aforesaid observation and direction, this writ petition stands disposed of.

7. Learned counsel for the Petitioner undertakes to serve a copy of the writ petition on learned State Counsel for reference and communication.

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

(K.R. Mohapatra)  
Judge

bks