

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 16165 OF 2022

Sumitra Behera

Petitioner

Mr. Durga Prasad Jena, Advocate

-versus-

State of Odisha and another

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

11.08.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. 2. The Petitioner in this writ petition seeks for a direction to the Sub-Registrar, Kishore Nagar, Angul-Opposite Party No.2 to register the sale deed under Annexure-3.
3. 3. Mr. Jena, learned counsel for the Petitioner submits that the land in question is recorded in the name of the Petitioner, who belongs to Gingira by caste. She neither belongs to Schedule Caste nor Schedule Tribe community. Although there is no legal impediment on the part of Sub-Registrar, Kishore Nagar to register the sale deed, but he refused to accept the same for registration for which the Petitioner is highly prejudiced.
4. 4. A counter affidavit has been filed by Opposite Party No.2 stating that the Petitioner does not belong to Gingira by caste. She belongs to Kaibarta/Keuta by caste. Further, the Petitioner has suppressed the material facts with regard to the order dated 13th June, 2022 passed by learned Senior Civil Judge, Athamallik in I.A. No. 20 of 2016 (arising out of C.S. No.69 of 2016), wherein parties are directed to maintain status

quo over the land in question and the Petitioner was restrained from alienating the property in question. The said order is still in force. In that view of the matter, the prayer made in the writ petition cannot be granted.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that when a document is presented for registration and the Registering Officer is of the considered view that the same cannot be registered, he shall endorse 'Refused' on the document and also communicate the reason thereof to the executant free of cost, if applied for. In view of the specific provisions under Section 71 of the Registration Act, 1908 (for short 'the Act'), this Court disposes of this writ petition with a direction 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 enclosing certified copy of this order, the Sub-Registrar, Kishore Nagar- Opposite Party No.2 shall do well to consider the same and pass a reasoned order thereon. If the Sub-Registrar, Kishore Nagar 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.

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

(K.R. Mohapatra)
Judge