

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18313 OF 2022

Guru Charan Mohapatra

Petitioner

Mr. Biswaranjan Parida, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

27.07.2022

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 Inspector General of Registration, Odisha- Opposite Party No.1 and the Sub-Registrar, Bhubaneswar-Opposite Party No.2 respectively to take steps for initiation of criminal proceeding under Section 83 of the Indian Registration Act, 1908 (for short 'the Act') against the Defendants in C.S. No.2023 of 2021 pending in the Court of learned Civil Judge (LR & LTV), Bhubaneswar. He further prays for a direction to the Opposite Party Nos.1 and 2 to take proper steps to grant certified copy of the order of refusal to the Petitioner.
 3. It is submitted by Mr. Parida, learned counsel that due to objection raised by the Petitioner, eleven numbers of sale deeds produced by the Defendants before the Sub-Registrar, Bhubaneswar-Opposite party No.2 have been blocked vide order dated 11th April, 2022. He further submits that during subsistence of the order of status quo, the Defendants executed

eleven numbers of sale deed in respect of the land involved in C.S. No.2023 of 2021 for which the Plaintiff-Petitioner made a request to the Sub-Registrar, Bhubaneswar-Opposite Party No.2 not to register the aforesaid sale deeds. On his request, the registration of the aforesaid sale deeds have been blocked vide order dated 11th April, 2022. He wants a certified copy of the said order of refusal to be produced before the Civil Court to show that the Defendants have violated the order of status quo.

4. It is the submission of learned counsel for the Petitioner that under Section 71 of the Act, the Petitioner is entitled to certified copy of the said order of refusal. He further submits that since the Defendants have committed offences under the Act by tendering sale deeds for registration, they are liable to be prosecuted under Section 83 of the Act. In that view of the matter, this writ petition has been filed.

5. Section 71 of the Act makes it clear that the reason of refusal can be supplied to the executants or the person claiming under the document. The Petitioner is neither an executant nor is claiming under the said document stated to have been produced for registration. Thus, no communication with regard to the reason of refusal can be granted to the Petitioner. It is also not clear as to whether the Registering Authority has recorded the reasons of refusal or not, as it is submitted by learned counsel for the Petitioner that registration of the sale deeds has been blocked as per his request.

6. So far as initiation of the proceeding under Section 83 of the Act is concerned, the Petitioner, if so advised, may take

recourse to law for such initiation of the proceeding, but not by filing this writ petition.

7. In view of the above, the relief sought for in this writ petition cannot be granted.

8. Accordingly, this writ petition is dismissed.

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

(K.R. Mohapatra)
Judge



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