

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 18494 OF 2022

Amarendra Sahoo

....

Petitioner

Mr. Rabindranath Prusty, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

11.08.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Sub-Registrar, Kendrapara to register the sale deed in respect of Khata No.13 of mouza Bhramaradiapatana in the district of Cuttack.
3. Mr. Prusty, learned counsel for the Petitioner submits that the land stands recorded in the name of father of the Petitioner, namely, Dhruba Charan Sahoo. After death of his father, his legal heirs for their legal necessity want to alienate the said property. The Sub-Registrar, Kendrapara is not accepting the same on the ground that R.O.R. does not stand in the name of legal heirs of said Dhruba Charan Sahoo. Relying upon the order dated 28th July, 2017 passed in W.P.(C) No.9997 of 2014 (*Dhabal Prasad Pradhan –v- State of Odisha and others*), reported in 2014 (II) OLR 902, he submits that non-production of R.O.R. cannot be a ground to refuse the registration of a document. He, therefore, prays for a direction for the aforesaid relief.

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, Kendrapara-Opposite Party No.3 shall do well to consider the same and pass a reasoned order thereon. If the Sub-Registrar, Kendrapara 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.

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

(K.R. Mohapatra)
Judge

bks