

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 18950 OF 2022

Sailash Chandra Naik ***Petitioner***
Mr. Jitendra Kumar Digal, Advocate

-versus-

State of Odisha and others ***Opp. Parties***
Mr. Pravakar Behera,
Standing Counsel
(For Transport Department)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
02.08.2022

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 Tahasildar-cum-Sub-Registrar, G.Udayagiri, Kandhamal- Opposite Party No.6 to grant leave for registration of the sale deed of the property to the extent of the Petitioner's share in the ROR.
3. Mr. Digal, learned counsel for the Petitioner submits that although he has produced documents for registration before the Tahasildar-cum-Sub-Registrar, G.Udayagiri, Kandhamal, 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, Petitioners are 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 Tahasildar-cum-Sub-Registrar, G.Udayagiri, Kandhamal -Opposite Party No.6 shall do well to consider the same and pass a reasoned order thereon. If the Tahasildar-cum-Sub-Registrar, G.Udayagiri, Kandhamal 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