IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 21853 OF 2022

M/s. Kals Breweries Pvt. Ltd., Tamilnadu	....	***Petitioner***
		Mr. Deepak Kumar Pani, Advocate

-versus-

State of Odisha and others	....	***Opp. Parties***
		Mr. Swayambhu Mishra, Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

Order No. **23.09.2022**

01. 1. This matter is taken up through hybrid mode.

2. The Petitioner in this writ petition seeks to assail the letter No.2046 dated 7th June, 2022 issued by the Sub-Registrar, Kujanga, whereby he refused to register the sale deed executed by M/s. Anheuser Busch Inbev India Ltd., in its favour.

3. Mr. Pani, learned counsel for the Petitioner submits that R.O.R. in respect of the village, Bijayachandrapur was published in the year, 1930. Although the executants of the sale deed had alienable right over the land in question, Sub-Registrar, Kujanga relying upon the provision of Section 22-A(2) of the Registration (Odisha Amendment) Act, 2013 vide order dated 7th June, 2022 refused to register the sale deed on the following grounds:

> *"In inviting a reference to your request letter on the subject cited above, I am to say that after amendment of the 22-A(1) Registration (Odisha Amendment) Act, 2013 the Registering Officer should not register any document presented the Transferor produce the R.O.R. prepared prior to 1958. It is*

observed that the R.O.R. of village Bijayachandrapur, the publication of R.O.R. is 1930. As per Registration Odisha amendment Act, 2013 vide notification No-12028 dt. 25-04-2014, Govt. Of Odisha Revenue & Disaster Management Dept. The Registering Officer will refuse to register the document unless the R.O.R is prepared under the Odisha Survey and Settlement Act, 1958."

4. It is his submission that Section 22-A(2) has already been interpreted by this Court in the case of ***Dhabal Prasad Pradhan –v- State of Odisha and others,*** reported in 2014 (II) CLR, 801. Pursuant to said decision of this Court, the Board of Revenue, Odisha, Cuttack in its letter No.1472 dated 19th March, 2019 has clarified the legal position, relevant portion of which reads as under:

"*(2) The other provisions of the Act shall, mutatis mutandis apply to all such records and rents so settled.*

Hence ROR under the 1958 Act would mean all the RORs prepared under the said Act as well as RORs prepared before 1958 for those villages where RORs were prepared under previous settlements where settlement under the 1958 Act were not undertaken.

The purpose of introduction of section 22-A of the Registration (Odisha Amendment) Act, 2013 is to prevent fraudulent transactions and safeguard the interest of the registrant public. All the RORs are available in the public domain in the ***Bhulekh*** *website and Maps in* ***Bhunaksha*** *website.*

Hence, if the Right, Title and Interest are shown in a way flowing from the ROR and other supporting documents, then Registration should be necessarily allowed provided all other statutory provisions are met."

In view of the above, there was no difficulty on the part of the Sub-Registrar to register the sale deed in question.

5. Mr. Mishra, learned Additional Standing Counsel submits that the law is no more *res integra* in the field. It appears that the Sub-Registrar, Kujanga was not appraised with the notification issued by the Board of Revenue, Odisha, Cuttack on 19th March, 2019. He, therefore, submits that in the event the sale deed in original is produced again before the Sub-Registrar, Kujanga, he shall do the needful keeping in mind the aforesaid legal position.

6. Taking into consideration the rival contentions of the parties, this Court without expressing any opinion on the merits of the case of the Petitioner, disposes of the writ petition with a direction that in the event the sale deed in original executed by M/s. Anheuser Busch Inbev India Ltd., in favour of the Petitioner is produced before the Sub-Registrar, Kujanga within a period of two weeks enclosing supporting documents along with certified copy of this order, he shall do well to consider the same in terms of ratio decided in ***Dhabal Prasad Pradhan*** (supra) as well as notification dated 19th March, 2019 issued by the Board of Revenue, Odisha, Cuttack. The entire exercise shall be completed within a period of four weeks from the date of production of documents in original along with certified copy of this order.

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

(K.R. Mohapatra)
Judge

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