

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 21975 of 2022

Sameer Kumar Patra

..... Petitioner

Mr. Mihir Kumar Rath, Advocate

-versus-

***Ajiban Constructions Private Limited,
Bhubaneswar and others***

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel
(For Opposite Party Nos. 2 and 3)

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
13.09.2022**

Order No.

2. 1. This matter is taken up through Hybrid mode.
2. Petitioner in this writ petition seeks to assail the order dated 12th February, 2021 (Annexure-5) passed by Additional District Magistrate-cum-District Registrar, Khordha in Misc. Appeal No.4 of 2019, whereby he refused the prayer of the Petitioner to accept the certified copy of the judgment and decree passed by learned 1st Additional Civil Judge (Senior Division), Bhubaneswar in CS No.1715 of 2012 and to cancel the registration of GPA No.1081216024 dated 29th June, 2012 and RSD No.11121203224 dated 30th October, 2012 and make an entry in the concerned register endorsing cancellation of those documents as mentioned in the judgment.
- 2.1 Relevant portion of the judgment and order dated 1st July, 2016 passed by the 1st Additional Civil Judge (Senior Division), Bhubaneswar in CS No.1715 of 2012 is quoted below for better appreciation of the case.

“The suit is decreed ex parte against the defendants, but under the circumstances without any cost. The Registered GPA no.1081216024 dtd. 29-06-2012 is declared void and not binding upon the plaintiff. Consequently the RSD no. 11121203224 dtd. 30-10-2012 executed by defendant no.2 in favour of defendant no.3 is also declared void and not binding on the plaintiff. It is declared that defendant no.3 has not derived title over the suit land by virtue of RSD no. 11121203224 dtd. 30-10-2012. RSD no. 11121203224/ dtd. 30-10-2012 be cancelled . Defendants are permanently restrained from entering into the suit land, disturbing with the peaceful possession of the plaintiff and from dealing with the suit land in any manner.”

3. In course of hearing, Mr. Rath, learned counsel for the Petitioner submits that interest of justice will be best served if the Petitioner moves the concerned Court to communicate the judgment and decree to the registering authority in terms of Rule 95(b) of the Odisha Registration Rules, 1988.

4. In view of such submission, the writ petition is disposed of with an observation that in the event Petitioner moves such an application before the concerned Court, it shall be considered in accordance with law.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge