

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) NO. 22335 OF 2022**

***Brundaban Kanhar***

....

***Petitioner***

Mr. Rakesh Sahu, Advocate

*-versus-*

***State of Odisha and others***

....

***Opp. Parties***

Mr. Swayambhu Mishra,  
Additional Standing Counsel

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**26.09.2022**

**Order No.**

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to the Sub-Registrar, Phulbani-Opposite Party No.2 to register the sale deed presented before him in respect of Plot Nos.86 and 86/768 under Khata No.35 situated in mouza Dhobatota under Phulbani Tahasil in the district of Kandhamal (for short 'the case land').
3. Learned counsel for the Petitioner submits that the case land stands recorded in the name of the Petitioner and there is no legal impediment in registering the sale deed as both the vendor and vendee belong to Schedule Tribe community. He further submits that although the Petitioner has produced the document for registration before the Sub-Registrar, Phulbani, but 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, 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, Phulbani-Opposite Party No.2 shall do well to consider the same and pass a reasoned order thereon keeping the ratio decided in the case of ***Dhabal Prasad Pradhan –v- State of Odisha and others***, reported in 2014 (II) OLR 902, in mind. If the Sub-Registrar, Phulbani 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 three weeks therefrom.

6. With the aforesaid observation and direction, this writ petition stands disposed of.

7. Learned counsel for the Petitioner undertakes to serve a copy of the writ petition along with copy of this order on learned State Counsel for reference and communication.

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

**(K.R. Mohapatra)**  
**Judges**

bks