

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 27539 of 2022

Prafulla Kumar Sahu and others* *Petitioners

Mr. Amit Prasad Bose, Advocate

-versus-

State of Odisha and others* *Opp. Parties

Mr. Dillip Kumar Mishra,
Additional Government Advocate

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

**ORDER
27.10.2022**

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioners in this writ petition seek for a direction to Sub-Registrar, Bonai (OP No.2) to accept the gift deed pertaining to Plot Nos.1564 and 1564(P) under Hal Khata No.572 (area Ac.0.880 and 0.700 decimal respectively) of in mouza Bonaigarh under Bonai tahasil in the district of Sundargarh presented by the Petitioners forthwith and register the same.
3. Learned counsel for the Petitioners contends that although he has presented documents for registration before the Sub-Registrar, Bonai, he refused to register the same.
4. Section-71 (1) of the Registration Act, 1908 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 before the Sub-Registrar, Bonai along with the document intended to be registered in original, in order to take further action in the matter. Accordingly, it is directed that in the event the Petitioners file an application within a period of two weeks hence along with the document in original, the Opposite Party No.2-Sub-Registrar, Bonai shall do well to take into consideration the application of the Petitioner and entertain the same. If he is of the opinion that the document /instrument cannot be registered shall supply the reasons of refusal of registration of the document within a period of two weeks therefrom.

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

7. As requested, a copy of this order be handed over to Mr. Mishra, learned AGA for communication and compliance.

Issue urgent certified copy of the order on proper application.

s.s.satapathy

(K.R. Mohapatra)
Judge