

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 32947 OF 2022

Damodar Dash and another ***Petitioners***
Mr. Biswajit Mohapatra, Advocate

-versus-

State of Odisha and others ***Opp. Parties***
Mr. Baibaswata Panigrahi,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
14.12.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition seek for a direction to the Sub-Registrar, Marshaghai-Opposite Party No.2 to register the sale deed of the property i.e. Plot No.1703 under Khata No.302 situated in Mouza Keyerbank under Mahakalapada Tahasil in the district of Kendrapara to the extent of the Petitioner's share in the ROR.
3. Mr. Mohapatra, learned counsel for the Petitioners submits that although he has produced documents for registration before the Sub-Registrar, Marshaghai, 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 Petitioners file 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, Marshaghai-Opposite Party No.2 shall do well to consider the same and pass a reasoned order thereon. If the Sub-Registrar, Marshaghai 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.

7. As requested by Mr. Panigrahi, learned Additional Standing Counsel, a copy of this order be handed over to him for communication and compliance.

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

(K.R. Mohapatra)
Judge

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