ORISSA HIGH COURT : CUTTACK

WP(C) No.31597 of 2025

An application under Articles 226 & 227 of the Constitution of India.

* * *

Rajendra Kumar Patro

... **Petitioner.**

-VERSUS-

State of Odisha & Others

... **Opposite Parties**.

Counsel appeared for the parties:

For the Petitioner : Mr. S.K. Jethy, Advocate

For the Opposite Parties : Mr. S. Nayak, Addl. Standing Counsel.

P R E S E N T:

HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA

Date of Hearing : 29.11.2025 :: Date of Judgment : 29.11.2025

JUDGMENT

ANANDA CHANDRA BEHERA, J.—

1. This writ petition under Article 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner praying for directing the Sub-Registrar, Kukudakhandi (O.P. No.3) to receive the deed for sale of the petitioner for registration, because, the Sub-Registrar, Kukudakhandi (O.P. No.3) orally refused to receive the deed for sale of the petitioner for registration. For which, without getting any way, the petitioner filed this writ petition.

2. Heard from the learned counsels of both the sides.

3. The law is very much clear that, the Sub-Registrar cannot orally refuse to receive any document/deed, when the same is presented for registration. He/she is either to register the document/deed or to refuse to register the same indicating the reasons in writing for the non-registration of the same, if that document is not legally fit for registration.

According to The Registration Act, 1908 and The Orissa Registration Rules, 1988, when a document is presented for registration, it is the duty of the Sub-Registrar to receive the

same, but, if the said document is not in compliance with the provisions of law, the Sub-Registrar may refuse to accept that document for registration assigning the reasons in writing about the same.

4. On this aspect, the propositions of law has already been clarified in a decision between ***North East Infrastructure Private Limited and Ors. Vrs. The State of Andhra Pradesh and Ors.*** reported in ***2025 (2) Civ.C.C. 220 (Andhra Pradesh)*** and in a case between ***Antaryami Nayak Vs. State of Odisha & Others in WP(C) No.18548 of 2025 decided on 11.07.2025*** that,

> "The Sub-Registrar/Registrar, cannot orally refuse to receive the document and would consider the fitness of it for registration or otherwise. Section 71 of the Registration Act, 1908 empowers the Registration Authorities to receive a document which is presented for registration and process the same.

5. So, by applying the principles of law enunciated in the ratio of the above decisions and also taking the Rule 147 of The Orissa Registration Rules, 1988 into account, it is felt proper to dispose of this writ petition finally directing Sub-Registrar, Kukudakhandi (O.P. No.3) to receive the deed for

sale of the petitioner, if presented by the petitioner for registration annexing the certified copy of this Judgment and to act upon the same as per The Indian Registration Act, 1908 and The Orissa Registration Rules, 1988.

If the said deed is registered, then after registration of that deed for sale, the Sub-Registrar, Kukudakhandi (O.P. No.3) shall return that said sale deed to the petitioner within 3 days of its registration after complying all the formalities thereof as per the Rule 100 of The Orissa Registration Rules, 1988 and Notification No.2915 dated 02.08.2017 of I.G.R of Odisha.

6. As such, this writ petition filed by the petitioner is disposed of finally.

(ANANDA CHANDRA BEHERA)
JUDGE

High Court of Orissa, Cuttack
The 29 .11. 2025// Rati Ranjan Nayak
Sr. Stenographer

Signature Not Verified
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