IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.34105 of 2025
(An application under Articles 226 and 227 of the Constitution of India, 1950)

Subhasini Jena and another .... ***Petitioner***

-versus-

State of Odisha and others .... ***Opposite Parties***

Appeared in this case by Hybrid Arrangement

(Virtual/Physical Mode):

For Petitioner **-** Mr. N. Panda,
Advocate.

For Opposite Parties - Mrs. J. Sahoo,
Addl. Standing Counsel

CORAM:
HON'BLE MR. JUSTICE A.C.BEHERA

Date of Hearing and Judgment :29.11.2025

A.C. Behera, J. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioners praying for directing the Sub-Registrar, Bhubaneswar (O.P. No.4) to accept the deed for sale of the petitioners for registration, because the O.P. No.4 has orally refused to accept the same. For which, the petitioners have filed this writ petition praying for directing the O.P. No.4 to accept the deed for sale of the petitioners for registration.

2. Heard from the learned counsel for the petitioners and learned ASC for the State.

3. The law is very much clear that, the Sub-Registrar cannot orally refuse to accept any document, when the same is presented for registration. He/she is either to register the document after accepting it or to refuse to register the same indicating the reasons for non-registration, if for any reason under law that, the said 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/District Sub-Registrar to accept the same, but if the same is not fit for registration as per law, the Sub-Registrar/District 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 the 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)*** that,

> *"the Sub-Registrar/Registrar, cannot orally refuse to receive any document presented for registration, but after receiving, he/she will consider, whether the same is legally fit for registration or not, because, Section 71 of the Registration Act, 1908 provides that, the Sub-Registrar is to receive a document which is presented for registration and if the same is fit for registration, he/she shall register that deed as per the Registration Act, 1908 and Rules thereof and if the same is not compliance with the provisions of law, he/she shall pass an*

order of refusal of registration in writing as indicated in Section 71 of the Registration Act."

5. When, in this matter at hand, the Sub-Registrar, Bhubaneswar (O.P. No.4) orally refused to accept the deed for sale of the petitioners for registration, then in view of the principles of law enunciated in the ratio of the aforesaid decision, his oral refusal to accept the deed for sale of the petitioners cannot be held as inconformity with the law.

6. Therefore, there is no justification under law to disallow this writ petition filed by the petitioners.

7. In result, the writ petition filed by the petitioners is allowed.

8. The Sub-Registrar, Bhubaneswar (O.P. No.4) is directed to accept the deed for sale, if presented by the petitioners 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 that deed is registered, then after registration, the O.P. No.4 shall return that 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.

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

(A.C. Behera),
Judge.

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Date: 01-Dec-2025 10:50:15

Orissa High Court, Cuttack.
29.11.2025//Utkalika Nayak//
Junior Stenographer