IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.14116 of 2026
CNR No. ODHC010334832026

1) Panchu Behera ..... **Petitioners**
2) **Akrura Sethi** Represented by Adv. - Sanjib Mohanty

-versus-

State Of Odisha and others ..... **Opposite Parties**
Represented by Adv. – Mr. S.N. Patnaik, AGA

CORAM:
MR. JUSTICE SASHIKANTA MISHRA

ORDER
10.11.2026

Order No. 02

1. This matter is taken up through hybrid mode.

2. Heard Mr. S. Mohanty, learned counsel for the petitioners and Mr. S.N. Patnaik, learned Addl. Government Advocate for the State.

3. The Petitioners have approached this Court with the following prayer:-

> *"Under such circumstances, it is humbly prayed that this Hon'ble Court may kindly be pleased to admit this case and issue notice to the opposite parties to file their show cause as to why the case of the petitioners shall not be allowed and after hearing the parties, the case of the petitioners be allowed.*
>
> *And pass necessary order to quash the order passed by the Sub-Registrar, Kishorenagar Annexures -7 dtd:21.11.2025 and order of the A.D.M., Angul vide Annexure-11 dated 06.03.2026 and further direction be given to the Opp.Parties No.4 to register the sale deed in favour of the petitioner No.2 by adjusting the Stamp Duty paid under Annexure-3 and 4 and the registered sale deed be given to the petitioner No.2 within a stipulated period.*
>
> *And/or pass any other order(s) which deem fit and proper for adjudication of the case.*
>
> *And for this act of kindness, the appellant shall be ever prayed."*

4. The brief facts of the case are that the petitioners, intending to sale their land to one Akrura Sethi, executed a sale deed on 21.11.2025. He presented the same for registration before the Sub-Registrar, Kishorenagar, which was accepted and an online slot was also booked. Thereafter, he deposited the e-stamp duty. Since no action was taken, the petitioners approached this Court in an earlier writ petition, which was disposed of with a direction to take a decision. The Sub-Registrar by order dated 06.01.2026 refused to register by citing the following grounds: -

> *"1. The land applied for sale is given to the executant by lese of Govt. Land.*
> *2. Selling the entire land the RT may land up in distress.*
> *3. No permission of Revenue Officer is attached in the documents."*

5. The petitioners carried appeal to the ADM-cum-District Registrar, Angul, who by order dated 06.03.2026 affirmed the order of refusal, inter alia, citing the following reasons:

> *"1. That, the land is settled on lease basis in favour of the landless person for agriculture purpose. After sale, the land may be utilized for any other purpose than agriculture by the purchaser. Thus, selling of entire land will defeat the very purpose of the lease and violate the basic terms and condition of the lease.*
> *2. That, the Govt. land was leased out in favour of the landless person for agriculture purpose for livelihood support. Thus, selling of entire land will make the person again landless which may lead to distress condition, since the person has no other means of sustenance. Thus, the very purpose of leasing out of Govt. land will be self-defeating.*
> *3. That, the Recorded Tenant of the case land intends to sale it to meet the expenditure for medical treatment of self, which is ascertained from the draft sale deed presented before the Sub-Registrar, Kishornagar. But it is a fact that Government have many welfare schemes for the poor people for assistance to get treatment in medical emergencies like OSTF, CMRF, Niramaya and Ayushmann etc. It is very unfortunate that despite all these schemes, the poor people are forced to transfer immovable properties like land for medical purpose.*
> *4. That, the purpose of sale/transfer is not genuine.*

5. That, after the proposal transfer, there will be no sufficient land for the subsistence of the applicant and family.
6. That, the very aim and objective of the Government for leasing out of Govt. land in favour of poor and landless person will be defeated and the tenants will be left to been exploited."

The said order is impugned in the present writ petition.

6. Mr. S.N. Patnaik, learned Addl. Government Advocate justified the impugned order on the ground that the DLC report of the mouza in question reveals that lease was granted for the land, which is of jungle kissam. Therefore, allowing the sale of the land may defeat the purpose of the Forest (Conversation) Act, 1980. It is also stated that the document was refused to be registered following Section 22-A (c) read with Section 71 of the Indian Registration Act, 1908. Further the grounds cited by the appellate authority have been reiterated, it is basically attempted to contend that the petitioners have no rayati status, they be are lessee.

7. After hearing learned counsel for the parties at length and on going through and impugned orders, this Court is firstly, of the view that both the authorities have embarked upon an exercise in adjudication, which is not permissible, as they have no such power. This was emphatically laid down by the Supreme Court in the case of ***K. Gopi vs. The Sub- Registrar & others (Civil Appeal No. 3954 of 2025)*** and followed by this Court in several cases. Law is well settled that only the statutory requirements as per the Registration Act are to be complied with and if the same are found to have been complied with, the registering authority has no option but to register the instrument sought to be registered. Its refusal can be justified only on the grounds provided in the statute itself. There is no power conferred on the registering authority to enter into any adjudication as regards the right of the executant over the lands sought to be sold. Both the authorities appear to have lost sight of the well-settled

principle of law laid down by the Apex Court and followed by this Court.

8. From what has been narrated above, this Court is of the considered view that the impugned cannot be sustained. The writ petition is allowed. The impugned orders are set aside. The Sub-Registrar, Kishorenagar is directed to register the document already presented for registration subject to compliance of all statutory requirements. A decision with regard to registration shall be taken within seven days from the date of production of certified copy of this order by the petitioners.

(Sashikanta Mishra)
Judge

A.K. Rana

Signature Not Verified
Digitally Signed
Signed by: AJAYA KUMAR RANA
Designation: P.A.
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 11-Nov-2026 11:12:29