
(2021) 07 OHC CK 0041

In the Orissa High Court

Case No : Writ Petition (Civil) No. 9331 Of 2021

Akshaya Ku. Pradhan & Ors

APPELLANT

Vs

State Of Odisha & Ors

RESPONDENT

Date of Decision : 05-07-2021

Acts Referred:

Registration Act, 1908 — Section 71(1)

Citation : (2021) 07 OHC CK 0041

Hon'ble Judges : Biswajit Mohanty, J

Bench : Single Bench

Advocate : Anirudha Das, S.N. Mishra

Final Decision : Disposed Of

Judgement

Biswajit Mohanty, J

This matter is taken up by video conferencing mode. Heard Mr. Das, learned counsel for the petitioners and Mr. Mishra, learned Addl. Govt.

Advocate.

According to Mr. Das, the petitioners are aggrieved by the action of the Tahasildar-cum-Sub-Registrar, Jagatpur (opposite party no.3) in refusing to

register the sale deed pertaining to Khata No.240, Mouza "Jenipur Narsinghpur, Tahasil No.169,P.S. No.37 in the district of Cuttack to the extent

of Ac.0.500 decimals though the same was presented by the petitioners for registering the same. He further submits that the Tahasildar-cum-Sub-

Registrar, Jagatpur has given no reason for such refusal.

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.

In view of the clear provision, the petitioners are permitted to file application before the Tahasildar-cum-Registrar, Jagatpur along with the document

intended to be registered in original, for taking further action in the matter. In the event the petitioners file application within a period of two weeks

hence along with the document in original, the opposite party no.3-Tahasildar-cum-Sub-Registrar, Jagatpur shall do well to take a decision on the same

as per law. If he is of the opinion that the documents/instruments cannot be registered, he shall supply the reasons of refusal to the petitioners within a period of two weeks therefrom.

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

Parties may utilize the soft copy of this order available in the High Court's Website or print out thereof at par with certified copy in the manner

prescribed vide Court's Notice No.4587 dated 25.03.2020 read with Notice No.4798 dated 15.04.2021 issued by the Registrar General of this

Court.

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