

(2024) 02 OHC CK 0243

In the Orissa High Court

Case No : Writ Petition (C) No. 4084 Of 2024

Dillip Barik

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 27-02-2024

Acts Referred:

Registration Act, 1908 — Section 71, 71(1)

Citation : (2024) 02 OHC CK 0243

Hon'ble Judges : K.R. Mohapatra, J

Bench : Single Bench

Advocate : Prakash Kumar Mishra, Amiya Kumar Mishra

Final Decision : Disposed Of

Judgement

K.R. Mohapatra, J

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks for a direction to the Sub-Registrar-cum-Tahasildar, Bhapur-Opposite Party No.4 to register the sale deed of the property i.e. Plot No.1443 to an extent of Ac.0.05.500 decimals under Khata No.13 situated in Kalatangi Mouza under Fathegarh P.S. in the district of Nayagarh taking consent of other co-sharers.
3. Mr. Mishra, learned counsel submits that although the Petitioner has produced documents for registration before the Sub-Registrar-cum-Tahasildar, Bhapur, he refused to accept 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, Petitioner is required to present the document/instrument in original before the Sub-Registrar-cum-Tahasildar, Bhapur-Opposite Party No.4 to take further action in the matter. Accordingly, it is directed that in the event the Petitioner presents the document/instrument intended to be registered within a period of two weeks hence along with certified copy of this order, the Sub-Registrar-cum-Tahasildar, Bhapur-Opposite Party No.4 shall do well to consider the same and pass a reasoned order thereon. If the Sub-Registrar-cum-Tahasildar, Bhapur 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 in terms of Section 71 of the Act within a period of two weeks therefrom.

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

7. As requested, a copy of this order be made over to Mr. Mishra, learned AGA for communication and compliance.

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

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