

(2025) 11 OHC CK 1904
In the Orissa High Court
Case No : Writ Petition (C) No. 14195 Of 2025

Manoranjan Biswaln

APPELLANT

Vs

Addl. District Magistrate-Cumdistrict Registrar, Khordha And
Others

RESPONDENT

Date of Decision : 14-11-2025

Acts Referred:

Constitution Of India, 1950 — Article 226, 227
Registration Act, 1908 — Section 22A(c), 71, 72

Citation : (2025) 11 OHC CK 1904

Hon'ble Judges : A.C.Behera, J

Bench : Single Bench

Advocate : S. K. Nayak, Gyanalok Mohanty

Final Decision : Dismissed

Judgement

A.C. Behera, J

1. This writ petition under Articles 226 & 227 of the Constitution of India, 1950 has been filed by the petitioner praying for quashing the Order No.762 dated 22.05.2024 (Annexure-4) passed under Section 22-A(c) of the Registration Act, 1908 by the Sub-Registrar, Khandagiri (O.P. No.2) as per Section 71 of the Registration Act, 1908 and the order dated 04.03.2025 (Annexure-5) passed in Registration Appeal No.9 of 2024 under Section 72 of the Registration Act, 1908 by the A.D.M.-cum-District Registrar, Khordha (O.P. No.1).

2. The factual backgrounds of this writ petition, which prompted the petitioner for filing of the same is that, the petitioner executed a power of attorney vide Annexure-1 on dated 13.01.2021 in respect of the properties covered therein in favour of the O.P. No.3 (SN Construction and Developer) and the said Annexure-1 was registered on that day i.e. on 13.01.2021 before the Sub-Registrar, Khandagiri (O.P. No.2). After execution and registration of such power of attorney vide Annexure-1, the attorney holder thereof i.e. O.P. No.3 (SN Construction and Developer) did not develop the properties covered under the

said Annexure-1 and also did not construct any building as per the terms of Annexure-1. For which, the petitioner revoked that Annexure-1 (Power of Attorney) and intimated about the same through a letter dated 18.04.2024 vide Annexure-2 to the O.P. No.3. Thereafter, the petitioner presented the deed of revocation/cancellation of the Annexure-1 before the O.P. No.2 (Sub-Registrar, Khandagiri) for registration, but the Sub-Registrar, Khandagiri (O.P. No.2) refused to register the said Annexure-1 assigning its reasons as per refusal Order No.762 dated 22.05.2024 vide Annexure-4 as follows:-

"the said Annexure-1 is a sharing power. As it is a development power, it cannot be permissible for unilaterally cancel. So, the document is liable to be refused under Section 22-A(C) of the Registration Act, 1908."

3. On being dissatisfied with the above impugned order i.e. refusal Order No.762 dated 22.05.2024 (Annexure-4) passed by the Sub-Registrar, Khandagiri (O.P. No.2), the petitioner challenged the same preferring an appeal vide Registration Appeal No.9 of 2024 under Section 72 of the Registration Act, 1908 before the Addl. District Magistrate-cum-Registrar, Khordha (O.P. No.1).

After hearing, the Addl. District Magistrate-cum-Registrar, Khordha (O.P. No.1) dismissed that Registration Appeal No.9 of 2024 of the petitioner as per its order dated 04.03.2025 (Annexure-5) and confirmed the order dated 22.05.2024 (Annexure-4) of the O.P. No.2.

4. On being aggrieved with the above impugned order dated 22.05.2024 (Annexure-4) passed by the Sub-Registrar, Khandagiri (O.P. No.2) as well as the order dated 04.03.2025 (Annexure-5) passed in Registration Appeal No.9 of 2024 by the Addl. District Magistrate-cum-District Registrar, Khordha (O.P. No.1), the petitioner challenged the same by filing this writ petition under Articles 226 & 227 of the Constitution of India, 1950 praying for quashing the said Annexure-4 & 5 passed by the Sub-Registrar, Khandagiri (O.P. No.2) and District Registrar, Khordha (O.P. No.1).

5. I have already heard from the learned counsel for the petitioner and the learned Standing Counsel for the State.

6. In order to assail the impugned orders vide Annexure-4 & 5 passed by the O.P. Nos.2 & 1 respectively, learned counsel for the petitioner relied upon the decision of the Apex Court between Thankamma George Vrs. Lilly Thomas and another in Civil Appeal No.6495 of 2023.

7. The Sub-Registrar, Khandagiri (O.P. No.2) has refused to register the unilateral cancellation of Annexure-1 on the ground that,

"Annexure-1 is a sharing power. As it is a development power, it cannot be permissible for unilaterally cancel."

To which, O.P. No.1 (District Registrar) confirmed as per the impugned order dated 04.03.2025 (Annexure-5) passed in Registration Appeal No.9 of 2024.

8. Now, the question arises;

whether, refusal of registration to the unilateral cancellation of Annexure-1 is sustainable under law or not?

9. It is forthcoming from Paragraph Nos.2, 3, 7, 8 & 9 of Annexure-1 that, the said Annexure-1 was executed between the petitioner and O.P. No.3 for the development of the properties described in Schedule-A of the said Annexure-1 constructing buildings and in such constructions, the petitioner will have 33% share and the O.P. No.3 will have 67% share.

So, the contents of the Annexure-1 are clearly and unambiguously going to show that, the said Annexure-1 is virtually a development agreement-cum-General Power of Attorney.

10. The law relating to the registration of the unilateral cancellation of a Development Agreement-cum-General Power of Attorney has already been clarified in the ratio of the following decisions:-

(i) In a case between P. Venkata Ravi Kishore and Ors. Vrs. JMR Developers Pvt. Ltd. and others (at Para No.40) reported in 2022 SCC Online 3387 (Telengana) that,

Whenever registered documents such as Development Agreement-cum-GPA, is sought to be cancelled, execution and registration of such a document/deed must be at the instance of both the parties i.e. bilaterally and not unilaterally.

Unilateral cancellation of documents such as Development Agreement-cum-General Power of Attorney under the Registration Act is not permissible under in law.

(ii) In a case between Rajashree Gajendra Vrs. District Sub-Registrar, Khordha and another in W.P.(C) No.32589/2023 on dated 31.01.2024 and W.P.(C) No.17617 of 2025 on dated 22.08.2025 that,

For cancellation of a registered deed of JVA (joint venture agreement), presence of both the parties to the said agreement require.

11. There is no indication/reflection in any of the clauses of Annexure- 1 about its unilateral cancellation.

12. When, it is held above that, the Annexure-1 is a development agreement-cum-General Power of Attorney and when there is no reflection/indication in the said Annexure-1 about its unilateral cancellation, then at this juncture, by applying the principles of law enunciated in the ratio of the aforesaid decisions, it is held that, the refusal of registration to the unilateral cancellation of the Development Agreement-cum-General Power of Attorney (Annexure-1) by the O.P. Nos.2 & 1 through the orders dated 22.05.2024 (Annexure-4) & 04.03.2025 (Annexure-5) under Sections 71 & 72 of the Indian Registration Act, 1908 passed by the Sub-Registrar, Khandagiri (O.P. No.2) and District Registrar, Khordha (O.P.

No.1) cannot be held as illegal.

For which, the question of interfering with the impugned orders dated 22.05.2024 & 04.03.2025 vide Annexure-4 & 5 passed by the Sub-Registrar, Khandagiri (O.P. No.2) and A.D.M.-cum-District Registrar, Khordha (O.P. No.1) through this writ petition filed by the petitioner does not arise.

Therefore, the decision cited by the petitioner indicated in Paragraph No.6 of this judgment has become inapplicable to this matter at hand on facts for the reasons assigned above.

13. As such, there is no merit in the writ petition filed by the petitioner.

The same must fail.

14. In result, the writ petition filed by the petitioner is dismissed on contest and the same is disposed of finally.