

(2026) 01 OHC CK 1762
In the Orissa High Court
Case No : Writ Petition (C) No. 30003 Of 2025

Sudhansu Sekhar Bhuyan And Another	APPELLANT
Vs	
State Of Odisha And Others	RESPONDENT

Date of Decision : 08-01-2026

Acts Referred:

Constitution Of India, 1950 — Article 226, 227
Orissa Registration Rules, 1988 — Rule 100
Registration Act, 1908 — Section 71

Citation : (2026) 01 OHC CK 1762

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

Bench : Single Bench

Advocate : B.B. Nanda, G. Mohanty

Final Decision : Disposed Of

Judgement

A.C. Behera, J

1. This writ petition has been filed by the petitioners under Articles 226 and 227 of the Constitution of India, 1950 praying for directing the Sub-Registrar, Barang (Opposite Party No.4) in the district of Cuttack to receive the deed for sale of the petitioners for registration, because, the Sub-Registrar, Barang (Opposite Party No.4) orally refused to receive the deed for sale of the petitioners for registration.
2. Heard from the learned counsel for the petitioners and the learned Standing Counsel for the State.
3. The law is very much clear that, the Sub-Registrar, Barang (Opposite Party No.4) cannot orally refuse to receive any document, when the same is presented for registration. He/she is either to register the document or to refuse to register the same indicating the reasons for non-registration, if that 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

to receive the same, but if the said document is not in compliance with the provisions of law, the Sub-Registrar may refuse to accept that document for registration assigning the reasons in writing about such refusal.

4. On this aspect, the propositions of law has already been clarified in a 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) and in a case between Antaryami Nayak vrs. State of Odisha & Others in WP(C) No.18548 of 2025 decided on 11.07.2025 that,

“the Sub-Registrar/Registrar, cannot orally refuse to receive the document and would consider the fitness of it for registration or otherwise. Section 71 of the Registration Act, 1908 empowers the Registration Authorities to receive a document which is presented for registration and process the same.”

5. In view of the propositions of law enunciated in the ratio of the above decision, the oral refusal of the Sub-Registrar, Barang (Opposite Party No.4) to receive the deed for sale of the petitioners for registration cannot be held as legal.

For which, there is no justification under law to disallow the writ petition filed by the petitioners.

6. Therefore, the writ petition filed by the petitioners is to be allowed.

7. In result, the writ petition filed by the petitioners is allowed. The Sub-Registrar, Barang (Opposite Party No.4) is directed to receive the deed for sale of the petitioners, if the same is presented by the petitioners annexing the certified copy of this judgment and to act upon the same as per The Registration Act, 1908 and The Orissa Registration Rules, 1988.

If the said deed is registered, then, after registration of the same, the Sub-Registrar, Barang (Opposite Party No.4) shall return that sale deed to the petitioners within 3(three) 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.

8. As such, this writ petition filed by the petitioners is disposed of finally.