
Dillip Kumar Dey Vs State Of Odisha And Others

Writ Petition (C) No. 41139 Of 2023

Court: Orissa High Court

Date of Decision: Feb. 26, 2024

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

Bench: Single Bench

Advocate: Pratik Dash, Swayambhu 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 to assail the order dated 14th November, 2023 (Annexure-9) passed by the Sub-Registrar, Jaleswar,

whereby he refused to register the sale deed in question holding that e-Stamp Paper attached to the sale deed has lost its validity. Hence, the same is

not acceptable.

3. Mr. Dash, learned counsel submits that the sale deed executed by the Petitioner was presented before the Sub-Registrar, Jaleswar for registration.

However, the Sub-Registrar, Jaleswar refused to register the sale deed vide refusal order dated 23rd November, 2022. Assailing the same, the

Petitioner preferred Registration Appeal No.1 of 2022, which was also dismissed vide order dated 29th March, 2023 by the Additional District

Magistrate, Balasore. It is his submission that the Registering Authority refused to register the document on the ground that the land in question was a

leasehold property. Assailing the same, the Petitioner preferred W.P.(C) No.14637 of 2023, which was disposed of on 9th November, 2023 with the

following direction (Annexure-8).

5. Considering the submission made by learned counsel for the parties and on perusal of the documents, this Court is of the prima facie view that the land in

question has been converted from lease hold to free hold and in the meantime the ROR has been issued in favour of the Petitioner accordingly.

6. But the same requires examination and scrutiny by the Sub-Registrar. Those documents were apparently not considered by the Sub-Registrar, Jaleswar as well

as District Registrar, Balasore while passing impugned orders under Annexure 4 and 6 respectively. Thus, impugned orders are set aside and the writ petition is

disposed of with an observation that in the event, the Petitioner presents the sale deed in question in original along with the relevant documents within a period

of two weeks including the order converting the land in question from lease hold to free hold as well as the ROR deleting the remarks/entries in Column-6 of the

ROR, the same shall be considered in accordance with law giving opportunity of hearing to the Petitioner.

Accordingly, the Petitioner presented the sale deed in question before the Sub-Registrar, Jaleswar, who vide Letter No.1443 dated 14th November,

2023 communicated the Petitioner that e-Stamp Paper attached to the sale deed has lost its validity after lapse of four months, which is not acceptable

by the Sub-Registrar, Jaleswar. Assailing the same, this writ petition has been filed.

4. Mr. Dash, learned counsel further submits that vide order under Annexure-8, this Court directed the Petitioner to produce the R.O.R. deleting the

remarks in Column No.6 of the R.O.R., but the same was not supplied to him. Accordingly, the Petitioner preferred CONTC No.10091 of 2023. After

receiving notice, the Sub-Registrar, Jaleswar vide order dated 9th January, 2024 passed an order recording as under:

“In view of the forgoing discussions and after perusal of all the relevant documents, I, being the Registering Officer, satisfied that the petitioner is entitled to

get relief as opined by the Govt. Pleader, Balasore as the petitioner has been issued with the free hold ROR by the Tahasildar, Jaleswar as an Ex-Serviceman. As

there is no legal Impediment on the part of the petitioner to transfer the schedule land, the petitioner is hereby allowed to transfer the said land if he wishes. Also,

the petitioner is required to present all the relevant documents along with original Sale Deed at the time of Registration of the land in question before the Sub-

Registrar, Jaleswar within a period of two weeks as stipulated by the Hon'ble High Court.

Hence, the direction of the Hon'ble High Court is complied with so also the present writ is disposed off.

5. Since the Sub-Registrar, Jaleswar has already allowed the transfer of the land of the Petitioner, nothing remains to be adjudicated in this writ

petition.

6. Mr. Dash, learned counsel for the Petitioner, however, submits that he shall obtain instruction in the matter.

7. Put up this matter on 21st March, 2024 along with CONTC No.10091 of 2023 indicating the name of learned counsel appearing therein.

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