
(2025) 10 OHC CK 0037

Orissa HC

Case No: Writ Petition (C) No. 29012 Of 2025

Sabitri Moharana

APPELLANT

Vs

State Of Odisha & Another

RESPONDENT

Date of Decision: Oct. 27, 2025

Acts Referred:

- Constitution Of India, 1950 — Article 226, 227
- Orissa Registration Rules, 1988 — Rule 100, 147
- Registration Act, 1908 — Section 71

Hon'ble Judges: Ananda Chandra Behera, J

Bench: Single Bench

Advocate: S. Satapathy, J. Sahoo

Final Decision: Disposed Of

Judgement

Ananda Chandra Behera, J

1. This writ petition under Article 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner praying for directing the District Sub-Registrar, Cuttack (O.P. No.2) to receive the deed of sale (original of Annexure-4) of the petitioner for registration, because, the District Sub-Registrar, Cuttack (O.P. No.2) is not receiving the deed of sale (original of Annexure-4) of the petitioner, which presented for registration. For which, without getting any way, the petitioner has filed this writ petition.

2. Heard from the learned counsels of both the sides.

3. The law is very much clear that, the Sub-Registrar 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 the same.

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 Vs. 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. So, by applying the principles of law enunciated in the ratio of the above decisions and also taking the Rule 147 of The Orissa Registration Rules, 1988 into account, it is felt proper to dispose of this writ petition finally directing the District Sub-Registrar, Cuttack (O.P. No.2) to receive the deed of sale (original of Annexure-4), if presented by the petitioner for registration annexing the certified copy of this Judgment and to act upon the same as per The Indian Registration Act, 1908 and The Orissa Registration Rules, 1988.

If the said deed is registered, then after registration of the said deed of sale, the District Sub-Registrar, Cuttack (O.P. No.2) shall return that sale deed to the petitioner within 3 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.

6. As such, the writ petition filed by the petitioner is disposed of finally.