IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29337 of 2026

CNR No.ODHC010699162026

Sitaya Bag and Others .... ***Petitioners***

Mr. P.K. Nayak, Advocate

-versus-

State of Odisha and Others .... ***Opp. Parties***

Ms. B. Dash, ASC

CORAM:
THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

Order No. **11.09.2026**

01. 1. Heard learned counsel for the Parties.

2. Challenge in this Writ Petition is to the arbitrariness of the authority in refusing to entertain the document for registration for want of a permission of Sub-Collector, Sadar, Sambalpur under Section 22 of the Orissa Land Reforms Act, 1960 (hereinafter referred to as "OLR Act").

3. The background facts of the case are that the Petitioners are the recorded tenants in respect of the land situated at Mouza-Brahmapura, P.S. Burla, P.S. No.15, Tahasil Sambalpur No.208, District Sambalpur, in the Sadar Sub-Registration jurisdiction, bearing M.S. Khata No.32, Plot No.865, area Ac.0.200 dec., Kisam-Gharabari. The aforesaid property is stated to be the self-acquired property of the Petitioners. Being in need of money for their legal necessities, the Petitioners decided to sell the property and agreed to sell the same to Opposite Party No.4. The sale deed having been prepared, the same was presented before the Registering Authority.

However, the Registering Authority, vide Order No.167 of 2026 dated 25.08.2026, refused to register the same on the ground that the document was not accompanied by written permission of the Sub-Collector, Sadar, Sambalpur under Section 22 of the OLR Act. The background facts of the case are that the Petitioners are the recorded tenants in respect of the land situated at Mouza-Brahmapura, P.S. Burla, P.S. No.15, Tahasil Sambalpur No.208, District Sambalpur, in the Sadar Sub-Registration jurisdiction, bearing M.S. Khata No.32, Plot No.865, area Ac.0.200 dec., Kisam-Gharabari. The aforesaid property is stated to be the self-acquired property of the Petitioners. Being in need of money for their legal necessities, the Petitioners decided to sell the property and agreed to sell the same to Opposite Party No.4. The sale deed having been prepared, the same was presented before the Registering Authority. However, the Registering Authority, vide Order No.167 of 2026 dated 25.08.2026, refused to register the same on the ground that the document was not accompanied by written permission of the Sub-Collector, Sadar, Sambalpur under Section 22 of the OLR Act.

4. Learned counsel for the Petitioners submits that the land in question is recorded as “Gharabari” and is situated within the Sambalpur Municipal Corporation, i.e. the urban area. It is further submitted that Mouza-Brahmapura has been included within the larger urban area under the Government notification dated 21.11.2014 and, therefore, in view of Section 73(C) of the OLR Act, permission under Section 22 of the OLR Act was not required. Learned counsel further submits that the Co-ordinate Bench of this Court, in W.P.(C) No.27920 of 2023, in the matter of ***Hemanta Naik & Others v. State of Odisha & Others (and analogous***

matters), directed the Parties, while granting liberty to approach the Competent Revenue Authority, i.e., the concerned Tahasildar, to give an opinion on the usability of the land and finally directed as under:-

> *"18. In the result this court disposes of all the writ petitions granting liberty to each Petitioner to approach the competent Revenue Authority, i.e. concerned Tahasildar to give his opinion on the usability of the land and in such event the concerned Tahasildar is directed to give his opinion in respect of each specific land of respective Petitioners regarding its usability for agricultural purpose any more in the present scenario, within a period of 60 days from the date of application. Depending upon the opinion of the Revenue Authority, the Petitioners are at liberty to approach the registering officer again."*

5. Having considered the submissions made and the materials placed on record, this Court finds that the insistence of the Registering Authority upon production of permission under Section 22 of the OLR Act, at this stage, was not warranted. The land in question is recorded as "Gharabari" and is situated within the notified urban area. The Registering Authority itself has noticed the notification covering the entire village within the urban development area. However, the question as to whether the land is being used, or is capable of being used, for agricultural or ancillary purposes is a matter which, in terms of the decision of the Co-ordinate Bench in ***Hemanta Naik*** (supra), is required to be examined by the competent Revenue Authority. The refusal of registration merely for want of the Sub-Collector's permission, without undertaking such exercise, therefore, cannot be sustained.

6. Having regard to the direction issued by the Co-ordinate Bench in ***Hemanta Naik & Others*** (supra), and with a view to

maintaining consistency in the matter, this Court is of the considered opinion that the Petitioners should first approach the competent Revenue Authority, i.e. the concerned Tahasildar, for an opinion regarding the usability of the specific land in question for agricultural purpose or otherwise. The said exercise shall be undertaken in terms of the direction issued in ***Hemanta Naik*** (supra).

7. Judicial discipline demands that similar matters be dealt with on a similar footing when the direction so passed by the Co-ordinate Bench continues to hold the field. The direction passed in ***Hemanta Naik*** (supra), having not been brought to the notice of this Court as having been interfered with or set aside, deserves to be followed in the present case.

8. In the result, the impugned order dated 25.08.2026 forming part of Annexure-3 series is set aside. The Petitioners are at liberty to approach the concerned Tahasildar, who shall furnish his opinion in respect of the specific land in question regarding its usability for agricultural purpose, within a period of 60 days from the date of such application. Depending upon such opinion, the Petitioners shall be at liberty to approach the Registering Officer again, who shall consider the document for registration in accordance with law.

9. The Writ Petition is accordingly disposed of.

(Chittaranjan Dash)
Judge

Signature Not Verified
Digitally Signed
Signed by: ANANTA KUMAR PRADHAN
Designation: Senior Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 12-Sep-2026 13:41:10