IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29314 of 2026

CNR No.ODHC010699282026

Sakuntala Dharua .... ***Petitioner***

Mr. P.K. Nayak, Advocate

-versus-

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

Ms. A. 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 Petitioner is the recorded tenant irrespective of the land situated at Mouza - Sambalpur Town Unit No. 15 (Ainthapali), P.S. Sambalpur, P.S. No. 12, Tahasil - Sambalpur No. 239, Dist. Sambalpur, bearing No. 559/7779, Plot No.2599/7578, area Ac0.0500 dec, Kisam - Gharabari. Being in urgent need of money to meet the legal necessities, the Petitioner decided to sell the aforementioned property and accordingly, he approached the Opp. Party No.4, who agreed to purchase the said property. The conveyance deed having been prepared for sale of the proposed land, the same was placed

before the Registering Authority. The Registering Authority declined to entertain the document of the Petitioner for registration on the ground that the land in question belong to the Scheduled Tribe Community, and the same cannot be transacted without the written permission of the Sub-Collector, Sadar, Sambalpur, according to Section 22 of the OLR Act.

4. Learned counsel for the Petitioner drew the attention of this Court to the fact that the Kisam land in question, being "homestead" and situated in an urban area, does not come within the purview of Section 22 of the OLR Act, inasmuch as the land, being situated within the Sambalpur Municipal Corporation, is exempted under Section 73(C) of the Orissa Land Reforms Act, 1960. He further submitted 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. Judicial discipline demands that the similar matter be taken in similar footing if the direction so passed by the Co-ordinate

Bench assures the position of law. The direction passed by the Co-ordinate Bench having not challenged by the Government, any further and the same reached finality in all respect there is no fetter on the part of this Court in disposing the present writ application, with a direction that the matter be considered by the appropriate authority in accordance with law, keeping in view the ratio in the matter of ***Hemanta Naik*** (supra).

(Chittaranjan Dash)
Judge

AK Pradhan

Signature Not Verified
Digitally Signed
Signed by: ANANTA KUMAR PRADHAN
Designation: Senior Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 12-Sep-2026 13:41:11