IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29321 of 2026

CNR No.ODHC010699352026

Aswini Kumar Paik .... ***Petitioner***

Mr. P.K. Nayak, Advocate

-versus-

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

Mr. S. Das, AGA

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 in respect of the land situated at Mouza-Raghunathpali, P.S. Burla, P.S. No.6, Tahasil Sambalpur No.178, District Sambalpur, bearing M.S. Khata No.43/207, Plot No.59/484, area Ac.0.080 dec., Kisam-Gharabari. Being in urgent need of money to meet his legal necessities, the Petitioner decided to sell the aforementioned property and accordingly, he approached the Opposite 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, however, declined to entertain the document of the Petitioner for registration on the ground that the land belongs to the Scheduled Caste community and the same cannot be transacted without the written permission of the Sub-Collector, Sadar, Sambalpur, under Section 22 of the OLR Act. The said order of refusal dated 20.08.2026 forms part of Annexure-3 series.

4. Learned counsel for the Petitioner drew the attention of this Court to the fact that the Kisam of the land in question is "Gharabari" and the same is situated in an urban area. It is contended that, in view of Section 73(C) of the OLR Act, the land being situated within the notified urban area is exempted from the purview of the OLR Act and, therefore, permission under Section 22 of the OLR Act was not required. The Government notification dated 21.11.2014, placed on record, includes the area in question within the larger urban area. Learned counsel further relies upon the decision of 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, wherein the Court 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, as a condition for registration, was not warranted. The land in question is recorded as "Gharabari" and is situated within the notified urban area. The refusal order itself proceeds on the basis that the land is Gharabari and that the entire village has been included within the urban area. Thus, the Petitioner was not required to obtain permission under Section 22 merely for the purpose of presenting the document for registration.

6. However, 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 Petitioner may approach the competent authority, who shall examine the specific land in question and furnish an opinion regarding its usability for agricultural purpose or otherwise, in terms of the said decision. The Registering Authority shall thereafter consider the document in accordance with law on the basis of such opinion.

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 view of the foregoing discussion, the impugned order dated 20.08.2026 forming part of Annexure-3 series is set aside. The Petitioner is granted liberty to approach the competent Revenue Authority, i.e. 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 the opinion of the Revenue Authority, the Petitioner shall be at liberty to approach the Registering Officer again, who shall consider the matter in accordance with law.

9. The Writ Petition is accordingly disposed of.

(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 13:41:10