IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29323 of 2026

CNR No.ODHC010699412026

Khira Sagar Majhi .... ***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-Jamada, P.S. Hirakud, P.S. No.9, Tahasil Sambalpur No.170, District Sambalpur, in the Sadar Sub-Registration jurisdiction, bearing M.S. Khata No.56/240, Plot No.1376/2524, area Ac.0.052 dec., Plot No.1376/2527, area Ac.0.050 dec., Plot No.1376/2529, area Ac.0.050 dec., Plot No.1376/2530, area Ac.0.066 dec. and Plot No.1376/2535, area Ac.0.052 dec., all of Kisam-Gharabari. The aforesaid property is stated to be the self-acquired property of the Petitioner. Being in urgent need of money for his legal necessities,

the Petitioner decided to sell the aforesaid property and accordingly agreed to sell the same to one Nilamani Bidyadhar. The sale deed having been prepared, the same was presented before the Registering Authority. However, the Registering Authority, vide Order No.166 of 2026 dated 25.08.2026, refused to register the same on the ground that permission under Section 22 of the OLR Act had not been obtained.

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 lands in question are admittedly recorded as "Gharabari" and are situated within the notified urban area. The Petitioner had specifically relied upon the notification dated 15.01.2015 covering the area within the urban limits. Thus, the Petitioner was not required to obtain permission under Section 22 merely as a condition precedent for presentation of the document for registration.

6. However, having regard to the direction issued by the Co-ordinate Bench in ***Hemanta Naik*** (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 Revenue Authority, i.e. the concerned Tahasildar, who shall examine the specific lands in question and furnish an opinion regarding their 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 the result, the impugned order dated 25.08.2026 forming part of Annexure-3 series is set aside. The Petitioner is at liberty to approach the concerned Tahasildar, who shall furnish his opinion in respect of the specific lands in question regarding their usability for agricultural purpose, within a period of 60 days from the date of such application. Depending upon such opinion, the Petitioner 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

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