



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2759 of 2026

*Subasini Mirdha*

....

*Petitioner  
Represented by*

*Mr. R.K. Agarwal, Advocate*

*-Versus-*

*State of Odisha & Others*

....

*Opp. Parties  
Represented by*

*Mrs. U.R. Padhi,  
Addl. Standing Counsel*

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**23.02.2026**

**Order No.**  
**01.**

1. This matter is taken up through hybrid mode.
2. The petitioner has approached this Court with the following prayer:-

*“It is most respectfully prayed that this Hon’ble Court may graciously be pleased to:- Issue Rule Nisi calling upon the Opposite Parties to show cause as to why an appropriate writ in nature of certiorari/mandamus and or any other appropriate writ/writs order/orders and / or direction should not be passed to register the sale deed at Annexure-3 after setting aside the order dated 17.12.2024 at Annexure-4. If the Opposite Parties fail to show cause or show inadequate or false cause, make the aforesaid rule nisi absolute*

*And/or pass order/orders as the Hon’ble Court may deem just and proper and in order to provide the petitioners complete relief by directing Opposite Party No.3 to consider the case of the petitioner afresh in light of the judgment dated 23.08.2024 passed in W.P. (C) No.27920 of 2023;*

*And/or pass order /orders as the Hon’ble Court may deem just and proper by Directing the Opposite Party No.3 to register the land as per the sale deed;*



*And for this act of kindness the petitioner shall  
as in duty bound ever pray.”*

3. Perusal of the impugned order reveals that the Registering Officer, Sambalpur refused to register the land in question at the instance of the petitioner on the ground that he had not obtained permission from the competent authority under Section 22 of the OLR Act.

4. Mr. Agarwal, learned counsel for the petitioners submits that the land in question is a homestead land and is covered by notification dated 2<sup>nd</sup> November, 2016 of the Housing & Urban Development Department bringing the Mouza in question within the Sambalpur Development area. He cites a judgment passed by this Court in ***Lakshmi Rani Kachhap Vs. The Commissioner-cum-Secy., Rev. & Disaster Management, Bhubaneswar & Others, 2017-(I) ILR-CUT502*** wherein, after referring to Section 22 and Section 73(c) of the OLR Act, this Court held that once the land in question has been converted to ‘homestead’ nature and has been included within the municipal area without any possibility of the same being used for agricultural purposes, permission under Section 22 of the OLR Act would not be necessary.

5. Learned State counsel does not dispute the legal position but submits that the matter may be remitted for fresh consideration by the Registering Officer.

6. After considering the submissions at the bar and on going through the ROR, notification and the impugned order, this Court is of the view that the matter needs fresh consideration in light of the judgment referred above.

7. The writ application is therefore, allowed. The impugned order is set aside. The matter is remitted to the Registering Officer to



consider the application for registration submitted by the petitioner afresh in light of the ratio decided in ***Lakshmi Rani Kachhap(supra)***.

**(Sashikanta Mishra)**  
**Judge**

*Puspanjali*