



**AFR**

**ORISSA HIGH COURT : CUTTACK**

**WP(C) No.11938 of 2024**

An application under Articles 226 & 227 of the Constitution  
of India.

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Puvvala Nageswara Rao

.....

**Petitioner**

*-VERSUS-*

State of Odisha & Others

.....

**Opposite Parties**

***Counsel appeared for the parties:***

For the Petitioner

: Ms.D.Mahapara, Adv.

For the Opposite Parties

: Mr.Gyanalok Mohanty, S.C.

*P R E S E N T:*

**HONOURABLE  
MR. JUSTICE ANANDA CHANDRA BEHERA**

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**Date of Hearing: 19.09.2025 :: Date of Judgment : 19.09.2025**

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**A.C. Behera, J.** This writ petition under Articles 226 and 227  
of the Constitution of India, 1950 has been filed by the



Petitioner challenging the order of refusal of registration passed by the Sub-Registrar, Korapur (O.P. No.4) praying for quashing the same.

**2.** I have already heard from the learned counsel for the Petitioner and the learned Standing Counsel for the State.

**3.** During the pendency of this writ petition, the Petitioner filed a registration appeal under Section 72 of the Indian Registration Act, 1908 before the District Registrar-cum-ADM, Koraput challenging the refusal order of registration passed by the Sub-Registrar, Koraput (O.P. No.4).

**4.** After hearing, that registration appeal was allowed by the District Registrar-cum-ADM, Koraput and refusal order passed by the Sub-Registrar, Koraput (O.P. No.4) was set aside and direction was given to the Sub-Registrar, Koraput (O.P. No.4) for registration of that sale deed. Accordingly, the said sale deed has already been registered by the Sub-Registrar, Koraput (O.P. No.4), but, in spite of registration of that sale deed by the Sub-Registrar, Koraput (O.P. No.4), the Sub-Registrar, Koraput (O.P. No.4) is not returning the said



registered sale deed to the Petitioner on the ground of pendency of this writ petition.

For which, the Petitioner has prayed for withdrawal of this writ petition in order to receive the registered sale deed from the Sub-Registrar, Koraput (O.P. No.4).

**6.** The learned counsel for the Proposed intervener (who has not been impleaded as yet) objected to the aforesaid submissions of withdrawal of the writ petition of the learned counsel for the Petitioner on the ground that, the withdrawal of the writ petition is not permissible only for the reason that, its connected matter vide W.P.(C) No.17935 of 2025 is pending till yet.

The learned standing counsel for the State did not oppose to the aforesaid submissions of the learned counsel for the Petitioner for withdrawal of the writ petition of the Petitioner.

**7.** The law in respect of the withdrawal of the writ petition has already been clarified by the Apex Court in the ratio of the following decision:-



(i) In a case between ***Shiv Prasad Vrs. Durga Prasad and others*** reported in ***AIR 1975 (SC) 957*** in Para No.12 that,

“every applicant has a right to unconditionally withdraw his application and his unilateral act in that behalf is sufficient. No order of the Court is necessary permitting him to withdraw the application. The Court may make a formal order disposing of the application as withdrawn, but, the withdrawal is not dependent on the order of the Court. The act of withdrawal is complete as soon as the applicant intimates the Court that, he withdraws the application”.

**8.** So, by applying the above propositions of law enunciated by the Apex Court to this matter at hand, I find no justification to disallow the prayer for withdrawal of the writ petition of the Petitioner.

**9.** Therefore, the submissions of the learned counsel for the Petitioner for withdrawal of this writ petition filed by the Petitioner is accepted.

**10.** On acceptance of the aforesaid submissions of the learned counsel for the writ petitioner for withdrawal of this writ petition, it is held that, this writ petition is disposed of finally being withdrawn.

***(A.C. Behera),***  
***Judge***

***Orissa High Court, Cuttack***  
***19<sup>th</sup> Of September, 2025/ Binayak Sahoo//***  
Junior Stenographer