



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1382 of 2026

Kalipada Tripathy

.... Petitioner

Mr. Bibekananda Bhuyan, Sr. Advocate
being assisted by Mr. Saswat Kumar Rout, Advocate
-versus-

State of Odisha & others

.... Opp. Parties

Mr. Siba Narayan Biswal,
Additional Standing Counsel
Mr. K.M.H. Niamati, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER

29.04.2026

Order No.

- 03.
1. This matter is taken up through hybrid mode.
 2. Mr. Bhuyan, learned Senior Advocate for the Petitioner submits that the Petitioner has *locus standi* to maintain an appeal as well as the present writ petition as the sale deed has already been executed in his favour.
 - 2.1. He, further, submits that in terms of Section 8 r/w Section 54 of the Transfer of Property Act, 1882, once a sale deed is executed in favour of a person, he acquires title over the said land.
 - 2.2. It, further, appears that in the Column No.1 of the Record of Rights under Annexure-4, the name of Kadam Rasul Bije Daragha Bazar, Cuttack Marphat Bhramar Nayak Oger under B-Register has been recorded.
 - 2.3. Mr. Bhuyan, learned Senior Advocate submits that B-Register is meant for intermediaries only. They cannot be the



owner of the land after enactment of the Orissa Estates Abolition Act, 1951. Thus, the impugned order under Annexure-3 is perverse.

2.4. In view of his submission, the questions that arises for consideration is that whether an intending purchaser has any right to maintain an appeal under Section 74 of the Registration Act, 1908 and whether the Sub-Registrar or Registrar, who are the creatures of the statute, namely Registration Act, 1908 can go into these intricacies at the time of registration of the document. A further question that arises for consideration as to whether the petitioner should have filed a suit under Section 77 of the Registration Act, 1908 or not, in the facts and circumstances of the case. Further, learned counsel should justify his submission that B-Register is only meant for intermediaries.

2.5. Mr. Bhuyan, learned Senior Advocate prays for a short adjournment to answer the aforesaid queries of this Court.

3. Mr. Niamati, learned counsel, shall assist the Court as an Amicus Curiae for adjudication of the writ petition, who submits that the Odisha Board of Wakf is a necessary party to the present writ petition, in view of the observations made in the impugned order under Annexure-3.

4. Put up this matter on 30th June, 2026.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge