

**Government of Odisha  
Revenue & D.M. Department**

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No. RDM-Reg-CASEHC-0004-2014. 34141 /R&DM, Date. 17-11-14

From

Dr. Taradatt. IAS,  
Additional Chief Secretary to Government.

To

All Collectors,  
Inspector General of Registration, Odisha, Cuttack.

**Sub: WP(C) No.9997/2014 – Dhabal Prasad Pradhan Vrs. State and others.**

Madam/Sir,

I am directed to invite reference to the aforementioned subject and to say that doubts have been entertained at certain quarters as to whether the provisions contained in section 22-A of the Registration (Odisha Amendment) Act, 2013 remains valid after the judgement rendered by the Hon'ble High Court in WP(C) No.9997/2014. Section 22-A of the Amended Act interalia provides that the registering officer shall not register any document presented to him for registration unless the transferor(s) produce the record of rights for the satisfaction of the registering officer that such transferor has right, title and interest over the property so transferred. The Amendment has been brought about with a view to check fraudulent transactions of landed property which are taking place in registration offices by some unscrupulous persons.

2. The Hon'ble High Court in its order indicated supra has categorically held that the provision contained in sub-section 2 of Section 22-A of the Act nowhere requires production of record of rights in respect of the land transferred in the name of vendor or transferor. It simply requires production of the records of rights for satisfaction of the registering officer that such transferor has right title and interest over the property so transferred. It is, therefore, crystal clear that if the record of rights does not stand in the name of the transferor, he has to produce documents to the effect that the title flows to him to the satisfaction of the registering officer that the transferor has right, title and interest over the case land.

3. Updation of record of rights is the primary duty of the Tahasildars. Unless mutation is effected in time, it would be difficult to prevent

indulgence of unscrupulous elements in fraudulent transactions. In order to overcome these difficulties and for smooth transaction of landed properties, both the Tahasildars and registering officer may be instructed to follow the guidelines enumerated below:

- (i) Tahasildars should initiate mutation proceedings within 24 hours on receipt of Form No.3 from the Registering Officer and complete the process of mutation including correction of records, issuance of RoRs and uploading in Bhulekh within 90 days in all uncontested cases. In addition to penalty specified in the Odisha Right to Public Services Act, major penalty proceedings will be drawn if any case of delay is found in concluding the mutation process excepting the contested cases.
- (ii) The transferor(s) of land shall produce as far as possible the updated record of rights for the satisfaction of the registering officer that such transferor(s) has right, title and interest over the property so transferred.
- (iii) Where the transferor is an ultimate transferee and where correction of record of rights has not been effected, he may produce the RoRs (which stand in the name of original owner or subsequent transferees) along with all intermittent, registered sale deeds/documents to the satisfaction of the registering officer.
- (iv) Correction of records after the death of recorded tenants in favour of legal heirs must be completed within 90 days and updated RoRs issued to them. In case of urgency in registration of properties jointly held or recorded in the name of the deceased parents, registration may be allowed if all the legal heir(s)/shareholder(s) agree to such transaction.
- (v) Partition of joint holdings under Section 19(1)(c) of the OLR Act should be completed by Tahasildar within 90 days.
- (vi) Sub-Collectors and Collectors should review the progress of all pending cases in monthly revenue review meetings.
- (vii) Complaints/suggestions box may be kept in all Tahasils/Registration Offices to get feedback from the general public and those seeking registration of documents. The complaints and suggestions should be addressed without any loss of time.



(viii) The Registering Officer should carefully examine the documents before registration and avoid rejecting them under flimsy grounds. While verifying documents presented to them, they are to get in touch with Tahasil officials, wherever necessary, access the Bhulekh data and seek clarification from stakeholders.

4. The Registering officers/Tahasildars may be suitably instructed to follow the above guidelines scrupulously.


Yours faithfully,

  
17.11.14

Additional Chief Secretary

**Memo No. 34142 /R&DM, Date. 17.11.2014**


Copy forwarded to all ADM-cum-District Registrars/All Sub-Collectors/ All Tahasildars/All District Sub-Registrars/All Sub-Registrars for information and necessary action.

  
17.11.14

Additional Chief Secretary to Govt.

**Memo No. 34143 /R&DM, Date. 17.11.2014**


Copy forwarded to the Secretary, Board of Revenue, Odisha, Cuttack/ All Departments of Government/ All Heads of Department for information and necessary action.

  
17.11.14

Additional Chief Secretary to Govt.

**Memo No. 34144 /R&DM, Date. 17.11.2014**

Copy forwarded to the Joint Secretary, LR/Joint Secretary, LRGE/ Joint Secretary, CHS/ Joint Secretary, LA/ Under Secretary, IMU Cell/OSD(NRLMP)/ 10 spare copies to Registration Branch / Guard file for information and necessary action.

  
17.11.14

Additional Chief Secretary to Govt.