Board of Revenue, Odisha

Cuttack

(Registration Wing)

No. IX-98/2013 5488 /Regn. Date 28-11-2013

From

Shri Gobinda Chandra Sethy, IAS
Inspector General of Registration, Odisha

To

All Deputy Inspector General of Registration
All District Sub-Registrar
All Sub-Registrar

Sub: Registration of cancellation deed of earlier registered sale deed clarification regarding

Ref: This Directorate Letter No. 3700/IGR dated 23.05.2011 and Memo No. 2951 dated 28.06.2013

Sir/Madam,

In inviting a reference to the letter on the subject cited above, I am to say that Executive instruction was issued by the IGR, Odisha vide letter No. 3700 dated 23.05.2011 regarding registration of cancellation of deed of earlier registered sale deed. The said executive instruction was issued to Registering Authorities to exercise the inherent power of Registering a cancellation deed of earlier registered sale deed which was based on judgment of Andhra Pradesh High Court in the case of Yanala Malleshwari –Vrs.- Smt. Ananthula Sayamma reported in AIR 2007 AP-57.

However, Hon'ble High Court of Orissa in order dated 03.04.2012 passed in W.P.(C) No. 26956 of 2011 have observed as following :

> "..... A sale deed once executed and registered, for consideration evidencing, transfer of title over immovable property sold in favour of the purchaser, in the event, the vendor had no title to the property, it is open to the true owner to challenge the same by filling a property constituted suit before the common law forum for declaring such sale deed as void. Such a sale deed once executed and registered, cannot be cancelled by the unilateral action of

either the vendor or any other person by presenting a deed of cancellation and getting the same registered....."

The Government in Revenue & D.M. Department in consultation with Law Department have decided not to file SLP against the said order of Hon'ble High Court. The copy of letter No. 43974/R&DM dated 22.11.2013 of Govt. in Revenue & D.M. Department is enclosed for your reference.

It is therefore, instructed that the Registering Authorities shall not entertain registration of cancellation deed of earlier registered sale deed henceforth.

This supersedes executive instruction of IGR, Odisha communicated vide letter No. 3700/IGR dated 23.05.2011.

Yours faithfully,

28/11/13

Inspector General of Registration, Odisha

Memo No. 5489 /Regn. Date 28.11.2013

Copy forwarded to the Member, Board of Revenue, Odisha, Cuttack / Addl. Chief Secretary to Government, Revenue & D.M. Department, Odisha, Bhubaneswar for information.

28/11/13

Inspector General of Registration, Odisha

Memo No. 5490 /Regn. Date 28.11.2013

Copy forwarded to all ADM-cum-District Registrars for information and necessary action.

28/11/13

Inspector General of Registration, Odisha