

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) 423/2026 CM(1125/2026)

**ABDUL HAMID FARGADOO AND ...Petitioner/Appellant(s)
ANOTHER**

Through: Ms. Asma Rashid, Adv.

Vs.

**THE INSPECTOR GENERAL OF
REGISTRATON AND OTHERS
(DEPARTMENT OF REGISTRATION).** **...Respondent(s)**

Through:

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDE R
09.03.2026

1. Heard the learned counsel for the petitioners.
2. The case of the petitioners, in nutshell, is that petitioner No. 1 is the lawful owner of a houseboat namely (*Shahzada Deluxe*). That petitioner No. 1, by virtue of a mutual agreement with petitioner No. 2, agreed to sell the said houseboat and petitioner No. 2 agreed to purchase the same, subject to certain terms and conditions. That pursuant thereto, the parties executed a formal sale deed and the requisite stamp duty was duly paid thereon. That thereafter, the said sale deed was presented for registration before the office of respondent No. 3, i.e., the Sub Registrar, Khas-I, Srinagar. That the respondent No. 3 has kept the matter pending without attending to the same in accordance with the provisions of the Registration Act, 1908 (hereinafter referred to as "the Act" for short). That the respondent No. 3 has also made a communication dated 19.02.2026 to the respondent No. 1 seeking clarification with regard to the registration of the document in question. That the Act,

however, contemplates only two courses of action upon presentation of a document for registration:- either to register the same in accordance with law or to refuse the registration by recording its reasons for the same. That the manner adopted by the respondent No. 3 in keeping the matter pending is unknown to the law and dehors the scheme of the Registration Act. That the registration of the document in question pertains to the sale of movable property i.e., a houseboat and the registration thereof is covered under the provisions of Section 18(d) of the Act. That the inaction on the part of the respondent No. 3 amounts to abdication of statutory duty. That the petitioner has no efficacious alternative remedy available in respect of the matter, but to approach this Court in terms of the provisions of Article 226 of the Constitution of India.

3. Heard the learned counsel for the petitioners and considered her submissions.
4. This Court in the facts and circumstances of the case is of the opinion that the matter can be disposed of even at this threshold stage by directing for such an action which the respondent No. 3 i.e. Sub Registrar concerned is otherwise obliged under law to do.
5. The petitioners have sought registration of a sale deed pertaining to movable property, i.e., the houseboat. As per the provisions of Section 18(d) of the Act, registration of instruments (other than wills) which purport or operate to create, declare, assign, limit, or extinguish any right, title, or interest in movable property is optional. Once the petitioners i.e., the seller and the buyer have desired to get the document registered in the office of concerned Sub Registrar, the later has no option, but to attend to the same in accordance with the provisions of the Act, more

particularly covered under Chapters VI and XII of the Act.

6. Admittedly as contended by the learned counsel for the petitioners, once the document is presented to the office of the Sub-Registrar concerned, the authority is left with only two options in terms of the provisions of Chapter XII of the Registration Act, 1908: *“either to admit the document to registration or to refuse its registration in accordance with law”*. It is, however, open to the Sub-Registrar to conduct such enquiry as may be necessary before passing an appropriate order with regard to registration or refusal thereof. In case Sub-Registrar decides to refuse the registration of a document, he has to pass a written order to that effect and has to also subscribe the words “Registration Refused” on the document. The office of the Sub-Registrar can under no circumstances sleep over the matter indefinitely.
7. The respondent No. 3 instead of communicating with the respondent No. 1 had to take assistance from the provisions of the Act itself.
8. For the foregoing discussion, the petition is disposed of with the direction to the respondent No. 3 i.e., the Sub Registrar Khas-I Srinagar to immediately attend to the document in question strictly in accordance with the provisions of the Registration Act, 1908, and pass appropriate orders in the light of the observations made hereinbefore. The respondent No. 3 shall do the needful within a period of one week.

9. ***Disposed of.***

(MOHD YOUSUF WANI)
JUDGE