

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 503 of 2015

- Sanjay Bajpai Son of Shri S.N.Bajpai Aged About 47 years Resident of Exotica, Shankar Nagar, Post & P.S. Shankar Nagar, Raipur (C.G.) Civil & Revenue District Raipur

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Revenue, Mahanadi Bhawan, Mantralya, Naya Raipur
2. The Registrar Under The Registration Act 1908 Raipur
3. The Sub Registrar Raipur

---- **Respondents**

For Petitioner	: Shri B.P. Sharma, Advocate
For Respondent/State	: Shri Gary Mukhopadhyay, Dy. Govt.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

24/03/2015

1. This writ petition is preferred challenging the order passed by the Sub Registrar, Raipur refusing to register the sale-deed presented by the petitioner.
2. Admittedly, such an order is appealable under Section 72 of the Registration Act 1908 (for short, '*the Act*'), therefore, the writ petition is not maintainable.
3. Learned counsel would submit that while passing the order Annexure P/3, the Sub-Registrar has not assigned the reasons, as is required under Section 71 of the Act, therefore, an appeal is not maintainable under Section 72 of the Act.
4. Perusal of the order Annexure P/3 would indicate that the reasons for not registering the sale-deed is mentioned therein. Whether or not such reason is a reason justifiable in law for refusal to register the sale-deed can also be examined by the appellate authority i.e. the Registrar.
5. Learned counsel would also submit that the reference to the previous order

passed by this Court in Annexure P/3 would indicate malafide exercise of power on the part of the Sub-Registrar because neither the Sub-Registrar was party in the earlier proceeding nor anything relating to the previous litigation was informed to the Sub-Registrar, therefore, it is writ large that some third party had intervened and prevailed upon the Sub-Registrar to refuse registration of the sale-deed presented by the petitioner. Since this Court is relegating the petitioner to avail the alternative remedy and the record of the Sub-Registrar is not available, the petitioner would be at liberty to raise this issue before the appellate forum.

6. Accordingly, the writ petition is disposed of with a direction that in the event petitioner prefers an appeal before the Registrar within a period of 15 days from today, the said Registrar shall hear and decide the petitioner's appeal within a further period of one month.

J U D G E