

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1830 of 2015

Kuldeep Singh S/o. Karmadev Singh, Aged About 50 Years R/o. Village Dhanwar, Police Station And Post Basantpur, Tahsil Wadrafnagar, Civil And Revenue District Balrampur Ramanujganj (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Revenue Department, D. K. S. Bhawan, Raipur District Raipur (Chhattisgarh)
2. Collector, Ambikapur, District Surguja (Chhattisgarh)
3. District Registrar (Registry), Ambikapur, District Surguja (Chhattisgarh)
4. Sub- Registrar, Ambikapur, Office Of Registrar, Ambikapur District Surguja (Chhattisgarh)

---- Respondents

Shri Manoj Paranjpe, counsel for the petitioner/s.
Shri B.Gopa Kumar, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/02/2016

A short issue arises for consideration in this petition is whether impugned order dated 21/09/2015 passed by respondent No.2 is within his competence and jurisdiction.

2. The petitioner executed a sale deed in favour of one Premchand and the sale deed was presented before the Registrar, Ambikapur for registration. However, the District Registrar refused to register the same and the petitioner came to know that on 21/09/2015, a direction has been issued by the Collector to the District Registrar to direct Deputy Director posted in Ambikapur not to register any document in respect of immovable property situated outside the revenue district of Surguja.

3. Learned counsel for the petitioner submits that the power, if any, available for registration is with the District Registrar and not with the Collector of the revenue district. Reliance has been placed in the case of **Sanjay Kumar Kada and anr. v. State of Chhattisgarh and ors.** in WPC No.4374/09 passed by this Court on 28/07/2010.

4. On the other hand, learned State counsel opposes prayer and submits that according to the provisions contained in Section 28 of the Registration Act, 1908, the document is required to be presented before the Registrar, within whose territorial jurisdiction, the immovable property is situated. The Collector found that in cases where ban has been imposed by the Collectors of other revenue districts, Surajpur, Balrampur – Ramanujganj, documents in respect of such land are brought for registration before the registering authority at Ambikapur and in order to prevent this mischief committed, Collector has issued the order.

5. Even if it is accepted that the reasons for which the impugned order came to be passed, in view of the decision of this Court in the case **Sanjay Kumar** (supra), it has to be held that the order of the Collector is within the authority and jurisdiction. The reasons which have been assigned in the order perhaps can be a valid consideration for the competent authority i.e. the Registrar, Ambikapur but that could not be a justification to exercise power which the Collector does not pass under the law.

6. In the result, the petition is allowed and the impugned order is quashed. It, however, has to be clarified that if the petitioner presents the document for registration before the Registrar, Ambikapur, it would be open for the Registrar, Ambikapur to exercise his statutory jurisdiction under the provisions of Section 30 of the Registration Act read with Rule 14 of the Registration Rules, 1939.

Sd/-

(Manindra Mohan Shrivastava)
Judge