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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 592/2017

PARVEEN KUMAR

..... Petitioner

Through Mr Roshan Lal Goel and Ms Anju Gupta,
Advocates.

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through Mr Sumit Agarwal, Advocate for
R1 and R2

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.08.2017

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “a) Call for the entire record of the Respondents pertaining to the matter in question.
- b) issue a writ under Articles 226/227 of CONSTITUTION OF INDIA in the nature of mandamus whereby directing the respondents to register the General Power of Attorney presented and submitted on 28.11.2008 at Sr. no. 30092, executed by Ms Nisha Kaushik and Shri Barat Bhushan Kaushik and similarly to register agreement to sell presented and submitted on 28.11.2008 at Sr. no. 30091, executed by Ms. Nisha Kaushik And Shri Barat Bhushan Kaushik (for a sum of Rs.1,65,000/-) in favour of the petitioner and after duly registration thereof, the respondents be directed to hand over the original general power of attorney and agreement to sell to the petitioner pertaining to the one property known as commercial unit/shop no.1, area measuring 6.65 sq. meters (size 6.5 feet x 11 feet) on ground floor without roof rights, part of property no. 293, block D, Pocket 16, sector 7, Rohini, Delhi

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- c) the respondents be also directed to pay a sum of Rs.7 lakhs on account of causing mental agony, pain and suffering, damages, etc. and due to non registration and delivery of the aforesaid original general power of attorney and agreement to sell, to the petitioner.”

2. The petitioner had entered into an agreement to sell and purchase and the seller had also executed a General Power of Attorney (hereafter 'the GPA'). Both the documents were undated but the petitioner had applied for the registration of the said documents on 28.11.2008.

3. The said documents were subsequently registered, however, the originals were not returned to the petitioner. The petitioner claims that he had repeatedly approached the concerned authorities, however, did not receive any response thereto. This led the petitioner to file the present petition, which was moved on 23.01.2017. On that date the counsel appearing for the respondents stated that efforts were being made to trace out the documents in question and the petition was adjourned.

4. On 13.02.2017, this court was informed that the original of the GPA had been traced out and the same was registered on 07.02.2017 and the original of the GPA was returned to the petitioner. However, original of the agreement to sell could not be traced. In the aforesaid circumstances, this court directed that certified copy of the agreement to sell be handed over to the petitioner and the sub-registrar was directed to file an affidavit with regard to the steps taken by the sub registrar to ensure safety and preservation of the records of the office of sub registrar.

5. In terms of the aforesaid order dated 13.02.2017, respondent no.2 has filed an affidavit indicating that efforts were made to trace out the

documents in question, however, original agreement to sell was still untraceable. respondent no. 2 has also affirmed that the office of the sub-registrar has passed an order to prepare the list of loose documents and place them in concerned volumes.

6. The respondents shall ensure that necessary steps are taken to preserve all documents as available. It is difficult to countenance loss of documents from the office of a registering authority.

7. Insofar as the petitioner is concerned, no relief can be granted to the petitioner since document in question is not traceable. In the aforesaid circumstances it is directed that the certified copy of the original agreement to sell, which was issued to the petitioner on 14.02.2017, be treated as original for all intents and purposes in future. The sub registrar office shall not issue any further copies of the said documents without appropriate orders passed by any court. This is to ensure that multiple certified copies are not available so as to ensure the sanctity of the certified copy already handed over to the petitioner.

8. This court is not inclined to direct payment of any compensation as it is apparent that the petitioner has also been lax in taking steps for return of the original documents: the documents were handed over for registration on 28.11.2008 and the present petition has been filed belatedly almost nine years later.

9. The writ petition is disposed of.

10. Order *dasti*.

VIBHU BAKHRU, J

AUGUST 11, 2017/pkv