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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5023/2017

MALTI DEVI

..... Petitioner

Through: Mr. Yogesh Saini, Advocate.

versus

SUB-REGISTRAR VI-B, (NARELA)

..... Respondent

Through: Mr. Devesh Singh, ASC (Civil), GNCTD
with Ms. Neelam Kholiya, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **13.09.2017**

1. The petitioner has filed the present petition, *inter alia*, impugning the orders dated 24.08.2015, and 21.04.2017, passed by respondent Nos.1 and 2 respectively. The petitioner was desirous of registering a sale deed and, Special Power of Attorney which was executed in his favour by several parties in respect of a share in an agricultural land, situated in the revenue estate of Village Sunger Pur, Tehsil Alipur, District North, Delhi.

2. The said sale deed was presented for registration on 05.08.2015. The sale deed was not registered and respondent No.1 (Sub-Registrar) issued a memo dated 10.08.2015 pointing out the following deficiencies :

1. *Provide the Original PAN Card of Purchaser.*
2. *NOC is not tallied from the above sale deed numbered documents.*

3. Aggrieved by the same, the petitioner preferred an appeal under Section 72 of the Registration Act, 1908, *inter alia*, raising several grounds including that the petitioner was not provided a reasonable opportunity of being heard. The petitioner also pointed out that the issue regarding difference in the NOC and the sale deed, had been resolved and, a rectified NOC has been issued by the concerned revenue authority.

4. The petitioner's appeal was also rejected by the impugned order dated 21.04.2017, passed by the Deputy Commissioner/Registrar, *inter alia*, on the ground that the petitioner had neither removed the deficiency nor requested for extra time from the Sub-Registrar to do so. The appeal was also dismissed on the ground that it was filed beyond the period of prescribed time.

5. The learned counsel appearing for the petitioner states that he has submitted the rectified NOC as well as a copy of the PAN card and, therefore, his sale deed ought to be registered.

6. A perusal of the impugned order dated 21.04.2017 indicates that respondent No.2 has not specifically dealt with the petitioner's contention that he was not given any opportunity to be heard. The petitioner also contended that non-availability of a PAN Card could not be taken as a material ground to reject registration of the sale deed.

7. Without going into the aforesaid questions, it is apparent that since the petitioner has now produced his PAN Card and the NOC has also been rectified, the deficiencies pointed out by the Sub-Registrar

have been removed.

8. In the circumstances, the present petition is disposed of by directing the Sub-Registrar to examine the sale deed afresh and, if it is in order, to register the same. In the event the Sub-Registrar finds any further deficiency, he shall communicate the same to the petitioner and provide sufficient time to the petitioner to rectify the same.

VIBHU BAKHRU, J.

SEPTEMBER 13, 2017
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