

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP No. 4940 of 2016**

**Date of Decision: 07.11.2019**

Gobind Narayan Gautam

...Petitioner

Vs.

The Deputy Commissioner-cum-Registrar and others

...Respondents

**CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA**

Present: None for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

**RAJIV NARAIN RAINA, J. (Oral)**

1. The petitioner's application for registration of sale deed presented before the Sub Registrar, Rewari has been declined by the order 20.06.2012 on the ground that the property relating to the sale deed was the property belonging to a Dharamshala and should not be transferred to private ownership. He was unable to satisfy the Sub-Registrar regarding title of that property.

2. Aggrieved by the order of the Sub Registrar, an appeal was carried to the Deputy Commissioner exercising powers of the Registrar under the Indian Registration Act, 1899. The case in appeal set up was that the appellants ancestors have been using the property as a private Dharamshala. The property was said to have been let by the petitioner's father on rent to one Kishori Lal who ran a school in the premises. The rent agreement was placed on file. There was also the

office of Block Education Officer, Khol housed from the year 1971 to 2008 in the building in the disputed property. Many tenants were using parts of the property in their possession.

3. State contested the case. The Appellate Authority found, among the other facts verified by the Circle Patwari, a report dated 11.07.2014. As per the records of the Municipal Council Rewari this property is situated in a residential area of Rewari and in the column of ownership it is mentioned 'Dharamshala'. The existing site is described as property House Tax 7354 Vaseeka No. 2255 and there are two Gumbaz and beneath one of them there is a Shivling, whilst the other has a statue of Radha-Krishan. On such material, the Registrar concluded that there is a historic temple on the site where people worship. No evidence of ownership of the property was produced before the authorities below which could prove that this is a private property of the ancestors of the claimants. On the basis of the weak evidence, the appeal was dismissed on 05.08.2014

4. The writ has been filed assailing both the orders. None appeared for the petitioner on the last date of hearing and the position is no better today. No pass over is sought by anyone on behalf of the petitioner or counsel. State is prepared with its arguments.

5. Heard learned State counsel and perused the file and the impugned orders and on going through them with the assistance of the Law Officer together with the records placed on file, I find no legal

infirmity in the order passed by the Sub Registrar, Rewari and the Appellate Authority/Deputy Commissioner and Registrar, District Rewari warranting interference in writ jurisdiction. It has been mentioned in the order of the Appellate Authority that a civil suit is pending in the Civil Court. If this suit relates to the property and is pending and the parties are disputants and the suit is a title suit, and the cause of action is similar to what has been claimed in this petition, then, the suit may be taken to its logical end without the trial court being influenced by this order as it is not a final expression on the merits of the case. What this order only means is that this is not a fit case for interference on disputed questions of facts in writ jurisdiction.

6. Accordingly, the petition is disposed of.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**07.112019**

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*Whether speaking/reasoned :* Yes  
*Whether reportable :* Yes/No