

\$~26

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

+ W.P.(C) 1156/2019

ASLAM MALIK

..... Petitioner

Through: Mr Satyabrata Panda, Advocate.

versus

GOVERNMENT OF NCT OF DELHI AND
ANR.

..... Respondents

Through: Mr Ramesh Singh, Standing Counsel,
GNCTD with Mr Chirayu Jain,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

05.02.2019

CM No. 5223/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 1156/2019 & CM No.5222/2018

2. The petitioner has filed the present petition impugning an order dated 09.01.2019, whereby the registration of Sale Deed presented in the office of the Sub-Registrar has been declined. The said impugned order indicates that the registration of the documents has been declined as the property sought to be transferred is located in an unauthorized colony, which is yet to be recognised.

3. The learned counsel appearing for the petitioner has impugned the said order, essentially, on two grounds. First, he submits that the certificate under Section 60 of the Registration Act, 1908 had been issued and the

document in question had been registered. He submits that after the document had been registered, the Sub-Registrar would have no authority to cancel the same. He has also drawn the attention of this Court to page 28 of the petition which, *prima facie*, indicates that the document was registered and cancelled subsequently.

4. Second, he submits that the registration of a document cannot be declined on the ground of location of the property. Mr Ramesh Singh, learned counsel appearing for the respondents submits that the said registration has been declined pursuant to the guidelines issued by the Inspector General under Section 69(j) of the Registration Act, 1908 read with order of the Principal Secretary dated 04.05.2010.

5. *Prima facie*, the aforesaid contention appears to be unpersuasive, since Section 69 of the Registration Act, 1908 only enables the Inspector General to make Rules consistent with the Act. Further, clause (j) of Section 69 of the Registration Act, 1908 only enables the Inspector General to make Rules regarding proceedings of the Registrar and Sub-Registrar.

6. Issue notice. Learned counsel for the respondents accepts notice and seeks time to file a counter affidavit. Let the reply be filed within a period of three weeks from today. Rejoinder, if any, be filed within a period of two weeks, thereafter.

7. List on 26.07.2019.

VIBHU BAKHRU, J

FEBRUARY 05, 2019
MK