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

+ W.P.(C) 3655/2013

SHIV KUMAR

..... Petitioner

Through: Mr Rohit Kumar Modi, Advocate.

versus

SUB-REGISTRAR VI-A & ORS.

..... Respondents

Through: Mr Zahid Hanief, Advocate for Mr
Naushad Ahmed Khan, ASC, Civil,
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.04.2019

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 13.08.2012 passed by respondent no.1 (the learned Sub-Registrar VI-A) and an order dated 30.11.2012 passed by respondent no.2 (the Deputy Commissioner (Revenue) (North-West)) declining the petitioner's request for registration of an agreement to sell and purchase relating to property bearing Flat No. F-004, Ground Floor, HIG Category located in Layout Plan of Jhule Lal Sindhu Nagar, Co-Op Group Housing Society, Road No. 44, Pitampura, Delhi – 110034.
2. The plain reading of the impugned orders indicates that the petitioner's request was rejected in view of the decision of the Supreme Court in Suraj Lamp and Industries Pvt. Ltd. v. State of Haryana and Anr.: Special Leave Petition (Civil) No. 13917/2009, rendered on 11.10.2011.
3. The petitioner contends that the said decision is only prospective and

the documents in question were presented for registration on 10.02.2010, which is prior to the decision in the case of ***Suraj Lamp (supra)***. It is further contended on behalf of the petitioner that an agreement to sell is now mandatorily required to be registered and, therefore, the petitioner's request of registration of the said document could, in any event, not be denied. It is further pointed out that in a similar case (***Veena Bansal v. Sub-Registrar VI-A and Ors.: W.P.(C) 4327/2013***), the respondent had examined similar documents and had voluntarily registered the same.

4. The learned counsel appearing for the respondents states that the genuineness of the document had not been examined and the matter be remanded to the concerned authorities for deciding it afresh.

5. In view of the above, the impugned orders are set aside and the Sub-Registrar is directed to examine the petitioner's request for registration afresh and also afford the petitioner an opportunity to be heard. In the event respondent no.1 is of the view that the petitioner's request for registration is required to be denied, respondent no.1 shall pass a speaking order dealing with the contentions advanced by the petitioner and indicating the reasons for his decision.

6. The petition is disposed of in the above terms.

VIBHU BAKHRU, J

APRIL 22, 2019
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