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

+ **W.P.(C) 8112/2018 & CM APPL. 31132/2018**

ZAMIR AHMED

.....Petitioners

Through: Mr. N. S. Dalal, Ms. Nidhi Dalal, Mr. Alok Kumar, Ms. Rachana Dalal, Ms. Sweta Kadyan, Mr. Karan Manu and Mr. Kunal Narwal, Advs.

versus

DELHI WAKF BOARD

.....Respondent

Through: Ms. Farhat Jahan Rehmani, ASC with Mr. Monis Faridi, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

30.08.2024

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1. The instant writ petition seeks to assail the order dated 19.07.2018 passed by the District Magistrate, South, M.B. Road, Saket, New Delhi, whereby, while exercising the power under Section 72 of the Registration Act, 1908 (hereinafter "Registration Act"), the concerned District Magistrate cancelled the sale deed dated 16.02.2016 executed by the petitioner *vide* registration No.831 in additional book No.1, Volume No.1314 from pages 192 to 198 in favour of Shri Ram Hospitality Pvt. Ltd. in respect of the property No.230 situated outside Dargah Roshan, Chirag Delhi, New Delhi.
2. Learned counsel appearing for the petitioner while placing reliance on a decision passed by this Court in the case of *Areness Foundation v.*



Government of NCT of Delhi and Anr.¹, makes a solitary submission that the concerned District Magistrate is not entitled to cancel the sale deed duly registered under the provisions of the Registration Act.

3. He draws the attention of this Court to paragraph No.18 of the said decision, which reads as under:

“18. Suffice to say in view of the law laid down by the Supreme Court in Satya Pal Anand (supra) it must be held that Registrar has no powers under Section 82 of the Registration Act nor can invoke Section 21 of the General Clauses Act, to annul a registration of a document. Accordingly, the circular dated July 13, 2016 to the extent it empowers the Registrar to annul a registered document is ultra vires the Registration Act, 1908 and is set aside.”

4. Learned counsel appearing for the respondent, however, strongly opposes the submissions and she submits that the petitioner was not authorised/entitled to execute the sale deed in question. According to learned counsel, the petitioner has fraudulently and illegally executed the sale deed and therefore, if the power has been exercised by the District Magistrate, no fault can be found therein. She further submits that even otherwise, the respondent has already instituted a civil suit for cancellation of the sale deed in question before the Waqf Tribunal in suit being ML No.6 of 2018.

5. Having considered the submissions made by learned counsel appearing for the parties, the Court is of the considered opinion that the concerned District Magistrate is not vested with the power under Section 82 of the Registration Act to annul registration of a document as has been held by this Court in the case of ***Areness Foundation (supra)***.

6. So far as the grievance raised by the respondent with respect to the entitlement of the petitioner to execute the sale deed and otherwise is

¹ 2018:DHC:6820-DB



concerned, since the same is the subject matter of a pending dispute before the Tribunal, therefore, the Court, at this stage, is not required to adjudicate the aforesaid controversy in detail. However, the Court leaves it open for the parties to raise their grievance before the concerned Tribunal.

7. Reserving that right and liberty in favour of the parties to contest on merit, the Court finds that the directions passed by the concerned District Magistrate annulling the sale deed dated 16.02.2016 is *de hors* the provisions of law.

8. Accordingly, the same stands set aside. The petition stands disposed of alongwith the pending application.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 30, 2024/p