



CWP-16968-2025

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

(113)

CWP-16968-2025

Date of Decision : 01.07.2025

Ranjit Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajesh Lamba, Advocate and
Mr. Abhinav Kaushik, Advocate
for the petitioner.

Mr. Bhupender Singh, Additional AG, Haryana
for respondents No.1 and 2.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, cast under Articles 226 of the Constitution of India, a challenge is thrown to the order dated 14.05.2025 (Annexure P-6), as passed by the Joint Sub-Registrar, Ballabhgarh (respondent No.2), wherethrough, the registration of the sale certificate has been denied, firstly, due to lapse of time for presenting the documents, and secondly, on account of the dispute regarding possession of the property.

2. Learned counsel for the petitioner submits that the impugned order dated 14.05.2025 (Annexure P-6), is not only perverse, but also an example of colourable exercise of administrative powers. He further submits that earlier the Joint Sub-Registrar concerned, was not entertaining the sale certificate, for the purpose of registration, which propelled the finance company, to approach this Court, by filing a CWP-20423-2023, seeking a mandamus upon the Sub-Registrar, to decide the issue of registration of sale



certificate.

3. Since it was the act of Joint Sub-Registrar concerned, who was not earlier entertaining the sale certificate of the petitioner, and now, he cannot pass a *quasi* judicial order, by invoking the delay clause against the present petitioner. He further submits that the ground for refusal to register the document, is duly envisaged under Section 35, which is to be read in conjunction with Section 71 of the Registration Act, 1908, and the collective reading of these two provisions, clearly reflect that if there is any dispute regarding the possession, the Sub Registrar, is not empowered to refuse the registration of the sale certificate.

4. Before embarking upon the submissions, as made by the learned counsel for the petitioner, this Court has confronted the learned counsel for the petitioner regarding the provision of statutory appeal, as envisaged under Section 72 of the Registration Act, 1908.

5. Learned counsel for the petitioner fairly concedes that the petitioner has statutory remedy of appeal, and the same has not been availed by the petitioner, as on date. He further submits that the petitioner may be relegated to the learned statutory/appellate authority concerned, for redressal of his grievance, as sought through the instant petition.

6. In view of the above fair submission, as made by the learned counsel for the petitioner, this Court deems it apt to relegate the petitioner to file a statutory appeal before the learned Appellate Authority/Registrar concerned.

7. Furthermore, in case, the petitioner prefers an appeal before the learned Appellate Authority concerned, within a period of 20 days from the date of receipt of certified copy of this order, with an application for



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condonation of delay, the latter shall, decide the application for condonation of delay, while taking into account the fact that the petitioner has approached this Court, at the first instance by filing the instant petition, and other mitigating circumstances. Further, a mandamus is also passed upon the learned Appellate Authority concerned, to decide the appeal, most expeditiously, preferably within a period of one month, thereafter.

8. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

July 01, 2025
Manpreet

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