



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

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*Reserved on: 14th August, 2025
Pronounced on: 22nd August, 2025*

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W.P.(CRL) 1073/2021 & CRL.M.A. 17065/2021

SUNIL KUMAR DAWAR

S/o late Shri Amarnath Dawar
R/o K-33, IInd Floor,
Punjabi Bazar, Kotla Mubarakpur,
New Delhi-110003.

.....Petitioner

Through: Mr. Sagar Shivam Jaiswal, Advocate.

versus

1. **DISTRICT MAGISTRATE**

District South-East
Revenue Department,
Government of NCT of Delhi,
Old Gargi College Building,
Lajpat Nagar-IV,
New Delhi-110024.

2. **INSPECTOR GENERAL OF REGISTRATION**

Registration & Stamp Branch,
Government of NCT of Delhi
Office at: 5 Sham Nath Marg,
Delhi-110054.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.) with
Mr. Alok Sharma, Advocate for the
State. Mr. Arpit Sharma, Advocate for
R3.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T



NEENA BANSAL KRISHNA, J.

1. Writ Petition under Article 226 Constitution of India has been filed on behalf of the Petitioner for directing Respondent No.1/District Magistrate to quash the impugned Order dated 24.03.2021 and to direct the Respondents to conduct an Enquiry against Sanjeev Dawar, Sanjeev Yadav and Rajender Pal Dawar under Section 82 and 83 Registration Act, 1908.
2. ***Briefly stated***, the Petitioner Sunil Kumar Dawar purchased property No.K-58, Punjabi Bazar, Kotla Mubarakpur, New Delhi admeasuring 37 sq. yards comprising of Ground Floor, First Floor, Second Floor and Terrace on the basis of registered Will dated 15.01.1990 in favour of Late Amar Nath Dawar and General Power of Attorney dated 15.01.1990. Shri Amarnath Dawar died on 05.04.1996 and was survived by Smt. Kaushalya Devi Dawar, his wife; Sunil Kumar Dawar, Rajender Pal Dawar and Sanjeev Kumar Dawar, the three sons and Usha Kamra and Rekha Dua, the two daughters and Amit Chanana grandson of deceased daughter Late Smt. Veena Chanana.
3. Immediately after the death of Sh. Amarnath Dawar, Rajender Pal Dawar, the elder son started fighting with other legal heirs and asserted that Late Amarnath had left a Will dated 25.03.1996 in his favour. After various meetings between the legal heirs, it was conceded by Rajender Pal Dawar that Will dated 25.03.1996 was not left by Shri Amarnath Dawar. Consequently, all the legal heirs settled their disputes by entering into a *Family Settlement dated 10.06.1996 with respect to the property in question*. This Settlement was recorded on a piece of paper and was agreed to be acted



upon in future as they had to perform the obligation of delivering physical vacant possession of the properties of deceased, in different stages amongst each other.

4. After taking part benefit from the Family Settlement, Rajender Pal Dawar repudiated it and filed **Probate Case No.291/1996** in respect of the Will dated 25.03.1996, on 14.08.1996. He was supported by Sanjeev Kumar Dawar, but was opposed by other legal heirs.

5. On 04.09.1996, Sunil Kumar Dawar along with his mother filed a Suit bearing *CS No.2160/1996 for Partition, Possession and Permanent Injunction* before this Court in terms of the Family Settlement dated 10.06.1996 or else for partition of the property by metes and bounds. Written Statement was filed by Sanjeev Kumar Dawar on 28.01.1997, where he denied the Family Settlement dated 10.06.1996.

6. Subsequently, vide Order dated 27.03.2006 a Civil Suit was dismissed for want of prosecution on account of miscommunication and inadvertence. The Probate Case filed by Rajender Pal Dawar also got dismissed in default vide Order dated 01.12.2000.

7. Observing suspicious conduct of Rajender Pal Dawar, the Petitioner obtained the certified copy of the Probate Petition and got the opinion from the independent Handwriting Expert. He was shocked to know that the signatures of his father on the Will were fabricated. He got **FIR No.435/2003** registered against Rajender Pal Dawar. It is asserted that Sanjeev Kumar Dawar was in possession and occupation of the suit property, without effecting partition.



8. In the year 2018-19, in the light of multiple cases pending between Rajender Pal Dawar and Petitioner, Rajender Pal Dawar engaged Shri Sanjeev Kumar Yadav, Advocate.
9. On 06.02.2019 the Petitioner came to know that Sanjeev Kumar Yadav, Advocate in connivance with Rajender Pal Yadav was trying to dispose of the Suit property. On 23.03.2019 a ***fresh Suit No. CS DJ 254/2019 for Partition, Possession and Permanent Injunction*** was filed by Sunil Kumar Dawar, before learned ADJ. The Notices were issued upon the defendants on 07.05.2019 and one the same day without taking consent of the Petitioner and other legal heirs, a Sale Deed of Suit property was surreptitiously executed by Sanjeev Kumar Dawar in favour of Sanjeev Kumar Yadav, Advocate. The Sale Deed was executed at the back of the Petitioner, about which he had no knowledge.
10. On 06.01.2020, all the Defendants appeared in the Suit for Partition, but Sanjeev Kumar Dawar was proceeded ex-parte. Sanjeev Kumar Yadav who was representing Rajender Pal Dawar, did not inform the Court about the execution of the Sale Deed in his favour.
11. On 25.10.2021 the Petitioner came to know that the Suit property was in possession of some goons who illegally occupied the Ground Floor and First Floor of the Suit property. The Petitioner filed Complaint dated 26.10.2020 with SHO, P.S. Kotla Mubarakpur. Further enquiry revealed that Sanjeev Kumar Dawar had illegally sold the property to Sanjeev Kumar Yadav.
12. On 18.11.2020 he inspected the records in the Office of Sub-Registrar-V, Lajpat Nagar and applied for the certified copy of the Sale



Deed dated 07.05.2019. He got the certified copy on 01.12.2021 which confirmed the sale by Sanjeev Kumar Dawar. It was also revealed that the said Sale Deed had been executed on the basis of sham statements and false admissions.

13. It is claimed that Sanjeev Kumar Dawar in his **Written Statement** filed in CS(OS) 2160/1996 had denied the Family Settlement dated 10.06.1996, while on the other hand he effected the Sale Deed by stating himself to be sole and absolute owner of the Suit property.

14. It is explained that the Sale Deed had been effected on the basis of the oral Settlement dated 10.06.1996, which though was executed between the parties, but was never acted upon by the legal heirs of Late Shri Amarnath Dawar.

15. The Petitioner filed on 15.12.2020 **CS SCJ 1341/2020** against Sanjeev Dawar and Sanjeev Yadav seeking *Declaration of Sale Deed dated 07.05.2019 as null and void and its Cancellation*, before learned Civil Judge, Delhi.

16. On the same day, he made a **Complaint to Sub-Registrar V(I), Lajpat Nagar** apprising him of the fraudulent registration of the Sale Deed dated 07.05.2019 and requested for an inquiry under Section 81 and 82 of the Registration Act, 1908 in terms of the Circular number F.1(92)/Regn.Br./Div.Comm./HQ/2012/PF-II/1196 issued by Registrar, Registration and Stamp Branch, Govt. of NCT of Delhi.

17. The Petitioner appeared before learned Registrar, Lajpat Nagar, New Delhi on 23.12.2020 and informed him about the fraudulent registration of Sale Deed dated 07.05.2019 and prayed for action to be taken. He also



lodged a Complaint with Inspector General of Registration and to the learned District Magistrate, South-East District, Delhi in this regard.

18. On 18.02.2021 the Petitioner received a Letter dated 25.01.2021 addressed to DM, South-East District by Inspector General of Registration, Delhi requesting him to look into the matter and submit the Action Take Report within ten days. The officials of Respondent No.1 informed in the Letter received by the Petitioner on 24.03.2021 that there were no powers conferred under the Registration Act, to annul the registration of an instrument.

19. The Petitioner is aggrieved by the inaction of the Respondents and has thus, submitted the Petition for directions to the Respondents to conduct an inquiry and register an FIR against Sanjeev Kumar Yadav, Sanjeev Kumar Dawar and Rajender Pal Dawar.

20. ***Learned counsel on behalf of the Respondents*** have contended that there are no powers with the Registrar under Section 81 and 82 Registration Act to cancel the Sale Deed duly registered in their Office. Reliance has been placed on *Areness Foundation vs. Government of NCT of Delhi and Ors.* W.P (C) 9123/2018 decided by this Court on 22.10.2018.

Submissions heard and record perused.

21. Pertinently, the property in question was owned by late Shri Amarnath Dawar, the father of the Petitioner herein. After his demise, the elder brother Rajender Pal Dawar claimed to be the sole owner of the property by virtue of a Will dated 25.03.1996 of his father. However, there were disputes inter-se the parties, which ended in a Settlement dated 10.06.1996, but was not fully complied with. Thereafter, various litigations



were initiated inter-se the parties. Eventually, the Sale Deed dated 07.05.2019 got registered by Sanjeev Kumar Dawar in favour of Sanjeev Kumar Yadav, his Advocate.

22. The Petitioner has already filed a Suit for Declaration and Cancellation of the Sale Deed which is pending before the Court of learned Civil Judge. Simultaneously, he has sought the cancellation of the Sale Deed under Section 81 and 82 of the Registration Act, by virtue of the Circular dated 13.07.2016. In this Circular, a procedure was prescribed to consider the Complaint in regard to the fraudulent registration. It stated that an inquiry be held following summary procedure and if the registration is found to be fraudulent, the entry be made in the Register to the effect that *“registration annulled as per the proceedings of the District Registration and shall have the same effect as prescribed under Section 49 of the Registration Act.”*

23. Additionally, on receiving the Order of District Registrar, the Registering Officer shall immediately file the FIR and make enquiry as stated in Index-II without any loss of time. This Circular while was well intended to address the grievance of the parties from being driven to challenge the fraudulent registrations in the Civil Court which was considered as double jeopardy. Resorting to Section 83 Registration Act, this Circular was issued giving powers to the Registrar to conduct an enquiry and to make the consequent Orders.

24. The aspect of cancellation of a Sale Deed made fraudulently, was considered in the case of Satya Pal Anand vs. State of Madhya Pradesh (2016) 10 SCC 767, wherein it was observed that the role of Sub-Registrar



(Registration) stands discharged, once the document is registered. Section 17 of the Registration Act, 1908 deals with documents which requires compulsory registration. ***There was no provision in the Act which empowers the Registrar to recall the registration.*** The fact whether the documents was properly presented for registration, cannot be re-opened by the Registrar, after the document is registered. The power to cancel the registration is a substantive matter and in the absence of any express provision, this power cannot be assumed by the Sub-Registrar. Similarly, the power of Inspector General is limited to Superintendence of Registration office and to make rules in that regard. Even the Inspector General has no power to cancel the registration of any document which has already been registered.

25. This aspect was also considered by the Full Bench in Yanala Malleshwari vs. Ananthalu Sayamma 2007 (6) ALT 523., wherein the Apex Court observed similarly that there are no powers with the Registrar to cancel the registration of a document. If there is some irregularity in the procedure committed during the registration process, it would not lead to an fraudulent execution and the registration of document, is a mere irregularity. ***The party aggrieved by such registration of document, can challenge its validity before the Civil Court.***

26. The aforesaid judgment was followed by the Co-ordinate Bench of this Court in the case of Areness Foundation (supra) and it was reiterated that there are no powers with the Registrar under Section 82 Registration Act or under Section 21 General Process Act, to annul the registration of the document. Consequently, Circular dated 13.07.2016 to the extent of



empowering the registered documents to be declared ultra virus after its registration, was set aside.

27. In the present case, it is not denied that Sanjeev Kumar Dawar was one of the legal heirs of the Suit property and the Sale Deed so executed by the Sub-Registrar, has already been challenged by way of a Civil Suit. There are no powers with the Registrar under Section 81 or 82 Registration Act to hold an enquiry or to make an endorsement in the Register that the said document is annulled as it was fraudulent.

28. In view of the clear provisions of law and also the aforesaid judgments, it is hereby held that no such directions as sought by the Petitioner can be granted.

29. The Petition is without merit and is hereby, dismissed.

30. The Petition is accordingly disposed of along with pending Application(s), if any.

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 22, 2025

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