Supplementary List
Serial No. 163

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 3388/2026
CM No. 7530/2026

Bharti Sethi & Anr.

.....Petitioners

Through :- Mr. Sunil Sethi, Sr. Advocate with
Mr. Gulbaz Sheikh, Advocate

v/s

UT of J&K & Ors.

.....Respondents

Through :- Mrs. Monika Kohli, Sr. AAG with
Ms. Nazia Fazal, Advocate

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
27.10.2026

1. The registration of document/s before the registering authorities in the UT of J&K under the Registration Act, 1908 more often is becoming a baneful experience for the parties to the document seeking registration constraining them to approach this Court under judicial review jurisdiction so as to earn a direction for course correction on the part of the faultering registering authority/ies having refused the registration on one pretext or other without proper legal basis. Present case is an exhibit of said baneful experience of the petitioners.

2. The two petitioners, by virtue of a sale-deed dated **24.12.2013,** came to purchase ownership rights of a residential apartment in Shantikunj Apartments, Sunjwan and apartment so purchased being **Flat No. 101, Block B, Ist Floor**.

3. The developer of said Shantikunj Apartments is M/s Muqudar Development Corporation which, acting through its proprietor Ravinder Sawhney, had executed the sale-deed as vendor.

4. The existence of Shantikunj Apartments is said to be at the site of parcel of land measuring **10 kanals** in khasra **No. 773** min in mouza Sunjwan, tehsil & district Jammu which parcel of land had been sold to be acquired by the owners of the time which came to bear proper mutations **Nos. 420/Jeem dated 10.02.2026**, **419/Jeem** dated **10.02.2006**, **443/Jeem** dated **28.03.2006** & **442/Jeem** dated **28.03.2006**.

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5. The construction and development of the Shantikunj Apartments at the site of said 10 kanals parcel of land came to take place on the basis of building sanction **No. CTP/BPC/RB/CV/232-33** dated **03.03.2008** granted by the Jammu Development Authority (JDA).

6. Upon purchasing said Flat No. 101, Block B, Ist Floor, the petitioners are said to have developed said semi finished flat in

terms of its renovation and completion by financial investment of their own to the extent of availing financial assistance from the Central Bank of India to whom the two petitioners had come to mortgage very said Flat in terms of mortgage-deed dated **01.01.2014** which was duly registered instrument under the then J&K Registration Act, Svt. 1977 which is *pari materia* with the Indian Registration Act, 1908 now in force.

7. Both the petitioners, in exercise of their constitutional right vis-à-vis their holding of the property in flat No. 101, Block B, Ist Floor in Shantikunj Apartments desired to alienate said very flat by way of a sale-deed dated **27.07.2026** executed by them in favour of Pritha Khullar for agreed sale consideration.

8. Upon execution of said sale-deed, the same came to be submitted by the petitioners for registration which was submitted Online under Token **No. 202600053440** but came to suffer its refusal from the respondent- Sub-Registrar, Jammu South.

9. In connection with the presentation of their sale-deed dated **27.07.2026** for registration purposes, all legal requisites in terms of the payment of stamp duty admissible on the sale consideration, registration fees ID proofs etc., stood paid and done by reference to the sale-deed so executed by the petitioners in favour of the vendee-Pritha Khullar.

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10. The reason for the refusal of registration of said sale-deed by the respondent – Sub Registrar, Jammu South is by reference to kind of soil being khad and, as such, the sale-deed not fit to be admitted to registration as per Govt. order.

11. Taken by disbelief on the purported refusal and the basis thereof with respect to the registration of their sale-deed by the respondent – Sub-Registrar, Jammu South, the petitioners came to prefer a statutory appeal under section 72 of the Registration Act, 1908 before the Registrar, Jammu who also came forward with the repeat refusal in terms of an order dated **28.09.2026** against which the petitioners have rushed to this Court with the present writ petition seeking setting aside of the refusal of registration suffered by their sale-deed and a direction for admitting sale-deed to registration by the respondent – Sub-Registrar, Jammu South.

12. The petitioners have pleaded in their writ petition that how in the same very Shantikunj Apartments, the sale of a Flat No. 101 in Block-E, Level -1 of Shantikunj Apartments made by one Smt. Raj Nanda in terms of sale-deed dated **27.05.2022** in favour of one Shalini Bhatia had come to be admitted to registration by none else than the Sub-Registrar, Jammu South in terms of registration done on **02.08.2022**. A copy of said registered sale-deed bearing registration accorded by the Sub-Registrar, Jammu South is accompanying the writ petition.

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13. It seems that the respondent Sub-Registrar, Jammu South or for that matter the Sub-Registrars vested with the jurisdiction in UT of J&K with respect to registration of documents particularly the documents admitting compulsory registration under section 17 of the Registration Act, 1908 relatable to alienation of land/immoveable property, refuse registration on *ipsi dixit* and/or pretext which otherwise is not admissible to Sub-Registrar of the area.

14. The Hon'ble Supreme Court of India in the case of **"Satya Pal Anand Vs State of M.P," AIR 2016 SC 4995**, has stated the scope at the disposal of a Sub-Registrar under the Registration Act, 1908 in the matter of admitting the documents for registration and surely the reason of refusal of registration of the sale-deed presented by the petitioners has been minted by the Sub-Registrar, Jammu South is beyond the scope of its jurisdiction by the very fact that that the subject matter of the sale-deed is a flat at the Ist floor of an apartment and there is no element of sale of the land site involved in the case for which Sub-Registrar, Jammu ,South was nobody to feel concerned about the nature of the land being a khad and instead ought to have taken the matter in correct perspective rather than getting lost as if the sale of land bearing nature as ghair mumkin khad is taking place when there is no such aspect involved in the sale of Flat No. 101, Block B, Ist Floor in

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Shantikunj Apartments, Sunjwan having been made by the petitioners in favour of the vendee-Pritha Khullar.

15. In the light of the above, even the Registrar, Jammu in his order passed in an appeal, fell in a serious error of the judgment and acted with a pedantic mindset as if as a registration authority under the Registration Act, 1908 it has an authority to choke the property/ies of property holder/s to suffocation by refusing registration without properly examining the facts and circumstances of the case and the prescription and limitation of law governing jurisdiction of a registering authority which by no means is an adjudicatory/investigatory authority to shoot down document/s presented for registration by the parties executing same.

16. Mrs. Monika Kohli, learned Sr. AAG has vehemently stated that refusal of registration is justifiable but this Court is not inclined to accept the submissions of Mrs. Monika Kohli, learned Sr. AAG.

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17. This Court needs to remind the registering authority/ies in the UT of Jammu & Kashmir that if a property is being lawfully held by a person without any objection/disqualification in law from any quarter whatsoever, then the registering authority is nobody to refuse registration of the instrument presented by a property holder

seeking registration of the instrument under the Registration Act, 1908.

18. Thus, this Court sets aside the impugned order dated **07.08.2026** of the Sub-Registrar, Jammu South read with order dated **28.09.2026** passed by the Registrar, Jammu and directs Sub-Registrar, Jammu South to admit the sale-deed presented by the petitioner for registration by same token number and receipt within a period of ten days from the date of receipt of certified copy of this order.

19. ***Disposed of***.

(RAHUL BHARTI)
JUDGE

JAMMU
27.10.2026
Muneesh

Whether the order is speaking : Yes / No
Whether the order is reportable : Yes/ No.

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