IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.1252 of 2021
------

1. Amina Khatoon, wife of Abdul Rahim Khan.
2. Faiyaz Alam, son of Nurul Haque.
   Both resident of Azad Nagar, near Madina Masjid, Mango, P.O. & P.S. Azadnagar, Jamshedpur, District East Singhbhum, Jharkhand.

... ... Petitioners

Versus

1. The State of Jharkhand.
2. The Deputy Commissioner, P.O. & P.S. Chandil, District Saraikela Kharsawan, Jharkhand.
3. The Additional Commissioner, P.O. & P.S. Chandil, District Saraikela Kharsawan, Jharkhand.
4. The Sub Divisional Officer, P.O. & P.S. Chandil, District Saraikela Kharsawan, Jharkhand.
5. The Circle Officer, P.O. & P.S. Chandil, District Saraikela Kharsawan, Jharkhand.
6. The District Sub-Registrar, Saraikela Kharsawan, Jharkhand.
7. Khaliqur Rahman, S/o Bashiruddin Ali Ansari, R/o Road No.5, House No.10, Azad Nagar, Mango, P.O. & P.S. Mango, Jamshedpur, District East Singhbhum, Jharkhand.
8. Bashiruddin Ali Ansari, R/o Road No.5, House No.10, Azad Nagar, Mango, P.O. & P.S. Mango, Jamshedpur, District East Singhbhum, Jharkhand.

... ... Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Rishu Ranjan, Advocate

For the Respondent(s) : Mrs. Moushmi Chatterjee,
AC to GA-V
Mr. Shravan Kumar, Advocate

08/ 07.05.2026

By filing this writ petition, the petitioners have prayed for the following reliefs:-

> *"(a) For issuance of appropriate writ/writs, order/orders, direction/directions or a writ in the nature of certiorari for quashing the order dated 12.01.2021 passed in Misc. Case No.17/2020-21 (Annexure IV) by respondent no.2 whereby the concerned respondent*

no.2 has annulled the sale deed no.2020/SAR/660/BK1/640 dated 10.02.2020 and has further directed the respondent no.6 to lodge FIR against Alimuddin Khan which is bad in law in view of the fact that said order is not in consonance with the settled propositions of law as also the same has been passed in perfunctory manner.

AND

(b) For issuance of appropriate writ/writs, order/orders, direction/directions upon the respondents to not to interfere with the peaceful possession of the petitioners over landed property within mauza Tamulia, Thana no.33, Khata No.181, Plot No.686, Halka No.2 admeasuring 26.40 decimals whereupon the petitioners are residing along with their family members in a residential house and are in continuous possession.

AND

(c) During the pendency of the present writ application the operation of order dated 12.01.2021 passed in Misc. Case No.17/2020-21 (Annexure IV) by respondent no.2, be stayed."

2. Heard learned counsel representing the petitioners and learned counsel representing the respondents.

3. Brief facts leading to filing of the present writ petition are as follows:-

3.1. Alimuddin Khan had got 16 Katha of lands situated at Plot No.686, Khata No.181, within Mouza Tamulia, from its previous owner - Mehtab Alam Ansari and Aftab Alam Ansari by execution of General Power of Attorney, vide Deed No.1523 dated

27.11.2012.

3.2. Khaliqur Rehman, and Basiruddin Ali Ansari are in peaceful possession of the lands having an area of 8.46 decimals and 8.02 decimals situated at Plot No.686, Khata No.181, within Mouza Tamulia, through registered Deeds Nos.5028 dated 13.12.2012 and 5025 dated 13.12.2012, after having purchased the same from Alimuddin Khan.

3.3. Alimuddin Khan, again transferred the aforesaid land to one Amina Khatoon (petitioner No.1 herein), vide a registered Deed No.640 dated 10.02.2020.

3.4. The private respondents felt aggrieved by the aforesaid transfer of land, filed a case being Misc. Case No.-17/2020-21, before the Court of Deputy Commissioner, Seraikella-Kharsawan.

3.5. The Deputy Commissioner, Seraikella-Kharsawan, vide order dated 12.01.2021, had annulled the registered Sale Deed No.640 dated 10.02.2020.

4. To adjudicate the present dispute, apart from the right of the parties, this Court first needs to examine the *modus operandi* adopted by the respondents in the form of aforesaid impugned order, by vesting power of cancelling the registered deed, upon the Deputy Commissioner, and whether it is legally sustainable or not.

5. In this case, the Authority who has passed the impugned order of cancellation of an admitted registered Sale Deed, is the Deputy Commissioner, Seraikella - Kharsawan. The

Deputy Commissioner while declaring the registered sale deed null and void, held the Deed to be forged, and also ordered that in the event of cancellation of aforesaid Sale Deed, its status will be as that of an unregistered Deed as per Section 49 of the Registration Act. He also ordered to lodge an F.I.R. against the said Alimuddin Khan.

6. The Deputy Commissioner, being an executive Officer is not conferred with any right to cancel a registered Sale Deed. Even in cases of fraud or forgery, the provisions of Registration Act do not confer such a power on the Registrar to cancel a registered instrument. The fact of forgery of documents or presentation of improper documents cannot be reopened by the Registering Authority after its registration, save and except for initiation of a criminal prosecution against the person responsible for the same. There is no express provision in the Registration Act, 1908 Act, which empowers the Registering Authority to recall such registration. A competent Civil Court having jurisdiction only has a power to declare a registered Deed null and void and has the power to cancel the same.

7. The Hon'ble Supreme Court in the case of ***Satya Pal Anand Vs. State of M.P. & Ors.*** reported in ***(2016) 10 SCC 767***, at para-34, while dealing with the power of cancellation of a Deed and the role of Registering Authority after registration of the document, has held as hereunder:-

> *"**34.** The role of the Sub-Registrar (Registration) stands discharged, once the document is registered. Section 17 of the 1908*

Act deals with documents which require compulsory registration. Extinguishment deed is one such document referred to in Section 17(1)(b). Section 18 of the same Act deals with documents, registration whereof is optional. Section 20 of the Act deals with documents containing interlineations, blanks, erasures or alterations. Section 21 provides for description of property and maps or plans and Section 22 deals with the description of houses and land by reference to government maps and surveys. There is no express provision in the 1908 Act which empowers the Registrar after its registration. The power to cancel the registration is a substantive matter. In absence of any express provision in that behalf, it is not open to assume that the Sub-Registrar (Registration) would be competent to cancel the registration of the documents in question. Similarly, the power of the Inspector General is limited to do superintendence of Registration Offices and make rules in that behalf. Even the Inspector General has no power to cancel the registration of any document which has already been registered."

8. Further, in a similar matter in ***W.P.(C) No. 3103 of 2020 and analogous cases titled "Vinod Shankar Jha @ Binod Shankar Jha v. State of Jharkhand & Ors." (dated 11.01.2024),*** a Coordinate Bench of this Court set-aside the impugned Circular, which had conferred power on the Deputy Commissioner-cum-Registrar for cancellation/ annulment of sale deeds and held that unless there is a declaration by a Civil Court that a deed is vitiated by fraud, a registered deed cannot be cancelled by the Registrar. The relevant paragraphs of the said

judgment are quoted as under:-

> *"34. What follows from the above settled position of law, is that an executant can seek cancellation of a registered instrument on the ground of fraud, by a suit filed under Section 31 of the Specific Relief Act. In case, where a stranger without any title has executed a sale, such a suit will not lie under Section 31. Real owner may file a suit under Section 34, if his peaceful enjoyment of ownership right is impinged due to the said sale.*
>
> *35. Unless there is a declaration by a civil Court that a deed is vitiated by fraud, a registered deed cannot be cancelled by the Registrar.*
>
> *36. Lastly, I find merit in the plea taken on behalf of the Petitioners that State cannot by recourse to Article 162 of the Constitution of India, issue circular/executive order which is in derogation with the statutory provisions. The executive power of the State Government under Article 162 is coextensive with the legislative power of the State legislature. But, in the absence of any law, the State or its officers in the exercise of executive authority, cannot infringe citizen's rights merely because legislature has power to make law on the subject. As discussed above, registration of an instrument entails legal consequence affecting the legal rights of a citizen, and power of cancellation of such document cannot be permitted by an executive order, as it will be against the scheme of statutory provisions as contained in the Registration Act, 1908.*
>
> *Under the circumstance, this Court is of the view that Registrar has no power to cancel registered sale deed and the St ate Government cannot by an executive order confer such a power on the Registrar For the reasons as discussed above, impugned Circular vesting power of*

cancellation on the Registrar is not sustainable in law and is accordingly set aside, along with the cases instituted/ notices issued/orders passed under it along with the consequential order for institution of F.I.R. Cancellation of sale deeds otherwise also by the Registrar, which is under challenge in the writ petitions is also set aside. Party aggrieved by the said order will have remedy before the Civil Court.

Writ Petitions are, accordingly, allowed. Interlocutory Application, if any is disposed of."

9. In view of the aforesaid facts and circumstances and the dictums of the Hon'ble Supreme Court and this High Court, this Court is of the opinion that the Deputy Commissioner has acted beyond his jurisdiction in cancelling the registered sale deed. Thus the impugned order dated 12.01.2021 passed in Misc. Case No.-17/2020-21 (Khaliqur Rehman & Ors. Vs. Alimudin Khan & Ors.), [Annexure-IV to the writ petition], whereby the registered Sale Deed executed in favour of petitioner No.1 - Amina Khatoon, had been cancelled, is hereby set aside.

10. Accordingly, this writ petition stands **allowed**. No order as to costs.

(ANANDA SEN, J.)

07th May, 2026
Prashant. Cp-2
AFR

Uploaded on 16.05.2026