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

+ **W.P.(C) 2141/2023 & CM APPL. 25822/2024**

SMT SNEH LATA JAIN

.....Petitioner

Through: Mr. Pranay Jain and Mr. Bharat
Gupta, Advs.

versus

SUB REGISTRAR (CENTRAL DISTRICT) & ANR.

.....Respondents

Through: Mr. Ujjwal Jain, Adv. for R-1.
Ms. Farhat Jahan rehmani, ASC with
Ms. Muskan Ali, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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30.03.2026

1. The petition is for the following relief:

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the present writ petition by issuing a writ of mandamus by directing the respondent no. 1 to hand over the registered gift document to the applicant/petitioner in respect to the subject property i.e. 7B, Ashoka Apartments, 7 Rajpur Road, Civil Lines, Delhi - 110054 and any other or further relief(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present matter in the interest of justice.

2. The sole grievance of the petitioner is that respondent no. 1- Sub Registrar has failed to register a gift deed of property bearing no. 73, Ashoka Apartments, 7 Rajpur Road, Civil Lines, Delhi – 110054 ('**subject property**') on the grounds of objection raised by respondent no.2 – Delhi Waqf Board.



3. Mr. Pranay Jain, learned counsel for the petitioner submits that despite various opportunities having been given, no reply is forthcoming from the respondents. He also submits that in the interregnum with respect to the ground floor of the subject property, the document has been registered by the respondent no. 1 without there being any objection by the respondent no. 2.

4. The Court finds that the petition was filed in the year 2023, and thereafter various opportunities were granted to the respondents to file reply. However, till date there is no reply by the respondents.

5. The petitioner claims to have purchased the subject property in the year 2005 and thereafter presented the gift deed before the respondent no. 1 in the year 2021.

6. It appears that respondent no. 2 - Delhi Wakf Board has raised certain objections, pursuant to which a communication dated 10.05.2022 was issued by respondent no. 1 – Sub Registrar to the petitioner seeking clarification. The objection raised by respondent no. 2 pertains to the claim that the subject property is a wakf property. In any event, objections are sought to be sustained, the same must be justified before respondent no. 1- Sub Registrar.

7. The Supreme Court in ***K Gopi v. Sub Registrar & Ors.***¹ has held that the Registering Authority cannot refuse registration of a document on the basis of objections raised by third parties or on disputed questions of title, and is required to act strictly in accordance with the provisions of the Registration Act, 1908. It has been observed that in the absence of any statutory prohibition or an order of a competent court, the Sub-Registrar is bound to proceed with the registration if the document otherwise satisfies



the prescribed legal requirements, leaving it open to the aggrieved parties to seek appropriate remedies before the competent forum.

8. In view of aforesaid, there is no justification to keep this writ petition pending and instead the same be disposed of with the following directions:

(i) Let the petitioner to approach respondent no. 1- Sub Registrar with all necessary documents and a fresh application within a period of 30 days from today.

(ii) From the date, the petitioner approaches the respondent no. 1- Sub Registrar, let the respondent no.1- Sub Registrar to do the needful in accordance with the law within a period of three months thereafter.

(iii) If for any reason, the respondent no. 1- Sub Registrar is unable to register the documents, he shall pass an appropriate order after affording opportunity of hearing to the petitioner.

(iv) The petitioner, thereafter, shall be at liberty to take appropriate recourse in accordance with the law.

9. The petition stands disposed of. Pending application also stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 30, 2026/Sh/ss

¹ 2025 INSC 462