



2026:DHC:3925



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 12979/2021 & CM APPL. 35596/2022**Date of Decision: **28.04.2026****IN THE MATTER OF:****H S THUKRAL**

.....Petitioner

Through: Mr. Tanmay Mehta, Mr. Karan S Thukral, Ms. Vaishnavi Arora, Mr. Vishal Kumar Malhotra, Mr. Harsh Chopra, Advs.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Anubhav Gupta, Panel Counsel (Civil) / GNCTD, Mr. Siddharth Arora, Advs.
Ms. Shobhana Takiar with Mr. Shivam Takiar, Mr. Prateek Dhir, Mr. Kuljeet Singh, Advs. for DCHFC.**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petition is for the following reliefs:

*I. Issue a Writ of Mandamus or any other appropriate writ, order / direction directing the Respondent(s) to release the registered documents i.e. Sale Agreement and General Power of Attorney qua the Property bearing no. A-3/27, Jeevan Jyoti Apartments, Pitampura, Delhi-110034 to the Petitioner;*Signature Not Verified
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KUMAR KAURAV



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II. Grant any such further order or orders as this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the present writ petition.

2. The petitioner is an advocate by profession. The respondents are the governmental authorities.
3. The petition is seeking directions *qua* registration and subsequent release of the sale agreement and general power of attorney of property bearing no. A-3/27, Jeevan Joyti Apartments, Pitam Pura, Delhi -110034 (hereinafter '**Subject Property**').
4. The facts of the case would indicate that the petitioner purchased the subject property jointly with his wife, namely Late Mr. Kawaljeet Kaur. On 14.10.2019 the sale agreement and general power of attorney of the subject property were executed and presented for registration before the office of respondent no.3 – Sub Registrar within the stipulated statutory time with necessary legal procedural formalities.
5. It is the case of the petitioner that, after presenting the documents for registration, he visited the office of respondent no.3 on 21.10.2019 to collect the original registered documents, however, no definite information was furnished. It is further stated that subsequent efforts to ascertain the status of the documents, were made. However, no action was taken.
6. The sole grievance of the petitioner is that despite complying with all requirements under the Registration Act, 1908 and despite lapse of considerable time, the respondents have failed to discharge their statutory duty of registering and releasing the documents without assigning any valid reason.
7. The respondent no. 3 – Sub Registrar in their counter affidavit dated

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06.09.2023 has taken following position:

“5. It is submitted that the Delhi Co-operative Housing Finance Corp. Ltd. 3/6, Siri Fort, Institutional area, August Kranti Marg, New Delhi-49, vide its earlier letter dated 28.07.2009 and subsequent letter has requested that Jeevan Jyoti Co-operative Group Housing Society Ltd., Jiwan Jyoti Apartment, Pitampura, Delhi-34, and some other defaulter Society, “no action may be permitted in respect of any transaction concerning sale/purchase/transfer of property etc”, in respect of defaulter societies situated under the jurisdiction of Sub-Registrar-VI-A office as intimated recently vide their letter No.F.24(115)/2010-11/DCHFC/1844 dated 15.02.2021, in continuation their earlier letter even No. dated 28.07.2009, 01.05.2010, 15.05.2014 and 28.06.2014. The copies of the abovementioned letters and copies of letter No.F.24(115)/2009-2010/DCHFC/1637 dated 28.07.2009, & No.F.24(115)/2009-2010/DCHFC/999 dated 06.09.2009 are annexed herewith as ANNEXURE P-1 (Colly).”

“6. That on the request of DCHFC, vide their letters as mentioned above, the registration of property regarding sale/purchase/transfer has been stopped as the said societies has failed to repay the loan taken by the societies and said societies have declared as defaulter societies.”

8. A bare perusal of the aforesaid would indicate that the refusal to register the documents is founded solely on certain communications issued by the Delhi Co-operative Housing Finance Corporation Ltd. (DCHFC), whereby a general embargo has been sought to be imposed on transactions pertaining to certain societies declared as defaulters. However, such communications, in the absence of any specific statutory backing under the Registration Act, 1908, cannot override the statutory duties cast upon the Registering Authority. The stand of the respondents does not disclose any legally sustainable ground within the framework of the Act to justify non-registration of the documents, particularly when the procedural requirements for registration are stated to have been duly complied with by the petitioner.

9. The Supreme Court in ***K. Gopi vs. The Sub-Registrar***¹ has

¹ 2025 INSC 462



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categorically held that the role of the Registering Officer under the Registration Act, 1908 is essentially administrative in nature and does not extend to adjudication of title. The Registering Authority is neither vested with the jurisdiction nor empowered to examine the validity of the title of the executant to the property in question. It has been observed that once the document is presented in accordance with law, the executants appear before the authority, admit execution thereof, and all procedural requirements including payment of requisite stamp duty and registration charges are duly complied with, the Registering Officer is bound to register the document. The authority cannot refuse registration on the ground of perceived defect or absence of title in the executant, as such an exercise falls outside the statutory mandate of the Registering Authority and lies within the domain of competent civil Courts. Paragraph no. 15 of the aforesaid decision is extracted as under:

“15. The registering officer is not concerned with the title held by the executant. He has no adjudicatory power to decide whether the executant has any title. Even if an executant executes a sale deed or a lease in respect of a land in respect of which he has no title, the registering officer cannot refuse to register the document if all the procedural compliances are made and the necessary stamp duty as well as registration charges/fee are paid. We may note here that under the scheme of the 1908 Act, it is not the function of the Sub-Registrar or Registering Authority to ascertain whether the vendor has title to the property which he is seeking to transfer. Once the registering authority is satisfied that the parties to the document are present before him and the parties admit execution thereof before him, subject to making procedural compliances as narrated above, the document must be registered. The execution and registration of a document have the effect of transferring only those rights, if any, that the executant possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer.”

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10. The Court, thus, finds that the purported reasons assigned by the Sub Registrar in counter affidavit may not be sufficient to deny the registration of the document as presented by the petitioner. The Sub Registrar is, therefore, directed to consider for registration of documents, keeping in mind the principles laid down by the Supreme Court in the case of *K. Gopi (supra)*, and if the Registrar is of the opinion that for any other reason which is not covered by the said decision, the registration can still be withheld, he has to pass an appropriate order.

11. With the aforesaid observations, the instant petition along with pending application stands disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

APRIL 28, 2026/SH/SS

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