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

+ **W.P.(C) 16565/2024 & CM APPL. 70046/2024**

DHAAMODAR YAADAV

.....Petitioner

Through: **Mr. Rajesh Aggarwal and Ms.
Deeksha Aggarwal, Advs.**

versus

GOVERNMENT OF NCT OF DELHI & ANR.Respondents

Through: **Mr. Sameer Vashisht, Adv.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

29.01.2026

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1. The petition is against the order dated 04.03.2024 whereby, an instrument presented by the petitioner was refused to be registered by the concerned Sub-Registrar and against the order dated 17.09.2024 passed by the concerned Registrar upholding the same. It is claimed that the impugned orders have been passed despite the fact that the said instrument was presented before the Sub-Registrar only after all formalities were completed.
2. The order dated 04.03.2024, which was passed by the sub-Registrar, indicates that the subject property was found to be agricultural land and the mandatory 'No-Objection Certificate' from the Land Acquisition Collector ['LAC'] had not been received.
3. However, in the order dated 17.09.2024, which was passed by the Registrar on appeal, the original order has been upheld on the ground that the subject-land is 'Waqf' property- a ground which does not find any



mention in the original order.

4. In the appeal, the Registrar ought to have confined the scope of adjudication to the reasons assigned in the original order. The appellate authority has, without even addressing the ground for rejection in the original order, has taken into account extraneous considerations.

5. The Supreme Court in the case of ***K. Gopi v. The Sub-Registrar and Ors.***¹ has succinctly examined the scope of the Sub-Registrar's powers to register instruments and has held 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.

16. Therefore, assuming that there is a power under Section 69 of the 1908 Act to frame the Rules, Rule 55A(i) is inconsistent with the provisions of the 1908 Act. Due to the inconsistency, Rule 55A(i) will have to be declared ultra vires the 1908 Act. The rule-making power under Section 69 cannot be exercised to make a Rule that is inconsistent with the provisions of the 1908 Act. Rule 55A(i) is accordingly declared as ultra vires the 1908 Act.

17. As the writ petition filed by the appellant was dismissed by the High Court, relying on Rule 55A(i), and since Rule 55A(i) is held to be invalid, the impugned judgments must be quashed and set aside. Ordered accordingly."

6. In view of the law as noted in the said decision and having considered



the aforesaid facts and circumstances, the Court finds that the petitioner's grievance is required to be reconsidered by the Sub-Registrar.

7. Accordingly, the petition stands disposed of with the following directions:

- i. Let the petitioner to appear before the concerned Sub-Registrar within three weeks from today along with a copy of this order.
 - ii. Let the petitioner to produce all the decisions relied upon as well as the relevant Government-notifications.
 - iii. On receipt of the same, let the Sub-Registrar to register the document presented by the petitioner, and if, for any reason, the document cannot be registered, let the reason be specifically assigned.
8. Let the matter be listed for compliance on 12.03.2026.
9. Order *dasti*.

PURUSHAINdra KUMAR KAURAV, J

JANUARY 29, 2026/P/AMG

¹ Civil Appeal np.3954/2025