

**IN THE HIGH COURT OF JAMMU & KASHMIR AND
LADAKH
AT JAMMU**

WP(C) No. 3618/2025

Date of pronouncement : 22.12.2025

Uploaded on : 07.01.2026

Angrez Singh
Through his attorney Ashok
Kumar & Anr.

....Petitioners

Through:- Mr. Amit Gupta, Advocate.

Inspector General
Registration, Jammu & Ors.

V/s

....Respondents

Through:-

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

सत्यमेव जयते

ORDER

01. The petitioner No. 1-Angrez Singh has constituted Ashok Kumar S/o Ram Dass R/o village Raghunathpura tehsil Hiranagar district Kathua as his lawful attorney by execution of a registered General Power of Attorney dated **12.11.2018** thereby vesting his attorney Ashok Kumar with all enabling powers to act for and on his behalf and in the name of the petitioner No. 1 in all matters relatable to property of land measuring **3.10** kanals comprising khasra No.

293/153 min of village Chack Haria tehsil Marheen district Kathua.

- 02.** The institution of the present writ petition by reference to petitioner No. 1 is, thus, through said attorney holder Ashok Kumar.
- 03.** The cause of action for the petitioner No. 1 joined by petitioner No. 2 to come forward with the institution of the present writ petition is communication No. **SDM/H/SRO/2025-26/927** dated **27.11.2025** from the end of the respondent No. 3-Sub Registrar, Hiranagar addressed to the petitioners in relation to the registration of a Sale Deed dated **25.11.2025** presented for registration under the Registration Act, 1908.
- 04.** The petitioner No. 1, acting through his attorney Ashok Kumar, executed sale deed dated **25.11.2025** in favour of petitioner No. 2, who incidentally is son of the attorney holder Ashok Kumar, with respect to sale of land measuring **1 kanal 15 marlas** comprising khasra No. **627/293/153 khata No. 61, khewat No. 33** of village Chak Haria tehsil Marheen district Kathua.

- 05.** The transaction of sale and the execution of the sale deed dated 25.11.2025 by and on behalf of petitioner No. 1 has taken place through attorney holder Ashok Kumar.
- 06.** For the purpose of seeking registration, the sale deed dated 25.11.2025 was presented along with all requisite documents, in particular *fard intikhab jamabandi* (abstract of title) duly issued by revenue officials concerned.
- 07.** One of the references in the said *fard intikhab* is that the sale transaction envisaged is not in contravention of the J&K Land Revenue Act, 1939 AD, J&K Agrarian Reforms Act, 1976, Govt. Order LB-6 of 1958, Govt. Order S/432 of 1966 dated 3rd June 1966, Govt. Order LB-&C of 1958, Govt. Order LB-202 of 2007 and Govt. Order LB-66 of 2000. In addition, there are other references set out in the *fard intikhab* so as to circumscribe the conditions in which the alienation of the land is taking place through the medium of the sale transaction between the named vendor and the vendee.
- 08.** The issuance of *fard inthikhab* in reference accompanying the sale deed is on the basis of an

application No. **11980710202522388365** submitted by the petitioner No. 1 for the requisite purpose.

09. Said duly executed sale deed and duly accompanied with *fard intikhab* and *tatima* when presented for registration on **25.11.2025** against token No. **20250000130838** to the Sub Registrar Hiranagar came to evoke aforesaid communication No. **SDM/H/SRO/2025-26/927** dated **27.11.2025** from the end of Sub Registrar, Hiranagar.

10. For the sake of reference, the contents of the communication are reproduced as under:

“....Subject: Clarification regarding execution of Sale Deed of Sh. Angrez Singh through attorney holder Sh. Ashok Kumar, where ownership was conferred under LB-7/C of 1958 and Government Order No. REV (LB) 202 of 2007 dated 12.06.2007.

Kindly refer to the subject cited above, it is hereby informed that necessary directions/clarifications have been sought from the office of the Inspector General of Registration, Jammu vide this office No. SDM/H/SRO/2025-26/157-61 dated 24.10.2025 regarding the execution and registration of documents pertaining to land acquired/owned under Government Order No. REV (LB) 202 of 2007 dated 12.06.2007.

The land in reference has been owned in terms of Government Order No. REV (LB) 202 of 2007 dated 12.06.2007. As per Clause (iii) “the grantee shall use it for agricultural purposes only and shall not be entitled to alienate it without the previous permission of the Government.”

You are therefore, advised to wait further instructions until the requisite directions are received from the office of the Additional Inspector General of Registration, Jammu...”

11. Thus, the manner in which the Sub-Registrar, Hiranagar has come to conduct himself in the matter of carrying out the registration of the Sale Deed presented by the petitioners for registration has left the petitioners aggrieved as their duly executed sale deed fully supported by the revenue record without carrying any rider whatsoever has come to be put to suspended animation without any enabling power under the Registration Act, 1908 which either admits of registration or refusal of registration of a document presented in terms of sections 17 & 18 thereof. There is no ‘if and but’ available for a Sub Registrar and/or Registrar concerned in the matter of registration of documents under the Registration Act, 1908.

12. The riddle self-posed by the Sub Registrar, Hiranagar is beyond the scope of his registration jurisdiction. The Hon’ble Supreme Court of India in the case of **“Satya Pal Anand Vs. State of M.P. & Ors”, 2016 AIR (SC) 4995** has exhaustively dealt with the scope of the registering authorities in the matter of registration

of documents. Para 26 of the said judgment reads as under:

26. Section 35 of the Act does not confer a quasi-judicial power on the Registering Authority. The Registering Officer is expected to reassure that the document to be registered is accompanied by supporting documents. He is not expected to evaluate the title or irregularity in the document as such. The examination to be done by him is incidental, to ascertain that there is no violation of provisions of the Act of 1908. In the case of *Park View Enterprises* (supra) it has been observed that the function of the Registering Officer is purely administrative and not quasi-judicial. He cannot decide as to whether a document presented for registration is executed by person having title, as mentioned in the instrument. We agree with that exposition.

- 13.** The very scheme of Registration Act, 1908 does not admit of any such luxury with a Registering Authority, be it Sub Registrar or Registrar of a given district to suspend the decision with respect to registration of a document, be it by reference to section 17 or section 18, presented for registration under the Registration Act, 1908.
- 14.** The very fact that an order by a Sub-Registrar refusing to admit a document to registration, whether the registration of such document is compulsory or optional, has been made appealable under section 72 of the Registration Act, 1908 means that there is no

such liberty reserved in favour of a Sub-Registrar presented with a document intended for registration to suspend his decision making and indulge himself in seeking clarifications and communications from superior authorities or for that matter from the other administrative authorities.

15. The sale deed presented in the present case for registration before the Sub Registrar Hiranagar is complete in all its aspects to the extent that reference to all the relevant laws related to the transaction of sale of the land stands mentioned in the *fard intikhab* and to that effect the revenue authorities confirm and certify that the transaction is not violative of any provision and position of law and, therefore, it ought to have relieved the Sub Registrar from his over anxiousness to suspend the registration of the document by his impugned communication and then advising the petitioners to wait for further instructions to be received from the office of Additional Inspector General of Registration.

16. The Sub Registrar, Hiranagar has not cited any enabling legal provision in his impugned communication whereby he ventured to advice the petitioners to wait till further instructions from the

higher authorities and that obviously meant that there is no such scope for any such like instructions coming forth upon being solicited by Sub Registrar Hiranagar.

17. The present impugned communication of the Sub Registrar, Hiranagar, thus, ex facie, violates the mandate of the judgment of the Hon'ble Supreme Court of India in Satya Pal Anand's case (supra)
18. In view of the aforesaid, this writ petition is **disposed of** with a direction to the respondent No. 3-Sub Registrar, Hiranagar either to register or refuse the registration of the document of sale deed so presented by the petitioner for registration before him on **26.11.2025** within a period of four weeks from the date a copy of this order is made available to him.
19. A copy of this order be forwarded to Inspector General Registration, UT of Jammu and Kashmir for the sake of its circulation to all the concerned Sub-Registrars/Registrars for notice and compliance.

(RAHUL BHARTI)
JUDGE

JAMMU
22.12.2025
Naresh/Secy

Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No