

(2003) 02 JH CK 0008

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3313 of 2002

Nageshwar Thakur and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 24-02-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 3 LandLR 33 : AIR 2004 Jhar 11 : (2003) AIR Jhar HCR 1132 : (2003) 2 JCR 404 : (2003) 2 JLJR 230

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : Manjul Prasad, for the Appellant; B.S. Lall, for the Respondent

Final Decision : Allowed

Judgement

M.Y. Eqbal, J.—Petitioners have challenged the authority of the Collector-cum-Registrar, Latehar who issued direction vide memo No. 711 dated 7.8.2001 directing the Sub- Registrar, Latehar to enquire and verify the title of the Vendor before registration of a document.

2. It appears that petitioners executed sale deeds in the name of different persons and presented before the Sub-Registrar for registration. Petitioners' case is that they are the owner of the property and for meeting medical treatment and loan and also marriage expenses, they proposed to sale their property. After presentation of the documents Sub-Registrar informed that inquiry with regard to their title should be made by the Deputy Commissioner Land Reforms and the Circle Officer. It is alleged that more than Six months have passed from the date of presentation of the documents but till date on the pretext of the inquiry registration has been deferred. From perusal of the impugned order issued by the Collector-cum-Registrar, Latehar, it appears that he has directed the Sub-Registrar inter alia, to examine and verify the title of the vendor before registration of a document.

3. In course of argument, Mr. B.S. Lall, Addl. Advocate General, very fairly submitted that first part of the impugned order whereby the Collector directed the Sub-Registrar to enquire into the title of the vendor before registration is wholly without jurisdiction.

4. It is well settled that a Registration Officer has got right to impound a document presented before him, if it appears to him that the same is not duly stamped, but there is no provision in the Indian Registration Act empowering the District Sub-Registrar to refuse registration of a document on the ground of under valuation or to enquire into the correctness of the valuation as given in the document. There is also no provision in the Indian Registration Act or Rules made thereunder empowering the Registrar or Sub-Registrar to hold an inquiry on the question of title of the vendor before registration of the documents. The Registering Officer has only to see whether document is duly stamped on the valuation as given in the document.

5. For the aforesaid reasons this writ application is allowed and the impugned order issued by the Registrar, so far it relates to directing the Sub-Registrar to enquire into and verify the title of the vendor before registration of the documents, is set aside, as being wholly without jurisdiction.