

ORDER ON I.A.III FILED UNDER
SECTION 151 OF C.P.C.

The decree holder filed the application for passing order to write a letter to the District Registrar, M.G.Road, Near Double Tank, Mysuru to enable the applicant to get register the sale deed with respect to the schedule property bearing Sy.No.115/P27 and 115/P26 of Devarayashettipura Village of Nanjangud Taluk.

2. In the affidavit, the applicant sworn that he filed O.S.11/2015 by enforcing the specific performance of contract dated 15.10.2013 and the said suit was decreed in favour of the plaintiff. The defendants had been asked to execute the regular sale deed of proposed property in favour of the plaintiff of O.S.11/2015 within the stipulated period. However, the defendants failed to comply the order of the court. Already the decree was drawn but the Sub-Registrar of Nanjangud is not accepting the sale deed and registered the same, as such it is necessary to get proper clarification from the District Registrar, Mysuru as to why the Sub-Registrar, Nanjangud is not registering the sale deed in spite of the court order. Hence, prays to issue necessary direction.

3. Heard Sri. K.T.R. the learned counsel for the decree holder.

4. The only grievance of the decree holder that in spite of standing order of the court to register the sale deed as per the decree passed in O.S.11/2015, the Sub-Registrar's office of Nanjangud declined to register the sale deed in favour of the plaintiff. Therefore, the decree holder wishes to get clarification from the higher authority of Sub-Registrar, Nanjangud to know as to why the Sub-Registrar, Nanjangud, not registering the sale deed in favour of the plaintiff. First of all, this court has no jurisdiction to write a letter to the higher authority of Sub-Registrar, Nanjangud as to know the reason for non-registering the sale deed in favour of the plaintiff, because the registration process is the official duty delegated to the Sub-Registrar and other higher authority as per the rules of law framed for that purpose only. Therefore, any court shall not direct any Government authority to do or not to do any official work in particular manner. Secondly, the registration process is the discretionary power of such officer subject to the verification of merits and de-merits of nature of proposed document required to be registered. Suppose, the Sub-Registrar of this Taluk is not registering the document, the decree holder directly can approach the higher authority seeking reason for non-registration of the document by the Sub-Registrar; for that purpose order of the civil court is

not required. The Registration Act provides ample provision to get register of document and also provides appeal provision in case of non-registration of document. Therefore, the application sans merits and rejected.

Senior C.J. & JMFC.,
Nanjangud.

20.09.2024