

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 10227 of 2025**

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PRAKASHBHAI PRAHLADBHAI GAMI (PATEL)

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR NISHIT P GANDHI(6946) for the Petitioner(s) No. 1

MR NIKUNJ KANARA AGP for the Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 06/02/2026

ORAL ORDER

1. By the present Writ Petition, the petitioner has prayed for the following reliefs :-

“(A) YOUR LORDSHIPS may be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or directions directing the respondent no. 2 Sub Registrar, Surat to forthwith return the registered sale-deeds executed in favour the petitioner, to the petitioner;

(B) During the Pendency and Final Disposal of the present petition YOUR LORDSHIPS may be pleased to direct the respondent no. 2 Sub Registrar, Surat to forthwith return the registered sale deeds executed in favour the petitioner, to the petitioner;

(C) Pass any such other and/or further orders that may be thought just and proper, in the facts and circumstances of the present case;”

2. The learned counsel Mr. Nishit P. Gandhi appearing for the petitioner submits that though the petitioner has paid the deficit stamp duty as demanded vide order dated 29.07.2024, the sale

deeds of the petitioner are not being released. He submits that the petitioner had made a representation to the Inspector General of Registration and it was directed that the issue be looked into by the Additional Sub-Registrar. He submits that the respondents are obligated to return the registered sale deeds to the petitioner after its registration. The learned counsel submits that despite completion of registration process and deposit of alleged deficit stamp duty, the registered documents are being withheld by the respondents. In support of his contentions, the learned counsel relies upon the decision of the Hon'ble Apex Court in the case of **K. Gopi vs. Sub-Registrar [2025 (5) SCR 47]**, wherein it has been held that the registering officer is not concerned with the title held by the executant. It 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. He submits that appropriate directions be passed and the Special Civil Application be allowed.

3. Per contra, the learned AGP Mr. Nikunj Kanara appearing for the respondent authorities submits that the petitioner had presented the sale deeds in question on 15.09.2017. Thereafter, on assessment, it was found that there was deficit stamp duty to be paid by the petitioner and hence, under Section 33 of the Gujarat Stamp Act, the documents were transferred to the Deputy Collector, Stamp Duty Valuation for further action. He submits that vide order dated 29.07.2024, the petitioner was called upon to pay the deficit stamp duty of Rs.7,95,835/- and the same has been paid and the

documents are now returned to the respondent No.2 for further necessary actions. The learned AGP submits that the respondent No.2 shall take an appropriate decision on the registration of the documents presented by the petitioner within two weeks.

4. Considering the submissions and the fact that the documents are still pending consideration for registration and the respondent No.2 Sub-Registrar is still to decide and pass an appropriate order in respect of the registration of the sale deeds, it is directed that the respondent No.2 shall take an appropriate decision within two weeks from today. The decision so taken by the Sub-Registrar shall be conveyed to the petitioner within one week from the date of passing of such an order. In case of any grievance, the petitioner shall be at liberty to initiate appropriate proceedings in accordance with law.

5. The judgment relied upon by the learned counsel for the petitioner is not applicable in the present case since no decision has been taken by the respondent No.2 Sub-Registrar in respect of registration of the sale deeds as presented by the petitioner.

6. With the aforesaid directions, the present Special Civil Application stands disposed of.

No order as to costs.

Direct service is permitted.

(ANIRUDDHA P. MAYEE, J.)

cmk

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHANDRASHEKHAR MAHESHKUMAR KOSHTI(HC01066), Principal Pvt. Secretary, at High Court of Gujarat on 06/02/2026 18:43:00