

Serial No. 171

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

CM No. 6336/2025 in
WP(C) No. 1472/2025

M/S Mass House Building
Co-operative Ltd.

.....Applicant/Petitioner

Through: Mr. Pranav Kohli, Sr. Advocate with
Mr. Vastav Sharma, Advocate

Vs

UT of J&K & Ors.

.....Non-applicants/Respondents

Through: Ms. Nisha Kangotra, Assisting Counsel to
Mr. S.S. Nanda, Sr. AAG for R-1, 4 to 6
Mr. Mayank Gupta, Advocate for R-2 & 3

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
(08.10.2025)

CM No. 6336/2025

01. Through the medium of the present application, the
applicant/petitioner is seeking the following directions :-

“As the completion is deemed as per Clause 13.8.11 of the Master Plan 2030, respondents No. 4 and 5 are hereby directed to register sale deeds, lease deeds (fresh), and/or transfer of leasehold rights from existing lessees with respect to residential flats located in the projects namely Royal Apartments, Toph Sherkanian, Jammu; Tawi Apartments, Sidhra, Jammu; and Northern Heights, Thathar, Jammu, forthwith;”

- 02.** During the course of arguments, learned Senior counsel for the petitioner/applicant has submitted that presently the petitioner will feel satisfied if a direction with regard to registration of those residential flats located in the projects, namely, Royal Apartments, Toph Sherkhanian, Jammu, Tawi Apartments, Sidhra Jammu and Northern Heights, Thathar, Jammu, in respect of which completion certificates have already been issued by the Jammu Municipal Corporation/Jammu Development Authority, is issued to the concerned Sub-Registrars i.e. respondent Nos. 4 and 5.
- 03.** It has been contended that there is no provision in the Registration Act or the rules framed thereunder which vest powers with the Registering Authority to withhold registration of a transfer deed in respect of a residential flat in the absence of registration from Real Estates Regulatory Authority-(RERA).
- 04.** Issue notice to the respondents.
- 05.** Ms. Nisha Kangotra, Assisting Counsel to Mr. S.S. Nanda, learned Senior Additional Advocate General, accepts notice on behalf of non-applicants/respondent Nos. 1, 4 to 6 and Mr. Mayank Gupta, learned counsel accepts notice on behalf of non-applicants/respondent Nos. 2 and 3. They

seek time to file reply to the application. The reply be filed by the next date of hearing.

- 06.** List this application along with the main writ petition on 25.11.2025.
- 07.** In the meantime, respondent Nos. 4-Sub Registrar, Jammu Khass (Sidhra), Toph Sherkhanian and 5-Sub Registrar, Thathar (Jammu North), Jammu, are directed to admit to registration the sale deeds/lease deeds/transfer deeds for transfer to leasehold in respect of residential flats located in the projects, namely, Royal Apartments, Toph Sherkhanian, Jammu, Tawi Apartments, Sidhra Jammu and Northern Heights, Thathar, Jammu, provided the petitioner produces the completion certificate(s) issued by Jammu Municipal Corporation/Jammu Development Authority, without insisting upon registration from Real Estates Regulatory Authority-(RERA). Provided further that there is no other legal impediment in admitting these documents to registration.

(SANJAY DHAR)
JUDGE

JAMMU
08.10.2025
SUNIL