


**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 14696/2024

Darshan Jain S/o Sanjay Jain, Aged About 21 Years, R/o 3/36, R.h.b. Colony, Goverdhan Vilas, Udaipur (Raj.) Through Power Of Attorney Holder Sanjay Kumar Pancholi S/o Sh. Nanchand Pancholi, Age 50 Years, R/o 2/36, R.h.b. Colony, Goverdhan Vilas, Udaipur (Raj.).

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Finance (Tax), Secretariat, Jaipur.
2. Inspector General, Registration And Stamps, Department Of Registration And Stamps, Government Of Rajasthan, Jaipur.
3. Deputy Inspector General Cum Collector (Stamps), Department Of Registration And Stamps, Udaipur.
4. Sub-Registrar, Udaipur.
5. M/s Silver Nest Construction, Through Its Partner Sh. Rajeev Suhalka S/o Sh. Chitranjan Lal Suhalka, Resident Of 504, Neptune Apartment, 170 New Fatehpura, Udaipur (Raj.)

-----Respondents

For Petitioner(s) : Mr. Sandeep Shah, Sr. Advocate with
Ms. Akshiti Singhvi

HON'BLE MS. JUSTICE REKHA BORANA

Order

11/09/2024

1. Learned Senior Advocate appearing for the petitioner submits that the sale-deed dated 04.12.2023 have not been registered by respondent No.4-Sub-Registrar-II, Udaipur despite the complete amount as calculated per the DLC rates, having been paid. Learned Senior Counsel submits that as per the provisions

of the Rajasthan Stamp Act, 1998 (hereinafter referred to as, 'the Act of 1998'), the Registrar is not competent to refuse to register a document and even if any document is refused to be registered, a reason in terms of Section 71/76 of the Registration Act, 1908 (hereinafter referred to as, 'the Act of 1908') is required to be given.

2. Learned Senior Counsel further submits that respondent No.4 has neither impounded the documents nor refused to register the same but has kept them pending.

3. Learned Senior Counsel submits that the said action has been taken by respondent No.4 only on the premise that DLC rates as proposed by him ought to have been applied whereas, it is an admitted position that the said rates have neither been notified nor are the prevailing DLC rates. Therefore, the Registrar is under an obligation to register the document as per the notified DLC rates.

4. Learned Senior Counsel, while arguing the issue of malafide, relied upon the sale-deeds qua the lands falling in the same area which had been registered by the same authority in the month of December, 2023 on the prevailing DLC rates.

5. In view of the submissions made, Issue notice. Issue notice of the stay application also.

Notices be filed in two sets within a period of one week. On the same being filed, one set be given '*dasti*' to learned counsel for the petitioner for service through registered post acknowledgment due.

Postal receipts of '*dasti*' notices be filed within a period of one week from the date of receipt of '*dasti*' notices.

Notices be made returnable on 07.10.2024.

6. Meanwhile, respondent No.4 shall proceed on to register the sale-deed dated 04.12.2023 with immediate effect. However, he shall not be under an obligation to hand over the original copy of the sale-deeds to the petitioner till further orders by this Court.

7. The petitioner shall be under an obligation to file an undertaking before this Court within 7 days, to the effect that if ultimately, any difference amount is found to be due, it would deposit the same as and when asked for, with interest/penalty, in terms of Act of 1998 or Act of 1908.

(REKHA BORANA),J