

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

S.B. Civil Writ Petition No. 16419/2024

M/s Classic Merchants Private Limited, Registered Office 17,
Nyaya Marg, Court Circle, Udaipur Through Authorized Person
Himanshu Jain S/o Sampatlal Jain, Aged 48 Resident Of
Fatehpura, 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-I, Udaipur.
5. Smt. Reena Mahatma W/o Parikshit Mahatma, Aged About 43 Years, 43 C Block, Near Goverdhan Vilas Sai Palace, Shikarbadi Road, Udaipur (Raj.).
6. Sonal Mahatma W/o Rajeev Mahatma, Aged About 42 Years, 43-C Block, Near Goverdhan Vilas Sai Palace, Shikarbadi Road, Udaipur (Raj.).
7. Deepika Saruparia W/o Manish Saruparia, Aged About 44 Years, Ganesh Bhawan, Hastinapur, Rajsamand (Raj.) Through Power Of Attorney Holder Parikshit Mahatma S/o Subhashchandra Mahatma, R/o Jal Chakki, Nathdwara Road, Kankroli, Rajsamand (Raj.)
8. Smt. Shaili Jain W/o Aadeshwarlal Jain, Aged About 66 Years, 3-4-540/1 Flat No.103, Imperial Castle, Narayan Guda, Himayatnagar, Hyderabad, Andhra Pradesh Through Power Of Attorney Holder Parikshit Mahatma S/o Subhashchandra Mahatma, R/o Jal Chakki, Nathdwara Road, Kankroli, Rajsamand (Raj.)

----Respondents

For Petitioner(s) : Ms. Akshiti Singhvi

HON'BLE MS. JUSTICE REKHA BORANA

Order

07/10/2024

1. Learned counsel for the petitioner submits that the sale-deeds dated 30.08.2024 have not been registered by respondent No.4-Sub-Registrar-I, Udaipur despite the stamp duty as calculated as per the DLC rates, having been paid. Learned 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 counsel further submits that respondent No.4 has neither impounded the documents nor refused to register the same but has kept them pending and now has proceeded on to issue notice dated 03.09.2024 in terms of Section 54 of the Act of 1998 calling upon the petitioner to deposit an amount of Rs.2,30,835/-, Rs.2,30,835/-, Rs.2,30,835/- & Rs.1,60,765/- respectively without any reason, whatsoever.
3. Learned 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 Sub-Registrar-I, Udaipur is under an obligation to register the document as per the notified DLC rates.

4. Learned counsel, while arguing on the issue of malafide, relied upon the sale-deeds qua the lands falling in the same area that 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 11.11.2024.

6. Meanwhile, respondent No.4 shall proceed on to register the sale-deeds dated 30.08.2024 with immediate effect. However, he shall not be under an obligation to hand over the original copy of the sale-deed to the petitioner till further orders by this Court.

7. As a consequence, further proceedings in pursuance to the notice dated 03.09.2024 shall also remain stayed till further orders.

8. 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