


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

S.B. Civil Writ Petition No. 17579/2024

Smt. Reena Mahatma W/o Shri Parikshit Mahatma, Aged About 41 Years, R/o Pasharva, 43 C Block, Near Goverdhan Vilas Sai Palace, Shikarbadi Road, 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. Radhakishan Dhabhai S/o Shri Jetraj Dhabhai, R/o 6, Modern Complex, Udaipur (Raj.).

----Respondents

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

For Respondent(s) : -

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

23/10/2024

1. Learned counsel for the petitioner submits that the sale-deed dated 02.08.2024 has 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 Sub-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 03.08.2024 in terms of Section 54 of the Act of 1998 calling upon the petitioner to deposit an amount of Rs.29,8830/- 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.

6. 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.

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

8. Notices be made returnable on 11.11.2024.
9. Meanwhile, respondent No.4 shall proceed on to register the sale-deed dated 02.08.2024 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.
10. As a consequence, further proceedings in pursuance to the notice dated 03.08.2024 and 28.08.2024 shall also remain stayed till further orders.
11. 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.
12. Connect with S.B. Civil Writ Petition No.16419/2024.

(KULDEEP MATHUR),J