

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 7800 OF 2001

STATE OF RAJASTHAN & ORS.

Appellant (s)

VERSUS

BASANT NAHATA
(With office report)

Respondent(s)

Date: 23/11/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)Mr. Aruneshwar Gupta,Adv.

For Respondent(s)Ms. Manjeet Chawla,Adv.

UPON hearing counsel the Court made the following
O R D E R

The Legislature of Rajasthan, by Act 16 of 1976 inserted Section 22A in the Indian Registration Act, 1908 providing therein that the State Government may, by notification in the Official Gazette, declare that the registration of any document or class of document is opposed to public policy. Several notifications were issued under the said provision. The respondent herein challenged the constitutional validity of Section 22A of the notification issued under Section 22A. The High Court of Rajasthan has struck down Section 22A as well as the notification issued thereunder inter alia on the ground that sufficient guidelines were not provided in the notification authorising the State to declare any document or class of document to be opposed to public policy.

Learned counsel for the petitioner has brought to our notice that the States of Bihar, Gujarat, Karnataka, Maharashtra and Meghalaya have also made similar State amendments in the Registration Act. Since the decision in this case is likely to affect the States of Bihar, Gujarat, Karnataka, Maharashtra and Meghalaya as well, we deem it appropriate to afford a hearing to those States as well.

Notice of this appeal be served on the Advocate Generals of these States as well as on the Standing Counsels of the concerned States in this Court returnable after six weeks.

Additional documents taken on record.

To come up in January, 2005.

(G.V.Ramana)(Vijay Dhawan)
Court MasterCourt Master