



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP No.9446 of 2025

DATE OF DECISION : 2nd APRIL, 2025

Kamini Jain & others

.... Petitioners

Versus

The Union Territory of Chandigarh & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE KULDEEP TIWARI

* * * *

Present : Mr. Ravindra Jain, Advocate for the petitioners.

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KULDEEP TIWARI, J. (Oral)

1. The grievances, which are encapsulated in the instant petition, are that neither the online portal for registration of documents is working, nor the Sub-Registrar is accepting the documents for registration physically. Therefore, by filing the instant petition under Articles 226/227 of the Constitution of India, a prayer is made for issuance of mandamus upon respondent No.4, to open the online portal for submission of applications for registration of conveyance deeds, and to issue appointment to the petitioners, or in the alternate to accept the same in offline mode, in view of the prevalent circumstances.

2. The counsel for the petitioners has submitted that the petitioners are the allottees of the property situated in Sector 49-C, Chandigarh, and have taken the requisite steps for the registration of conveyance deed in compliance with the legal requirements. He further submits that the petitioners have requested the housing society on 022/25.03.2025 to apply for No Objection Certificate (NOC), from the Registrar, Cooperative Societies and on dated 25/28.03.2025, they have received the NOC (Annexure P-5). Thereafter, after receiving the NOC



from the office concerned, the petitioners have purchased the stamp papers on dated 25/27.03.2025, in terms of the collector value for the said property as mentioned in the notification. As per the instructions the petitioners have to pay the stamp duty equal to 5% of the value of the conveyance deed. The petitioners tried to secure online appointment for registration of the conveyance deeds on dated 25.03.2025, however, the online portal was found to be closed, and the petitioner could not proceed with the registration. The counsel for the petitioners, finally submitted that they made all efforts, i.e. on dated 26/27.03.2025, by making request before the Sub-Registrar to grant appointment, however, the same was not accepted. He also submits that now the new collector rates have come into force w.e.f. 01.04.2025, and on account of inaction on the part of the Sub-Registrar, the petitioners are burdened with increased stamp duty. Finally, a prayer is made that direction may be passed upon the Sub-Registrar to register the conveyance deeds on the collector rates existing prior to dated 01.04.2025.

3. On advance notice Mr. J. S. Chandail, Addl. Standing Counsel for UT, Chandigarh has caused appearance, and submits that now online portal of Sub-Registrar is working, and the petitioners can very well apply through the online portal. In case they apply, their conveyance deeds will be registered, in accordance with the rules but in accordance with the new collector's rate as the same has come into force w.e.f. 01.04.2025.

4. This court has considered the submissions made by, both the counsel for the parties concerned. Though, this court is in agreement with the submissions made by counsel for the petitioners, that the Sub-Registrar cannot refuse to accept the documents placed before it, for



registration. However, he can only either register the documents, or decline the same by passing a speaking orders. So far as the prayer made by counsel for the petitioners to pass mandamus upon the Sub-Registrar to register the conveyance deed on the rates prevailing prior to dated 01.04.2025, is concerned, that is a misconceived prayer made by the petitioners. The collector rates have come now into force w.e.f. 01.04.2025, and moreover, neither the instructions, wherethrough, the collector rates have been revised, nor the date from which the collector rates are made effective, are challenged in the instant petition. Further, whether, the petitioner approached the Sub-Registrar prior to dated 01.04.2025 or not, is purely a disputed question of fact. The same cannot be adjudicated through the present writ petition. Therefore, a mandamus is passed upon the Sub-Registrar concerned, only to extent that in case the petitioner makes deficiency of stamp duty, good and submits requisite documents, the latter shall instead of refusing to accept the documents, take necessary action in accordance with the Registration Act, i.e., either register the conveyance deed, or decline the same by passing a speaking order thereon.

5. Disposed of accordingly.

2nd April, 2025
'raj'

(KULDEEP TIWARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>