



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-9153-2025

Date of Decision : 01.04.2025

SANJOG SUGARS AND ECO POWER PVT LTD

.....Petitioner

VERSUS

SUB/JOINT REGISTRAR KALKA HARYANA

.....Respondents

CWP-9217-2025

HARSHVARDHAN JHINJHA

.....Petitioner

VERSUS

SUB JOINT REGISTRAR KALKA HARYANA

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr.Aashish Chopra, Sr.Advocate assisted by
Ms. Rupa Pathania, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Both the petitions filed under Article 226/227 of the Constitution of India, are amenable to be decided together as common relief has been sought, i.e. seeking quashing orders dated 07.03.2025, and dated 06.03.2025, whereby the Sub-Registrar, Kalka (respondent), refused to register the documents on the ground of pendency of a criminal investigation in case FIR No.59, dated 29.01.2025, registered under Sections 420,406,467, 468, 471 and 120-B of the IPC, at Police Station Sangaria, District Hanumangarh, registered at the instance of the petitioner(s).

2. Learned senior counsel appearing for the petitioners submits that the orders (*supra*), as passed by the respondent-Sub Registrar, Kalka, is beyond, his jurisdiction, as he cannot act as a *quasi-judicial* authority, rather the work assigned to him is of administrative nature as per Section 71 of the Registration Act, 1908 (hereinafter referred to as the Act of 1908).

3. Further, while drawing attention of this Court towards Section 35 (3) of the Act of 1908, learned senior counsel submits that it prescribes ground available to a Sub-Registrar, for denial of execution, whereas, the reason assigned in the impugned order is not one of those. Therefore, for all reasons, the impugned order passed by the Sub-Registrar is beyond jurisdiction.

4. He in addition submits that the collective reading of Sections 71 and 35 of the Act of 1908, makes it vividly clear that the Sub-Registrar concerned, is duty bound to register the document.

5. This Court, at the very outset, encountered the learned senior counsel with regard to the statutory remedy as enshrined under Section 72 of the Act of 1908, to which he categorically submits that since the order passed by the Sub-Registrar concerned, is beyond jurisdiction, therefore, the efficacious remedy for the petitioner, is to file the instant writ petition.

6. This Court after hearing the learned senior counsel for the petitioner at length, and after perusing the entire case file, is of the considered view that since there is a specific statutory remedy available

under Section 72 of the Act of 1908, petitioner can very well approach the Registrar concerned, with the similar plea as raised before this Court. Therefore, at this stage, without observing anything upon the legality of the impugned order, the petitioner is relegated to the Registrar, Panchkula.

7. In case, the petitioner approaches the Registrar concerned, by filing an apt motion under the provisions of Section 72 of the Act of 1908, within a period of 15 days from today, the latter concerned, shall make its all endeavours to decide the same within a period of 03 weeks thereafter, after giving an adequate opportunity to hearing to the petitioner.

8. **Disposed of** accordingly.

A photocopy of this order be placed on the file of the connected case.

April 01, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No