

**IN THE COURT OF DISTRICT REGISTRAR : SOUTH-WEST
OLD TERMINAL TAX BUILDING, KAPASHERA, NEW DELHI**

No. 27541
Appeal No.:1/38/2017

01/05/19

Case ID: 16811

Jitender Pahuja Appellant

Vs.

SR-IX Respondent

ORDER

By this order I shall dispose off the present appeal filed by the appellant against the order dated 01.04.2017 of the SR-IX whereby sale deed presented on 24.08.2016 by Sh. Jitender Pahuja S/o Sh. G. D. Pahuja in favour of Smt. Kiran W/o Navin Kothiyal in respect of property bearing No. 714, Area measuring 59 sq. mtrs. Pocket-3, Sector-19, Dwarka residential scheme, Dwarka, New Delhi vide proofing No. 8753 was refused to be registered.

Contention of Appellant:

1. Appellants submitted that the said floor of the building is under Expandable Housing Scheme having area 59 sq. mtrs. And as per Master Plan of Delhi 2021 a plotted area b/w 50 to 100 sq. mtr. has a FAR of 350 and 4 units can be built.
2. Appellants also submitted that at the time of sale in 1995, DDA's brochure says that there is no need of getting any separate sanction plan for the expansion under the Expandable Housing Scheme.
3. Appellants also relied upon many similar floors of Pocket-3, Sector-19 which were registered by SR office prior to March, 2016 and were never asked for any map with the sale deed.

Contention of Respondent:

Respondent submitted that as per clarification from DDA, the allottee shall not be entitled to subdivide the dwelling unit or make any structural additions & alteration. Also allottee was only allowed to construct ground floor first floor and terrace. However, in present case the allottee has constructed 4 floors and selling 3rd floor. Therefore, the parties were asked to produce building plan sanctioned by DDA.




Observation:

That after perusal of the record, pleading and legal opinion obtained from the Legal Advisor, Revenue Department, it is observed that there is no requirement under the Registration Act or even the Manual, 1976 framed by the Inspector General of Registration to require sanctioned building plan before registration of the document. In view of the above, that act of the sub-registrar in insisting for a sanctioned building plan is found to be arbitrary and without jurisdiction.

Conclusion:


In view of the aforesaid facts & circumstances the present appeal is upheld and order of the sub-registrar dated 01.04.2017 is dismissed.

Given under my hand and seal on this 1st day of May 2019.


RAHUL SINGH, IAS
(REGISTRAR, SOUTH WEST)

Copy to:

1. Sub Registrar (IX)
2. Sh. Jitender Pahuja, Appellant
3. Guard File
4. System Analyst – for uploading on the website.


RAHUL SINGH, IAS
(REGISTRAR, SOUTH WEST)

