

# Can a document be registered in the office of the sub-registrar?

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Can a document registered before in the office of Registrar or Sub-Registrar, be cancelled by the Registrar or Sub-Registrar after it is registered? In the light of Supreme Court's order in the case of Satya Pal Anand v. State of M.P. and Others (Civil Appeal No 6673 of 2014), it is now settled law that once a document which is registrable under the Registration Act, 1908 is registered by the registering authority it cannot be cancelled.

In other words, the authority becomes functus officio and is left with no power to cancel the

document.

The brief facts of the case are that the Appellant's mother got a plot allotted in a Housing Cooperative Society which was unilaterally cancelled because of violation of Bye-laws of the Society which mandated raising any construction on the plot so allotted within time.

The same plot was allotted to some other person and a compromise deed was entered into where under the Appellant received a consideration.

An Extinguishment Deed of the plot was executed and unilaterally presented for registration by the Housing Cooperative Society.

Claiming to be aggrieved by the unilateral cancellation, the Appellant went on through the hierarchy of courts, firstly approaching the office of the

Deputy-Registrar, Cooperative Societies against the unilateral registration of Extinguishment Deed and prayed for a declaration that he continues to be the owner of the subject plot allotted by the Society to his mother, having inherited the same.

The new buyers also issued notice to the Appellant asking for refund of the consideration amount accepted by him in furtherance of the compromise deed, but he did not pay any heed to that demand.

During the pendency of the dispute, the Appellant also

**ONCE A DOCUMENT IS REGISTERED BY THE AUTHORITY, IT CANNOT BE CANCELLED**

moved an application before the Sub-Registrar asking him to cancel the Extinguishment Deed and subsequent transfer deeds executed in favour of new buyers. This application was rejected by the Sub-Registrar on two grounds; firstly, a dispute was pending between the parties with regard to same subject matter and secondly, he had no jurisdiction to cancel the registration of the document in question.

For his jurisdiction was limited to registration of the document when presented by the executant before him for that purpose.

The Appellant then approached the Inspector General (Registration), the application was rejected on the ground that powers conferred on him were limited to the general superintendence of the Registra-

tion offices and making Rules. The Appellant plea under Writ Petition in High Court of Madhya Pradesh, was also dismissed as he had already resorted to a remedy before appropriate forum.

The High Court advertent to the decision in the case of Govt. of U.P. vs Raja Mohammad Amir Ahmad Khan, held that since the Registering Officer registered the document presented to him for registration, his function is exhausted.

He would then become functus officio and no power to impound the document under Section 33 of the Registration Act.

This decision was further challenged under an appeal in Supreme Court.

The issue that came up before the Hon'ble Supreme Court was whether the Sub-Registrar has

any authority to cancel the registration of any document including an Extinguishment Deed after it is registered?

The Apex Court while answering the former question was of the view that there is no express provision which could empower the Registrar to recall such registration.

In absence of any express provision in that behalf, it cannot be assumed that sub-registrar is competent to cancel the registration of the documents in question and same is the case for powers of the Inspector General.

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■ The registrar may not recall a registered document

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