

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.101 OF 2024

SUNIL OMPRAKASH
GARG AND ANR.

... PETITIONERS

Versus

STATE OF GOA, THR. ITS
CHIEF SECRETARY AND
ANR.

... RESPONDENTS

Mr Y.V. Nadkarni mwith Mr Nilay Naik, Advocates for the
Petitioners.

Mr P. Arolkar, Additional Government Advocate for the
Respondents.

**CORAM: M. S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATE: 6th FEBRUARY 2024

P.C. :

1. Heard Mr Y.V. Nadkarni who appears with Mr Nilay Naik for the petitioners and Mr P. Arolkar, learned Additional Government Advocate for the State.

2. This petition challenges the rejection by the Sub-Registrar of the draft Release Deed uploaded by the petitioners for registration under the Registration Act 1908 (said Act).

3. The reason for rejection reads as follows:-

“NOT APPROVED SUBJECT MATTER OF THIS DEED INCLUDES MOVABLE PROPERTIES HENCE NOT WITHIN THE JURISDICTION OF THIS OFFICE”

4. Mr Arolkar, learned Additional Government Advocate agrees that for the above reason, the Sub-Registrar could not have rejected the draft uploaded by the petitioners or refused any registration. Even otherwise, we are satisfied that merely because the Deed included some movable properties the registration could not have been refused.

5. Mr Arolkar states that the petitioners may once again upload their documents and subject to clearance of other formalities and provisions of law the same will be registered by the Sub-Registrar. In short, Mr Arolkar states that the registration will not be refused on the ground that the Release Deed includes movable properties along with immovable properties.

6. Mr Nadkarni states that the Release Deed will be uploaded within the next two days. If this is done, the Sub-Registrar is directed to process the approval of this draft at the earliest and, in any case, within seven days.

7. This petition is allowed in the above terms. There shall be no order for costs.

8. All concerned to act on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

NITI K

HALDANKAR

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M. S. SONAK, J.