

Press Release No: 775

DATE: 14/11/2017

CIRCULAR

Letter No.41530/U1/2017, dated 8.11.2017

Sub: Complaints - Fraudulent Registrations - Cancellation of Registration of Documents - Withdrawal of Circular No.67 dated 3.11.2011 - Non-adherence of procedures by the Registering Officers resulting into fraudulent registration - Enquiry to be conducted under Section 68(2) of the Registration Act, 1908 by the District Registrars (Admin) - Procedure prescribed by invoking Section 69 of the Registration Act, 1908 by the Inspector General of Registration - To be followed scrupulously in letter and spirit - Regarding.

Ref: Letter No.41530/U1/2017, dated 20.10.2017 of Inspector General of Registration, Chennai -28.

1. Circulars are being issued then and there by the Inspector General of Registration stipulating the procedures to be adopted by the Registering Officers for eliminating the possibility of fraudulent registrations. Vide reference cited above, all those circulars have been consolidated and a comprehensive circular has been issued by the Inspector General of Registration in respect of procedures to be adopted during the course of registration for eliminating the possibility of fraudulent registration. Non-adherence to the procedures prescribed in the above referred circular by the Registering Officers may lead to fraudulent registrations.

2. Now it has come to my knowledge that in certain fraudulent registrations criminal cases have been filed against the Registering Officers for their act of commission\omission. In the cases of fraudulent registrations, the aggrieved parties are approaching the

office of the District Registrars (Admin), DIGs of Registration and Inspector General of Registration for the appropriate remedy. Hence, it is now proposed to enquire in to those petitions received from the aggrieved parties by the District Registrars (Admin) under Section 68(2) of the Registration Act, 1908.

3. Section 68 of Registration Act, 1908 confers powers upon the Registrar to superintend and control the acts of the Sub Registrar. Sub section (2) in unambiguous terms provide that the Registrar shall have the authority to issue any order consistent with the Registration Act, 1908 which he considers necessary in respect of any act or omission of any Sub Registrar subordinate to him. The Registrar shall also have power in respect of the rectification of any error regarding the book or the office in which any document has been registered. In fact the power is a power of superintendence and supervision and is not a power to cancel the registration of the document. [**Managing Committee Vs State of Bihar, 2003 (2) BLJ 396**].

4. Once the document is registered, it is not open to any Authority, under the Act of 1908 to cancel the registration. The remedy of appeal provided under the Act of 1908, in Part XII, in particular, Section 72, is limited to the inaction or refusal by the Registering Officer to register a document. The power conferred on the Registrar by virtue of Section 68 cannot be invoked to cancel the registration of documents already registered. [**Satya Pal Anand Vs. State of M.P. & Ors, (2016) 10 SCC 767**].

5. Role of the Sub-Registrar (Registration) stands discharged, once the document is registered..... The fact whether the document was properly presented for registration cannot be reopened by the Registrar after its registration. The power to cancel the registration is a substantive matter. In absence of any express provision in that behalf, it is not open to assume that the Sub-Registrar (Registration)

would be competent to cancel the registration of the documents in question. Similarly, the power of the Inspector General is limited to do superintendence of registration offices and make rules in that behalf. Even the Inspector General has no power to cancel the registration of any document which has already been registered. [**Satya Pal Anand Vs. State of M.P. & Ors, (2016) 10 SCC 767**].

6. Before registrar can issue orders under Section 68 of the Act, it must be shown that the act or omission complained of was the act or omission of one of his subordinates. This is clear from the terms of sub-section (2) of Section 68 of the Act. [**Narul Haq Vs. Charies Tyrrell, AIR 1949 Cal 220 (DB)**].

7. Section 68 of the Registration Act only provides that every Sub registrar shall perform the duties of his office under the superintendence and control of the Registrar and that every Registrar shall have authority to issue any order consistent with the Act to any Sub-Registrar in respect of any act or omission on his part or in respect of rectification of any error regarding the book or the office which any document has been registered. It appears that the section 68 only empowers the registrar to issue directions to Sub-Registrar in respect of their ministerial functions and duties. [**Nyadar Singh Vs Chen Singh, AIR 1955 MB 205 (DB)**].

8. The Registrar cannot, in exercise of the power under this Section, direct the Sub Registrar not to register a document presented for registration if the document complies with the statutory requirements and formalities. [**Bihar Deed Writers Association Vs. State of Bihar, 1988 BLJR 399**].

9. In light of the above discussion, the following mandatory procedure is prescribed to deal with the complaints relating to the fraudulent registrations due to the non-adherence of the various

safeguards stipulated in the circulars issued by the Inspector General of Registration for preventing the fraudulent registration (as enumerated in the Inspector General of Registration's circular dated 20.10.2017 such as verification of EC, Original Title deed and obtaining Life certificate of the Principal, ensuring due attestation of erasures, alterations in a document etc., and any other relevant circulars/orders).

(a) District Registrar (Admin) shall receive such petitions from the aggrieved parties and register the same in the Register of Complaints in the following format,

Sl. No	Date	Name and address of the applicant	Document No and SR office Name	Name and address of the executants, claimants and witnesses
(1)	(2)	(3)	(4)	(5)

(b) After entering the complaint, he/she shall issue notices to the executants, claimants of the documents and witnesses **if found necessary** to appear for the enquiry and he/she should enquire the registering officer and if needed, call for the records from the Revenue Department and also shall summon the respective Village Administrative Officer (VAO) to appear before him with the Village Accounts.

(c) Once the enquiry is completed by following the summary procedure, he/she shall pass orders to this effect, recording his/her findings. It is instructed that the District Registrars (Admin) shall pass a speaking order by way of a proceedings and the same shall have to be communicated to the petitioner through Registered post under

Acknowledgement (RPAD). District Registrars (Admin) should complete the enquiry within two months period in each case and if the parties are not appearing for more than two summons, ex-parte order shall be passed based upon the documents, evidences and witnesses available. While issuing summons also, the mode of Registered post under Acknowledgment (RPAD) alone shall be adopted.

(d) It is further emphasized that the procedure prescribed above is only to deal with fraudulent registration which are resulted due to the reason that the Registering Officers not adhered to the instructions/circulars/provisions of Act/Rules. Further it is emphasized that this circular should in no way be construed to mean that the District Registrar (Admin) shall go into the issue of deciding the title.

(e) Any failure in implementing this circular by the District Registrars (Admin) shall be viewed very seriously and necessary disciplinary action will be initiated against them in case of any violation.

(f) While disposing the petition if it is found that the fraudulent registration has been caused due to non-adherence of safeguards by the Registering Officers, the District Registrar shall intimate the facts to the Deputy Inspector General of Registration for initiation of disciplinary action against the Registering Officer and apart from this, if any criminal conduct of the Registering Officers is found, then the District Registrar (Admin) shall take necessary further action in accordance with the rules in force and also in consistent with the Registration Act, 1908.


10. Deputy Inspector General of Registration concerned has to review these cases periodically and during inspections the Register of Complaints meant for this purpose shall be reviewed and initialed by the Deputy Inspector General of Registration.

11. It is once again reiterated that the Registering Officers are already empowered under Section 83 of the Registration Act, 1908 to commence the criminal prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity. This point has been sufficiently emphasized by me vide reference cited above. This circular is now issued to the District Registrars (Admin) to enquire in to the petitions filed by the aggrieved parties who are affected by the fraudulent registration due to the non-adherence of the stipulated procedures by the Registering Officers. This difference shall be borne in mind by the District Registrars (Admin) and Deputy Inspector General of Registration (DIGs).

12. This circular comes into immediate effect.

13. DRs and DIGs are requested to send acknowledgement for having received this circular. Progress being made in this regard will be reviewed in the monthly review meetings to be conducted by the Inspector General of Registration.

14. This circular is available for the general public in www.tnreginet.net.


Inspector General of Registration

ISSUED By:

DEPT of Information and Public Relations, Ch. 9