

GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF REVENUE & DISASTER MANAGEMENT
O/o THE INSPECTOR GENERAL OF REGISTRATION

No.8969/REGN/C3/DRDM/201-

Puducherry, the 18th March, 2015

C I R C U L A R

Sub: Procedure - Complaints relating to fraudulent registrations through impersonation or production of false documents and evidences-Reg.

Petitions regarding fraudulent registrations through impersonation or production of false documents and evidences are being received from time to time. The Registering officers have so far advised the aggrieved parties to approach Civil Court for remedies. However, in many instances aged persons, poor widows, persons living abroad are the targets of the anti-social elements. These persons become victim as a result of registration through impersonation or production of false documents and evidences. Therefore, advising the innocent petitioners to approach Civil Court for remedy without exercising the inherent powers available with the registering officers would only add to the mental agony of the already distressed land owners.

2. Any person involved in the registering of documents through impersonation or production of false documents and evidences are liable to be punished under Section 82 and 83 of the Registration Act, 1908. Though the Act provides for taking punitive action against offenders, such action alone will not meet the ends of justice. Therefore, there should be a remedy to the aggrieved party and also a deterrent to prevent further fraud and cheating of innocent buyers in future.

3. Hon'ble High Court of Madras vide common order dated 17/07/2014 in W.P.No.5908/2012 (Batch cases) has upheld the validity of Circular No.67, dated. 03.11.2011 issued by the Inspector General of Registration empowering the District Registrars of the State of Tamil Nadu to cancel documents executed by playing fraud. Further, adverting to the decision of the Apex Court in Indian Bank Vs. Satyam Fibers (India) Pvt. Ltd. (1996 (5) SCC 550), the Court had held that 'the Authorities, be they Constitutional, Statutory or Administrative, possess the power to recall their judgments or orders if they are obtained by fraud as Fraud and Justice never dwell together'. The Court has further observed, 'in larger public interest, it is inclined to uphold the validity of the impugned circular as no negative element subsists therein so as to render it otiose in the course of judicial test and that the 'order of annulment passed by the District Registrar cannot be found fault with'.

[Signature]

DR
All SR take action & report within 24 hrs.

[Signature]
02/04

4. The Hon'ble Courts have also observed that quasi-judicial and administrative authorities have inherent powers to recall their orders or proceeding at a later part of time if it is shown that such order was obtained by impersonation or production of false documents and evidences. This is also provided in section 21 of General Clauses Act, 1897 in a different manner as extracted below:

"21. Power to issue, to include power to add to, amend, vary or rescind notifications, orders, rules, or bye-laws -

Where, by any (Central Act) or Regulations, a power to (issue notifications) orders, rules, or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and condition (if any), to add to, amend, vary or rescind any (notifications), orders, rules or bye-laws so (issued)."

5. Section 68 of the Registration Act, 1908 vests on the Registrar, the power to superintend and control Sub-Registrars. The Registrar therefore is duty bound to ensure that the Sub-Registrars follow scrupulously the provisions of Section 34(3) and 35 of the Registration Act, 1908 read with Rule 55 of the Puducherry Registration Rules, 1969., while registering the documents.

6. The Sub-Registrars are required to consider objections raised on the ground that parties appearing before them are not the persons they profess to be or that the document is forged or that the representative/agent/assignee has no right to appear in that capacity or that the existing party is not really dead as alleged.

7. With the objective of preventing fraudulent registration and to safeguard the interest of persons executing bonafide transactions, the petitions on fraudulent registration, shall be processed in the following manner:

(a) All such complaints of fraudulent registration received by the department have to be forwarded to the District Registrar who shall register the same in a register of complaints relating to fraudulent registration in the following format.

Sl. No	Date	Name and address of the complainant	Document no. and SR office name	Name and address of the executants, claimants and witnesses

[Handwritten signature]

(b) After entering the complaint by making entries in the Register, the District Registrar shall issue notices to the executants of the document and witnesses to appear for enquiry along with the complainant. He should also take witness of the registering officer and if needed, call for the records from the Revenue Department and also summon the respective Village Administrative Officer (VAO) to appear before him with the village accounts. The District Registrar shall conduct a summary enquiry.

(c) Once the enquiry is completed and it is proved that the registration has taken place through impersonation or through production of false documents or statements/admissions, he shall pass orders to this effect, recording his findings and issue direction to the concerned registering officers to file FIR against the concerned persons and also to make a note in the Index-II of the document which was fraudulently registered to the effect that the "registration is annulled as per the proceedings of the District Registrar (Proceeding No. and Date to be noted) and it shall have the same effect as prescribed under Section 49 of the Registration Act".

8. After receiving the order of the District Registrar, the registering office shall immediately file FIR and make entries as stated above in Index-II without any loss of time. The registering officer shall maintain a separate register in this regard in his office to register all such orders of the District Registrar, in the following format:

Sl.No.	Date of receipt of order of District Registrar	Proceeding No.	Doc No. Of the Document to be annulled	Date of filing the FIR	Date of making note in Index -II	Signature of the Registering Officer

9. The District Registrar should complete the enquiry within a maximum period of two months, in each case and if the parties do not appear for more than 2 summons, ex-parte order should be passed based upon the documents, evidences and witnesses available.

While issuing summons, mode of RPAD (Registered Post with Acknowledgment Due) should be adopted.



10. However, these instructions will not apply to the cases where the complainant has admitted execution by himself due to whatever reasons. It is further emphasized that the procedure prescribed above is only to deal with fraudulent registrations done and it should in no way be construed to mean that the registering authority shall go into the issue of deciding title in case of rival claims in certain cases.

11. Any failure in registering complaints relating to fraudulent registration through impersonation or production of false documents/statements etc., and initiation of enquiry followed by filing of FIR and making of annulment entries in Index-II shall be viewed seriously and necessary disciplinary action will be initiated against the District Registrar and the concerned registering officer.

12. Any party aggrieved by the orders of the District Registrar may prefer an appeal before the Inspector General of Registration.

13. This order shall come into force with immediate effect.


18/03/2015
(Dr.V.CANDAVELOU)
Inspector General of Registration
Puducherry

To

The District Registrar, Puducherry.

All Sub Registrars, Puducherry/ Karaikal/ Mahe/ Yanam.

Copy to:

The Special Secretary (Revenue) –cum- The District Collector, Puducherry.

The District Collector, Karaikal.

The Deputy Collector (Revenue), North/South/Kariakal/Mahe/Yanam.