

COMPLAINT CASE NO. 3 OF 2022

01.08.2022



[1] The present complaint had been filed making an allegation that the SDC, Porompat/Sub-Registrar, Porompat for certain extraneous consideration in collusion with one Shri Toijam Mohen Meitei, S/o T. Manihar Meitei, a resident of Wangkhei Thambalkhong, Imphal East District had registered a Gift Deed dated 18.01.2006 executed by Shri Toijam Nokul Singh (Doner), S/o (L) T. Gulap Singh, a resident of Top Naoriya, Imphal East District, Manipur for transferring a piece of land measuring .245 (point two four five) acre in the eastern side of the homestead land covered by C.S. dag No. 267 of Patta No. 223 (Old)/55 (new) of Village No. 29, Top Naoriya measuring an area of .98 acres (point nine eight acre) of Village No. 29, Top Naoriya, Imphal East District in favour of Shri Toijam Mohen Meitei (Donee), S/o T. Manihar Meitei, a resident of Wangkhei Thambalkhong, Imphal East District.

[2] It is also alleged that Shri Toijam Nokul Singh, who executed the said Registered Gift Deed dated 18.01.2006, had expired on 02.04.1973 and as such the said Registered Gift Deed dated 18.01.2006 is forged one and it had been registered by SDC, Porompat/Sub-Registrar, Porompat, Imphal East for a certain extraneous consideration in collusion with Shri Toijam Mohen Meitei.

[3] A certified copy of the alleged Registered Gift Deed dated 18.01.2006 is also produced before Manipur Lokayukta. On perusal of the said certified copy of the Registered Gift Deed it is clear that the said Gift Deed is alleged to have been registered by Sub-Registrar, Porompat on 18.01.2006 and also it is also clear that the passport photograph of the Doner, Shri Toijam Nokul

Singh and also the passport photograph of the Donee, Shri Toijam Mohen Singh are not affixed in the said Registered Gift Deed dated 18.01.2006. The complainant also produced the Death Certificate of Shri Toijam Nokul Singh issued by Registrar, Birth and Death, Kshetrigao C.D. Block, Department of Rural Development and Panchayati Raj, Government of Manipur that Shri Toijam Nokul Singh (Doner) expired on 02.04.1973.

[4] Under Section 6 of the Registration Act, 1908, the State Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively. SDC, Porompat/Sub-Registrar, Porompat, Imphal East is the concerned Sub-Registrar for registration of said Gift Deed and the Deputy Commissioner is the Registrar of Imphal East. Duties and power of registering officers are clearly provided under Part XI of the Registration Act, 1908 which consists of Section 51 to 70. The manner of presentation and requirement for registration of Gift Deed are provided under Part VI of the Registration Act, 1908 which consists Sections 32 to 35. Section 31-A which was inserted w.e.f. 24.09.2001 clearly provides for compulsory affixing of photograph to the documents presented for registration. For easy reference, Section 32-A is reproduced hereunder :

"32-A. Compulsory affixing of photograph, etc. –
Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and finger-prints to the document:

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and the finger-prints of each buyer and seller of such property mentioned

in the document shall also be affixed to the document."

[4.1] It appears that the Sub-Registrar, Porompat while registering the said Gift Deed dated 18.01.2006 had utterly failed to examine and discharge his duty as provided under Part VI and Part XI of the Registration Act, 1908.

[5] It is also stated that the complainant had already filed an application dated 12.02.2021 under Section 68 of the Registrar Act, 1908 to the Deputy Commissioner, Imphal West/Registrar, Imphal East for rectifying the grave error by nullifying and cancelling the Registered Gift Deed dated 18.01.2006 registered in the office of the Sub-Registrar, Porompat, Imphal East. The learned Deputy Commissioner, Imphal East/Registrar, Imphal East failed to communicate any action taken to the applicant/complainant on the said application dated 12.02.2021.

[6] We are of the considered view that a comment from the Deputy Commissioner, Imphal East/Registrar, Imphal East, with whom the said application dated 12.02.2021 under Section 68 of the Registration Act, 1908 is pending, is required before passing any order, if necessary, for inquiry. Accordingly, Deputy Registrar, Manipur Lokayukta is directed to issue notice to Deputy Commissioner, Imphal East/Registrar, Imphal East for submitting his/her comment aforementioned within two weeks' time from the date of receipt of the notice. Deputy Registrar, Manipur Lokayukta is further directed to furnish:

- i) a copy of this order;



- ii) a xerox copy of the application dated 12.02.2021 filed by Shir Toijam Ibomcha Meetei under section 68 of the Registration Act, 1908;
- iii) a xerox copy of the Certified Copy of the Registered Gift Deed dated 18.01.2006; and
- iv) a xerox copy of the Death Certificate of Shri Toijam Nokul Singh dated 27.07.2022 issued the Registrar, Birth and Death, Kshetrigao C.D. Block, Department of Rural Development and Panchayati Raj, Government of Manipur.

[7] Fix this case on 22.08.2022.

Sd/-
MEMBER

Sd/-
CHAIRPERSON