

**COMPLAINT CASE NO. 3 OF 2022**

**14.09.2022**

1. Complainant appears in person.
2. One Mr. S. Ibomcha Singh, Sub-Registrar, Imphal East, Porompat appears in person on behalf of Deputy Commissioner, Imphal East.
3. After hearing the complainant as well as the Sub-Registrar, Imphal East, Porompat and also after perusal of the para-wise comment dated 18.08.2022 filed under the letter of the Sub-Registrar, Imphal East, Porompat as deputed by the Deputy Commissioner, Imphal East, we are of the considered view that the hearing of the Deputy Commissioner, Imphal East in person will be required.
4. By our order dated 01.08.2022, a comment from Deputy Commissioner, Imphal East, with whom the application dated 12.02.2021 under section 68 of the Registration Act, 1908 filed by the complainant is pending, was called. Para nos. 3, 5 and 6 of our order dated 01.08.2022 read as follows:

**“[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.**

**[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**

*Contd...2/-*

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."

4.1. Deputy Commissioner, Imphal East, who is undoubtedly the Registrar of Imphal East District is duty bound to discharge her duty under Section 68 of the Registration Act, 1908 on any application filed under Section 68 of the Registration Act, 1908. The present Deputy Commissioner, Imphal East/Registrar, Imphal East cannot delegate her duties under Section 68 of the Registration Act, 1908 to any person or subordinates; in other

words, she has no authority/jurisdiction to ask any officer subordinate to her to discharge her statutory duty under the Registration Act, 1908. Section 68 of the Registration Act, 1908, for convenience, is quoted hereunder:

**“68. Power of Registrar to superintend and control Sub-Registrars –**

**(1) Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.**

**(2) Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him or in respect of the rectification of any error regarding the book or the office in which any document has been registered.”**

5. On bare perusal of the said para-wise comment, it appears that none of the senior officers have read the order of the Manipur Lokayukta dated 01.08.2022 as it is evident from the para-wise comments prepared by the Sub-Registrar and forwarded by the SDO and D.C. to the Lokayukta without application of mind. Some comments which are required to be made by the Deputy Commissioner, Imphal East are completely missing in the said comment. We are asking for the personal appearance of the Deputy Commissioner, Imphal East by giving another chance for submitting her comment before decision is taken whether to register a case for inquiry. This is the third time, we are giving her chance to submit her comment before us.

6. Sleeping over a matter which is placed before an authority in appellate forum or supervisory post will certainly be taken as an act of corruption under the relevant provision of Prevention of Corruption Act, 1988. For the ends of justice, without giving any opportunity to the person concerned, Lokayukta will not take any drastic action in the name of imparting justice to the complainant, however, it is reiterated that remedy as provided under the law shall certainly be granted. It is also reiterated that Manipur

*Contd...4/-*

(4)

Lokayukta is not bias against any individual/officer but is only discharging its statutory duties as provided under the statute. In the given circumstances, we are making it clear that it is up to the Deputy Commissioner, Imphal East to appear in person, as ordered, for submitting her comment; in case of failure to do so, Deputy Commissioner, Imphal East has to face the consequences as provided under the law.

7. List this case on 21.09.2022 for personal appearance of Deputy Commissioner, Imphal East.

8. Registry is directed to furnish a copy of this order to the Deputy Commissioner, Imphal East by Special Messenger for her personal appearance before Manipur Lokayukta in person on **21.09.2022** so as to give her an opportunity to explain the actions taken from her side as provided under the Registration Act, 1908.

Sd/-  
**MEMBER**

Sd/-  
**CHAIRPERSON**