

COMPLAINT CASE NO. 3 OF 2022

21.09.2022

1. Complainant appears in person.
2. In pursuance of our order dated 14.09.2022 passed in the present complaint Deputy Commissioner, Imphal East appeared in person. Deputy Commissioner, Imphal East also submits her written comment dated 20.09.2022 to the Deputy Registrar, Manipur Lokayukta and also furnish a copy of the complaint dated 19.09.2022 by the Deputy Commissioner, Imphal East to the Superintendent of Police, Imphal East, Government of Manipur for effecting an investigation into the Gift Deed bearing Regd. No. 714 of 2006 dated 18.01.2006 of the Sub-Registrar, Porompat.
3. We made our loud observation that the Gift Deed dated 18.01.2006 is not in compliance with Section 32-A of the Registration Act, 1908 inasmuch as section 32-A of the Registration Act, 1908 provides that 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. In the said Gift Deed dated 18.01.2006, neither of the Donor or the Donee have affix their passport size photographs.
 - 3.1. It would be pertinent to mention here that section 123 of the Transfer of Property Act, 1882 provides that for the purpose of making a gift of immovable property, the transfer must be effected by a registered instrument signed by or on behalf of the donor, and attested by at least two witnesses. In the said Gift Deed dated 18.01.2006 it appears that it is not attested by any witnesses. The gift of immovable property, in the present given case, can be effected by a registered instrument signed as aforesaid. In the present Gift Deed dated 18.01.2006, the passport size photograph of the Donor is not affixed and the same is not attested by two witnesses which is the requirement of section 123 of the Transfer of Property Act, 1882.
4. After reading section 68 of the Registration Act, 1908, learned Deputy Commissioner, Imphal East submits that she may be given some time for taking appropriate action/steps under section 68 of the Registration Act, 1908.
5. After hearing the submission of the learned Deputy Commissioner, Imphal East, we are of the considered view that it would be appropriate to grant some more time i.e. at least three weeks for letting her take appropriate action/steps from her side. It is reiterated that appropriate action from the side of the Deputy Commissioner, Imphal East should be under section 68 of the Registration Act, 1908.

5.1. The complainant is directed to appear before the learned Deputy Commissioner, Imphal East as and when required by the learned Deputy Commissioner, Imphal East.

6. As prayed for by the learned Deputy Commissioner, Imphal East, three weeks' time is granted to her for taking appropriate actions/steps from her side.

7. List this case on 14.10.2022 for further proceeding.

8. Personal appearance of Deputy Commissioner, Imphal East is hereby dispensed.

9. Registry is directed to furnish a copy of this order to the Deputy Commissioner, Imphal East as well as to the Complainant, forthwith.

Sd/-
MEMBER

Sd/-
CHAIRPERSON