

COMPLAINT CASE NO. 3 OF 2022

16.12.2022

1. Complainant appeared in person and submits that in pursuance of orders of Manipur Lokayukta dated 21.09.2022 and 14.10.2022 passed in the present Complaint Case, the Deputy Commissioner Imphal East District passed an order being No. DC(IE)/1/Lokayukta/2022 dated 13.10.2022 for setting aside the order dated 19.01.2006 passed in Mut. Case No. 191/SDC/IE(P) dated 19.01.2006 by the Sub-Deputy Collector, Porompat, which was passed on the strength of the gift deed bearing Gift Deed No. 714 of 2006 and restored in the name of the original pattadars as per the Record of Rights (RoR).

2. The Complainant also produced a Certified Copy of computer generated Jamabandi of Homestead land covered by C.S. Dag No. (Sheet – 1) 267/675 of Patta No. 23 (old) and 55/808 (New) bearing an area of 0.09915 Hectare/0.245 Acre of Village no. 029 – Top Naoriya, Porompat, showing that the said Patta had been restored in the name of the Original Pattadar as the Records of Right (RoR). For better appreciation of the fact of the case, para nos. 2, 3, 4 and 4.1. of our order dated 01.08.2022 are reproduced hereunder:

“[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 32-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.”

3. On perusal of the order of Ld. Deputy Commissioner, Imphal East dated 13.10.2022 and also the report of the Sub-Registrar, Porompat after inquiry in respect of Registered Gift Deed No. 714 of 2006 which was registered on 18.01.2003, it is clear that the concerned Sub-Registrar, Porompat did not comply with the requirement of ‘Compulsory affixing of photograph’ as provided under Section 32-A of the Registration Act, 1908. Section 32-A was inserted by the Act No. 48 of 2001 and came into force w.e.f. 24.09.2001. The said Registered Gift Deed having Registration No. 714 of 2006 was registered on 18.01.2006 and thus on the date of registration of the Registered Gift Deed bearing Registered Gift Deed No. 714 of 2006, Section 32-A of the Registration Act, 1908 was in force.

4. It appears that such type of blunder/mistakes on the part of the concerned Sub-Registrar has given room for manipulation of the said registered Gift Deed No. 714 of 2006 dated 18.01.2006. It is also apparent from the record that the Donor, Shri Toijam Nokul Singh, S/o (L) T. Gulap Singh, a resident of Top Naoriya, Imphal East District, Manipur has already expired on 02.04.1973. Therefore, the concerned Sub-Registrar, Porompat who committed the blunder/mistakes should not be allowed to go scot-free, some action(s) is required to be taken up by the Ld. Deputy Commissioner, Imphal East as an eye-opener to the Sub-Registrars while registering Gift Deed/Registration of documents. Accordingly, Ld. Deputy Commissioner, Imphal East is directed to taken departmental action(s) against the concerned Sub-Registrar, Porompat as early as possible of the ends of justice. It is further directed that action(s) taken by the Ld. Deputy Commissioner, Imphal East shall be informed to Manipur Lokayukta within 5 (five) months from the date of passing this order.

5. Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of this order to Ld. Deputy Commissioner, Imphal East, by name, by Special Messenger and also to the Complainant.

Sd/-
MEMBER

Sd/-
CHAIRPERSON