

Press Release No: 775

DATE: 14/11/2017

CIRCULAR

Letter No.41530/U1/2017, dated 8.11.2017

Sub: Complaints - Fraudulent Registrations - Cancellation of Registration of Documents - Withdrawal of Circular No.67 dated 3.11.2011 - Non-adherence of procedures by the Registering Officers resulting into fraudulent registration - Enquiry to be conducted under Section 68(2) of the Registration Act, 1908 by the District Registrars (Admin) - Procedure prescribed by invoking Section 69 of the Registration Act, 1908 by the Inspector General of Registration - To be followed scrupulously in letter and spirit - Regarding.

Ref: Letter No.41530/U1/2017, dated 20.10.2017 of Inspector General of Registration, Chennai -28.

1. Circulars are being issued then and there by the Inspector General of Registration stipulating the procedures to be adopted by the Registering Officers for eliminating the possibility of fraudulent registrations. Vide reference cited above, all those circulars have been consolidated and a comprehensive circular has been issued by the Inspector General of Registration in respect of procedures to be adopted during the course of registration for eliminating the possibility of fraudulent registration. Non-adherence to the procedures prescribed in the above referred circular by the Registering Officers may lead to fraudulent registrations.

2. Now it has come to my knowledge that in certain fraudulent registrations criminal cases have been filed against the Registering Officers for their act of commission\omission. In the cases of fraudulent registrations, the aggrieved parties are approaching the

office of the District Registrars (Admin), DIGs of Registration and Inspector General of Registration for the appropriate remedy. Hence, it is now proposed to enquire in to those petitions received from the aggrieved parties by the District Registrars (Admin) under Section 68(2) of the Registration Act, 1908.

3. Section 68 of Registration Act, 1908 confers powers upon the Registrar to superintend and control the acts of the Sub Registrar. Sub section (2) in unambiguous terms provide that the Registrar shall have the authority to issue any order consistent with the Registration Act, 1908 which he considers necessary in respect of any act or omission of any Sub Registrar subordinate to him. The Registrar shall also have power in respect of the rectification of any error regarding the book or the office in which any document has been registered. In fact the power is a power of superintendence and supervision and is not a power to cancel the registration of the document. [**Managing Committee Vs State of Bihar, 2003 (2) BLJ 396**].

4. Once the document is registered, it is not open to any Authority, under the Act of 1908 to cancel the registration. The remedy of appeal provided under the Act of 1908, in Part XII, in particular, Section 72, is limited to the inaction or refusal by the Registering Officer to register a document. The power conferred on the Registrar by virtue of Section 68 cannot be invoked to cancel the registration of documents already registered. [**Satya Pal Anand Vs. State of M.P. & Ors, (2016) 10 SCC 767**].

5. Role of the Sub-Registrar (Registration) stands discharged, once the document is registered..... The fact whether the document was properly presented for registration cannot be reopened by the Registrar after its registration. The power to cancel the registration is a substantive matter. In absence of any express provision in that behalf, it is not open to assume that the Sub-Registrar (Registration)

