Office of the Inspector General of Registration,
Chennai 600 028.

CIRCULAR

Letter No.41530/U1/2017 dated.11.03.2022

Sub: Complaints - 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 – making index entries – review by Hon'ble Minister for Commercial Taxes and Registration - Instructions issued - Regarding.

Ref:

1. Circular No.41530/U1/2017 dated 8.11.17 of Inspector General of Registration, Chennai -28.

2. Circular No.41350/U1/2017 dated 31.7.2018 of Inspector General of Registration, Chennai -28.

3.Hon'ble HC Judgment in W.P (MD) No. 10177 of 2021 (Madurai Bench of Madras High Court)

4. Circular No. 20217 / U1/2017 dated 9-7-2021 of Inspector General of Registration, Chennai-28.

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1. Vide reference first cited a detailed mandatory procedure was prescribed by invoking Section 69 of the Registration Act, 1908 by the Inspector General of Registration directing the District Registrars to conduct enquiry under Section 68(2) of Registration Act 1908 i.e. verifying the complaints received in respect of fraudulent registration. In the said Circular it has been informed that the District Registrars shall pass a speaking order by way of proceedings and direct the registering officer to file complaint against fraudsters.

2. Vide reference second cited a clear instruction has been issued to pass specific orders if fraudulent registration is proved directing the Registering Officers for making entry in the relevant indexes and also in the copies of documents. Further, it states that the entry in index-II shall be made as "The registration of document is found as fraudulent vide proceedings of the District Registrar (Proceeding no. and date to be noted) due to ---------- (the findings to be given briefly)". The same note has to be made as a footnote in the relevant copies of documents filed and to be signed by the Registering Officer. If it is scanned document, then the note has to be made in a separate white

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paper, signed by the Registering Officer and to be linked to the main document.

3. Vide reference fourth cited the instructions were reiterated as per Hon'ble HC order cited in the third reference.

4. But in the review meeting conducted by Hon'ble Minister for Commercial Taxes and Registration on 25-2-2022, Hon'ble Minister for CT&R showed his displeasure as some of the registering officers are not making index entries with respect to order passed cases and criminal cases under Section 83 of the Registration Act, 1908 have also not been filed as well.

5. It is clearly instructed that DRs should pass specific orders if fraudulent registration is proved directing the Registering Officers for making entry in the relevant indexes and also in the copies of documents. Further, the entry in index-II shall be made as "The registration of document is found as fraudulent vide proceedings of the District Registrar (Proceeding no. and date to be noted) due to ---------- (the findings to be given briefly)". The same note has to be made as a footnote in the relevant copies of documents filed and to be signed by the Registering Officer. If it is scanned document, then the note has to be made in a separate white paper, signed by the Registering Officer and to be linked to the main document. So, it is hereby instructed to the concerned DRs that the cases for which final order passed declaring the document fraudulent, has to be reviewed with respect to index-II entry and footnote to the document, and if in any cases the entries are not made, it has to made immediately. The work has to be completed within 15 days and a report in this regard to be sent to this office.

6. The recitals in the first circular is extracted here, "While disposing the petition if it is found that the fraudulent registration has been caused due to non-adherence of safeguards by the Registering Officers, the District Registrar shall intimate the facts to the Deputy Inspector General of Registration for initiation of disciplinary action against the Registering Officer and apart from this, if any criminal conduct of the Registering Officers is found, then the District Registrar (Admin) shall take necessary further action in accordance with the rules and also in consistent with the Registration Act, 1908.----11. It is once again reiterated that the Registering Officers are already empowered under Section 83 of the Registration Act, 1908 to commence the criminal

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prosecution for any offence under this Act...". But it also came to the notice of the Hon'ble Minister for Commercial Taxes and Registration that in many cases criminal action has not been taken on the parties as well as on erring registering officers in cases where criminal conduct of registering officer is found.

7. So, it is hereby instructed that criminal action can be initiated either by District Registrar who is passing order or by the registering officer in order to avoid delay. The District Registrars are instructed to go through all the cases for which orders passed and to take necessary action to file criminal complaint within 15 days. If any delay happens on the Police side, the concerned DRs has to meet the Superintendent of Police in person for speeding up filing of FIR.

8. The concerned Deputy Inspector General of Registration should verify the register concerned and ensure that index-II entries, foot note and filing of FIR are all made. DIGs are directed to send the progress report once in 15 days, case wise, index-II entries made, foot note made, the name of the person / registering officer on whom FIR filed etc.

9. Any delay in this will be viewed seriously.

Sd/11.03.2022
Inspector General of Registration

//By Order//

11/3/2022

For Inspector General of Registration

To

All District Registrars (Admin),
All DIGs,
All Registering Officers.

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