Office of the Inspector General of Registration,

Chennai 600 028.

CIRCULAR

Letter No.41530/U1/2017 dated 31.7.2018

Sub: Complaints - Fraudulent Registration - Cancellation of registration of documents – Withdrawal of Circular No.67 dated 3.11.2011 – Involvement of Registering Officers in the 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 – prescribing appeal to the orders passed by the District Registrars – Instructions issued - Regarding.

Ref:

1. Inspector General of Registration Circular No: 67 dated 3.11.2011.

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

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

4. Letter No.41350/U1/2017 dated 6.4.2018 of Inspector General of Registration, Chennai -28.

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1. Vide reference first cited a circular was issued by the Inspector General of Registration prescribing a mandatory procedure to deal with the complaints relating to fraudulent registration through impersonation or production of false/fake documents and evidences and to annul the registration of the documents if proved.

2. Vide reference second cited the above said Circular No.67 dated 3.11.2011 was withdrawn with immediate effect based on the judgment

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delivered by the Hon'ble Supreme Court of India in "Civil Appeal No.6673 of 2014".

3. Vide reference third 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 (Admin) 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 categorically informed that the District Registrars shall pass speaking order by way of the proceedings and the same shall have to be communicated to the petitioner through RPAD.

4. Vide reference fourth cited it was instructed to recall all the annulment orders passed by the District Registrar (Admin) since the above said Circular No.67 dated 3.11.2011 itself was withdrawn with effect from 20.10.2017.

5. Now it has come to my knowledge that speaking orders have been passed by District Registrars as per the circular 3rd cited. For the cases of proven fraud the further action from the department ends with directing the Registering Officer to file police complaint against the fraudsters concerned. But the original owners could not register their documents since the fraudulent document appears in the Encumbrance Certificate as genuine registration. Due to these encumbrance entries, the real owners succumb to the pressure of the fraudsters and in fact these entries act as an encouraging factor for the fraudsters for repeating such instances.

6. Hence, all the District Registrars are hereby directed to do the following:-

a) If fraudulent registration is proved, apart from directing the Registering Officers to file police complaints against the fraudsters,

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specific orders to be passed directing the Registering Officers for making entry in the relevant indexes and also in the copies of documents. 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.

b) District Registrars in his/her proceedings should direct the Registering Officers that no registration of documents should be done based on the fraudulent document as declared by the District Registrar. But, the genuine owner of the property in question should be allowed to proceed with further registration irrespective of the occurrence of the fraudulent registration with respect to the said property.

c) District Registrars should add the following sentence in every order to be passed by them under circular issued vide reference 3rd cited.

"If the concerned party/ies wishes, he/they can appeal to the Inspector General of Registration, 100, Santhome High Road, Chennai – 28 against this order within 60 days from the date of receipt of this order."

d) For the cases in which orders have been passed already, a separate letter shall be sent with a message the that "if they are aggrieved by the order they can file an appeal to Inspector General of Registration within 60 days from the date of receipt of this letter".

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7. While visiting the Sub Registrar offices concerned the Deputy Inspector General of Registration and District Registrar should check whether proper entries are made in the relevant registers as per the directions of District Registrars. District Registrar should send the detailed action taken report to the Inspector General of Registration in this respect.

31/7/2018

Inspector General of Registration

To

All District Registrars (Admin),

Copy to

All DIGs and Additional IGR (S&R),
All Registering Officers.

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