

PROCEEDINGS OF THE DEPUTY INSPECTOR GENERAL OF
REGISTRATION AND STAMPS: GUNTUR.

Present: Dr.S.Md.Nabi, M.A., M.Sc.,LL.M.,Ph.D.,

Proccgs.No.A1/192/2010

Dt. 31.3.2011

Sub: P.S. - Registration and Stamps Department - Allegation of Unauthorized registration of property in S.No.383/5 of Kesanupalli village relating to Sri Vasavi Kanyaka Parameswari Temple - Disciplinary action initiated Under Rule 20 of A.P.C.S. (C.C.&A) rules, 1991 against Sri U.V.V.R.Sagar, Joint S.R.I, R.O.(O.B.) Narsaraopet - R.E.O.appointed - Report received Charges held as not proved - Final orders - Issued - Reg.

- Ref: 1) C & I.G.(R&S) Hyderabad memo No.G3/9663/10-2 Dt.12.8.10
Along with the proceedings of the District Collector and Magistrate, Guntur and letter addressed to the C & I.G.(R&S) Hyderabad.
- 2) D.I.G.(R&S) Guntur charge memo in proccgs.No.A1/192/2010 Dt.2.9.2010.
- 3) Explanation of the charged officer Dt.Nil received in this Office on 20.10.2010.
- 4) D.I.G.(R&S) Guntur proccgs.No.A1/192/2010 Dt.20.10.2010 (Appointment of R.E.O.)
- 5) R.E.O.(D.R. Market Value and Audit, Guntur) report in Lr.No.P1/NRT/RE/2010 Dt. 28.2.2011.

ORDER:

1. The Collector and District Magistrate, Guntur, on the basis of enquiry report made by the Revenue Divisional Officer, Narsaraopet which is drawn out on the strength of enquiry conducted by Tahsildar, Narsaraopet Mandal into the irregular registration of land of an extent of Ac.3.00 cents in S.No.383/5 of Kesanupalli village of Narsaraopet Mandal belongs to Si Vasavi Kanyakaparameswari Ammavari Devasthanam, had reported to the Commissioner and Inspector General of Registration and Stamps, A.P., Hyderabad vide letter in Rc.No.2834/2010/E2 dt. 23.7.2010 that one Sk.Dariya Vali S/o. late Latiff Saheb and 8 others had sold away the land of an extent of Ac.3.00 in S.No.283/5 of Kesanupalli village vide doct.No.1135/2010 to Smt Puli Suramma W/o.Obulreddy R/o.Annavaram village of Podili Mandal, Prakasam District without having any title or possession over the said property, and subsequently a rectification deed rectifying the S.No.283/5 as S.No.385/5 was registered vide doct.No.3106/2010 on 19.3.2010. Later on, the said Puli Suramma who got

the property vide above said document, had sold away an extent of Ac.2.35 cents in small bits of land to the 23 individuals, and requested to initiate disciplinary proceedings against the Registering authority who involved in registration of the documents without verifying the link documents etc.,

2. The Commissioner and Inspector General of Registration and Stamps, A.P., Hyderabad while enclosing a copy of the report of Collector and District Magistrate, Guntur and its enclosures vide reference 1st cited, requested to initiate disciplinary proceedings against the Joint Sub Registrar-I, Narsaraopet who is responsible for registration of the documents.

3. Accordingly, the following Article of charges have been framed against Sri U.V.V.R.Sagar, Joint Sub Registrar-I, R.O.Narsaraopet.

ARTICLE OF CHARGE-I

" That you Sri U.V.V.R.Sagar, Joint Sub Registrar-I, R.O.Narsaraopet had committed a grave misconduct in as much as in registering the property of an extent of Ac.3.00 belongs to Sri Vasavi Kanyaka Parameswari temple situated in S.No.383/5 of Kesanupalli village vide doct.No.1135/2010 dt. 2.2.2010 executed by one Sk.Dariya Vali S/o. late Latiff Saheb and 8 others in favour of Smt Puli Suramma W/o.Obul reddy R/o.Annavaram village of Podili Mandal, though the vendors of the document are not having any title or possession of the land in S.No.383/5 of Kesanupalli village, and thereby you contravened Rule 3 of A.P.C.S. (Conduct) Rules, 1964.

Thus Sri U.V.V.R.Sagar, Jt.S.R.I, R.O.Narsaraopet by his above mentioned act has exhibited lack of integrity, devotion to duty and conduct unbecoming of a public servant in contravention of Rule 3 of A.P.C.S.(Conduct) Rules, 1964".

ARTICLE OF CHARGE-II

" That you Sri U.V.V.R.Sagar, Joint Sub Registrar-I, R.O.Narsaraopet had committed a grave misconduct in registering the rectification deed to the doct.No.1135/2010 rectifying the S.No.283/5 as S.No.383/5 of Kesanupalli village vide rectification deed No.3106/2010 on 19.3.2010 executed by only two persons viz., Smt Sk.Nagur Bi and Sk.Nazir Basha, though the original doct.No.1135/2010 was executed by 9 persons and thus you blatantly registered the rectification deed with two persons only by omitting all the persons who executed the original doct.No.1135/2010 and thereby you contravened Rule 3 of A.P.C.S.(Conduct) Rules, 1964.

Thus Sri U.V.V.R.Sagar, Joint Sub Registrar-I, R.O.Narsaraopet by his above mentioned act has exhibited lack of integrity, devotion to duty and conduct unbecoming of a public servant in contravention of Rule 3 of A.P.C.S.(Conduct) Rules, 1964".

4. The charged officer submitted his explanation vide reference 3rd cited, stating that Sri Vasavi Kanyaka Parameswari temple and Shiridi Sai Baba temple do not come within the purview of Endowment Department of the Government and as such there is no prohibition of registration of these lands. Due to this reason Notification Under Sec.22-A was not published leaving no indication in the register of prohibited property and in the M.V. guidelines register and leaving no possibility to entertain any doubt or to refuse registration of the documents effecting these properties. He further stated that the property registered in the S.No. was not shown as temple property prohibited for registration either in the list of prohibited properties supplied by Tahsildar, Narsaraopet or in the list of Endowment lands supplied by the Endowment authorities. He further stated that S.No.383/5 of Kesanupalli village was not rounded in Red ink in the M.V.guidelines register of R.O.Narsaraopet. The said survey number was not fed into the computers nor there was there any entry of this survey number in the register of prohibited properties. Under these circumstances, he registered the both the documents 1135/2010 and 3106/2010 in good faith in discharge of his official duties. As regards to the charge No.II, he stated that there is no prohibition of registration of a rectification deed executed by two persons through the original document was executed by 9 persons. A Registering officer cannot deny acceptance of presentation of a document from a person who is entitled to present the same and he cannot refuse registration except on the grounds:

- (1) That the executant is a minor
 - (2) That the executant is a lunatic or idiot or of a unsound mind
 - (3) That the executant is not the person as professed to be.
- Except on these grounds, a Registering officer cannot refuse

Registration of a document presented for registration.

He further stated that it is well aware of the fact that the registering officer do not omit any executants or add any executants and do not interfere in execution of documents by the parties. The role of the registering officer starts with when an executed document in a complete

shape is presented along with the computer check slip. He has nothing to do with the mode, nature or number of parties to the document. It is quite open for the parties to decide as to how many parties are to execute the document.

He further stated that there are no valid grounds for refusing registration of the rectification deed and as such the rectification deed was registered as per the rules governed under Indian Registration Act, 1908 in good faith. He further stated that the Government vide memo No.10234/Reg.I(1)/2006-3 Dt.18.3.2006 have issued the following circular instructions restraining the District Collectors and other authorities of Revenue Department from interfering with the functions of the Registering officers;

" Government hereby direct that the District Collectors, Mandal Revenue Officers or any other officers of the Revenue Department shall hence forth desist from writing any letters to the Registering officers or any other authorities authorized to Register documents, not to register any documents on various grounds unless they are empowered to do so by any statutory provisions contained in any Act"

The following instructions were issued earlier in Govt. memo No.12159/Regn.I(1) dt. 25.7.2003.

" The Government hereby direct that the Sub Registrars and the District Registrar of Registration and Stamps Department who are authorized to register documents under Registration Act, 1908 hence forth shall not refuse to register documents except under specific statutory provisions contained in any act..... "

He further stated the Commissioner and Inspector General of Registration and Stamps, A.P., Hyderabad vide memo No.G3/9663/2010 Dt.12.7.2010 ordered for cancellation of the deeds as per the norms of W.P.No.9512/2003 and further batch cased filed in the Honourable High Court of A.P., Hyderabad. Accordingly the doct.No.1135/2010 was cancelled in this office vide doct.No.12790/2010 by the Committee. As the doct.No.12790/2010 was registered canceling the original document, the question of rectification deed document does not arise.

He further stated that he registered the documents quite in accordance with the rules governed under Indian Registration Act, 1908 and instructions

issued from time to time in registering the documents. Therefore, he requested to drop the charges framed against him.

5. After examining the explanation of the charged officer and material available on record, it is found that the explanation of the charged officer is not convincing, and hence ordered a Regular Enquiry to enquire into the charges leveled against the charged officer under Rule 20 of A.P.C.S.(C.C.&A) Rules, 1991.

6. Accordingly, the District Registrar, Market Value and Audit, Guntur was appointed as Regular Enquiry Officer vide reference 4th cited, to enquire into the charges leveled against the charged officer.

7. The Regular Enquiry Officer conducted the enquiry as per rules and submitted the enquiry report vide reference 5th cited, wherein he held the charges as not proved against the charged officer.

8. The following are the findings of the Regular Enquiry Officer in his report:-

The charged officer pleaded the Enquiry Officer to examine the following points raised in his defence statement submitted to the disciplinary authority.

- 1) Whether lands of this particular temple are prohibited from Registration or not?
- 2) Whether the land is brought under the provisions of the Endowment Department or not?
- 3) Whether Sec.22-A of Indian Registration Act, relating to the Property was published or not?
- 4) Whether the registering officer is expected to question the Authority of an executant to execute the document.
- 5) Whether the registering officer can decide or determine the Number of the persons who are to execute a document?
- 6) Whether the registering officer has actually omitted any one Of the executants of the rectification deed No.3106/2010.
- 7) Whether the registering officer is required to insist and ensure That all the persons of the earlier document are executed the Subsequent rectification deed or not;
- 8) If a rectification deed executed by two executants presented by Them for registration before a registering officer, can he Pass refusal orders on the ground that some of the other Executants of the earlier document did not choose to execute This document also.

The charged officer produced extract of Registration Rule 58 as recorded evidence of rule position which reads as;

" It forms no part of a Registering Officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document..."

During the cross-examination of the charged officer, the presenting officer, has stated that as per the records, the survey number affected by the document was not assigned land or Endowment land. The Presenting officer evaded replying directly to the question posed by the charged officer as to whether there is any registration rule contemplating that the rectification deeds should necessarily be executed by all the executants of the previous deed. The recorded material produced by the charged officer relating to the lists of assigned lands, list of government lands, list of endowment lands, extract of Registration Rule 58 and also Government memo No.10234/Regn.I(1)/2006-3 Revenue Department dt.18.3.2006 are thoroughly gone into and they were critically examined.

The presenting officer's statement that all temple lands should not be registered cannot be accepted straight away and the rule position is that only those lands which were included in the lists supplied by the Endowment Department and those against which Sec.22-A notification was published are prohibited from registration and in the instant case no such prohibition is apparent as seen from the lists of Endowment Department, Market Value guidelines registers of Registrar Office, Narsaraopet, details fed into the system of CARD. The reply of the presenting officer to question No.5 in cross-examination establishes that as per record as on the date, there was no prohibition for registration of the lands as on the date, there was no prohibition for registration of the lands under reference. The last para of page No.1 of District Registrar, Narsaraopet Lr.No.G1/752/2010 Dt.25.6.2010 also speaks of this fact.

- (1) the lands of the particular temple are not prohibited from registration;
- (2) this particular land in question is not brought under the purview of the Endowment Department.

- (3) Sec.22-A notification was not published in respect of this property;
- (4) A registering officer cannot question the authority of an executant to execute a document. The points that require to be examined here are whether the registering officer is to ensure the physical possession and title of the property with the executants. The contention of the charged offer regarding the clear-cut role of the registering officer contemplated by the Registration Rule 58 requires to be accepted and it has to be viewed that the registering officer has nothing to do with them.

Under these circumstances, the fact that there was no prohibition for registration of the lands under reference is established in unequivocal terms.

On a careful examination of the points raised by the Presenting Officer and by the charged officer and after perusal of recorded evidence, it has to be admitted that the answer to questions No.4 to 8 posed by the charged officer answering the enquiry can be said to be a negative one and the registering officer;

- (a) can not question the authority of an executant to execute a document
- (b) can not decide nor determine the number of executants to a document.
- (c) has not omitted any of the executants in doct.No.3106/2010 Since he obtained signatures and thumb impressions of all the Two executants who executed that document after admission Of execution by both parties;
- (c) can not insist nor enforce that all the persons of the previous deed are included in the document under reference.
- (d) can not refuse registration of rectification deed executed by two persons on the ground that the original document was executed by more than 2 persons.

It is look out of the claimant to decide the persons from whom he has to obtain execution and it is for him to bother about the validation of his document.

On perusal of the record and with reference to the rule position, it is hardly possible to connect the charged officer with any specific irregularity or with contravention of any registration rule. Had there been any other officer than the charged officer, he too would have registered the document without entertaining any doubt"

In view of the above findings and on the basis of the documentary evidence adduced before him, the R.E.O., held the charges as not proved against the charged officer.

9. After examining the Regular Enquiry officer's report, and other material papers on record, the Deputy Inspector General of Registration and Stamps, Guntur, being the disciplinary authority has arrived at the following observations against the charged officer.

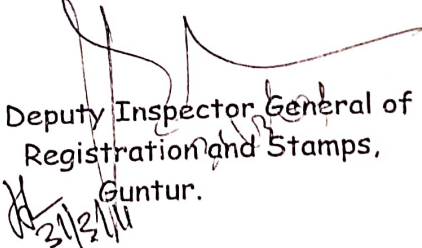
- (1) That the property registered in S.No.383/5 of Kesanupalli village in the instant document was not prohibited from registration and it was not included either in the list of prohibited properties furnished by the Revenue authorities or in the list of Endowment lands supplied by the Endowment authorities.
- (2) That there was no indication in prohibition of registration of the property in S.No.383/5 of Kesanupalli village in the Manual basic register being maintained in the Registrar Office, and so also there was no information as regards to the prohibition of the property in the CARD data.
- (3) That Sri. Vasani Kanyaka Prameswari temple lands do not come under the purview of the Endowment Department and there was no prohibition in registration of the said temple lands.
- (4) That the properties in question registered by the charged officer were not notified as prohibiting properties U/s.22-A of Registration Act.
- (5) That there was no information available either in the Market Value Guidelines registers or the list of prohibited properties fed in the computer that the above said S.No. is prohibited from registration. As no information was available on record, the charged officer registered the documents in good faith, as he is unaware of the fact that the land in S.No.383/5 of Kesanupalli village belongs to Sri Vasavi Kanyakaparameswari temple.

- (6) That the registering officers were also instructed by the Government through memo No.10234/Regn.(1)/2006-3 Dt.18.3.2006 in continuation of the earlier memo on the subject not to refuse the documents pertaining to the Government lands, tank bed lands, wakf properties, endowment properties, Christian missionaries properties etc., unless there is a specific statutory provision in the concerned enactment prohibiting such registration. In a nutshell the registering officer cannot refuse registration of any properties on the basis of instructions of any officer unless there is a specific over riding effect on Registration Act, 1908 prohibiting such registration by the registering officer.
- (7) That the Government also have issued instructions time and again To the District Collectors and other departmental officers not to issue instructions for stoppage of registrations to the registering authorities on any ground including that the lands are Government lands, tank bed lands, wakf lands, endowment properties, Christian properties etc., unless there is a statutory over riding effect on the Registration Act, 1908.
- (8) That unless and until the Properties are notified U/s.22-A of I.R.Act., the Registering Officer is not statutorily competent to refuse registration of any document.
- (9) That the Presenting Officer during the cross-examination of the charged officer also admitted that the property registered in the instant document are not included in the list of prohibited properties prohibiting from registration.
- (10) That the Registration Rule 58 relied on by the charged officer that it informs no part of a Registering Officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document, is also accepted.
- (11) That there is no prohibition of registration of rectification deed executed by two persons though the original document was executed by 9 persons.

- (12) That the Registering Officer cannot insist and enforce that all the persons of the previous deed are included in the rectification deed, and it is look out of the claimant of the document to decide about the validity of the document.
- (13) That the Registering Officer cannot refuse registration of a rectification deed executed by two persons on the ground that the original document was executed by more than 2 persons.
- (14) That the charged officer had registered the documents in good faith within the ambit of the Registration Act, and rules and instructions thereon from time to time.
- (15) That the guilt and irregularity of the charged officer has not been established by the prosecution with any corroborative and substantial evidence.

10. Therefore, the findings of the Regular Enquiry Officer against the Charged officer which are held as not proved are logical and are reasoned with statutory provisions and instructions of the Government on the subject and as such are accepted in toto.

11. In view of observations made out supra, the Deputy Inspector General of Registration and Stamps, Guntur being the disciplinary authority against the charged officer Sri U.V.V.R.Sagar, Joint Sub Registrar-I, R.O.Narsaraopet, do hereby drop the charges leveled against him and he is exonerated fully from the charges leveled against him.


Deputy Inspector General of
Registration and Stamps,
Guntur.

To
Sri U.V.V.R.Sagar, Joint Sub Registrar-I, R.O.Narsaraopet
Through the D.R.Narsaraopet.
Copy to the D.R.Narsaraopet.
He is requested to serve the orders to the individual
And resubmit the duplicate copy with his dated acknowledgment.
Copy submitted to the Commissioner and Inspector General of
Registration and Stamps, Hyderabad for favour of information.
Copy to file.