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**GOVERNMENT OF PONDICHERRY
REVENUE DEPARTMENT**

No.3880/Rev-C3/2004

Pondicherry, the 20.02.2004

MEMORANDUM

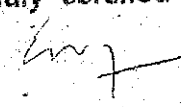
Sub: Registration procedure – Issue of instructions to avoid fraudulent registration of documents, impersonation etc – Reg.

Instances have been brought to notice of this department, that the registering authorities do not make proper enquiries before admitting documents for registration, and as a result, documents which should not have been admitted for registration are registered affecting public interest and leading to unnecessary litigations in addition to the avoidable embarrassment to the Department.

2. Therefore, the following instructions/orders are being issued for strict observance by all the Registering Officers in order to safeguard the interest of the government and the common public in all cases of transactions, involving properties.

3. Wherever any documents involving (1) the properties belonging to the Government like promboke lands, (2) properties belonging to religious institutions like temple/mosque etc,(3) public trust properties covered by Hindu Religious Endowments, Wakf Board etc,(4) House sites/ lands assigned by the Government/Government Corporations under the provisions of various Acts/Schemes like Pondicherry Kudiyiruppu Act, Pondicherry Land Grant Rules etc. and the transfer of which will affect the public interest are presented for registration the registering officer should get himself fully satisfied that the transfer of property in question has been permitted by the appropriate authorities under the relevant statues by getting NOC from them, before registration.

4. As per section 22 (1) of the Registration Act, and as per Rules 19 and 28 of the Pondicherry Registration Rules, it is the duty of the Sub-Registrar to check whether the schedule mentioned properties are correctly/property described with the survey and sub-division number, etc. with reference to the subsidiary index register as well as with reference to settlement register, to avoid any incorrect or fictitious number that may lead to creation of correction deed. Subsequently, in extraordinary circumstances, if it is felt necessary to make correction deed by the same executants/legal heirs, then the Sub-Registrar, may consider, subject to the genuiness of the same is duly certified by the concerned Deputy Collector(Revenue).


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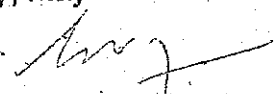
5. The process of registration contains three phases. The first phase is the presentation, the second is the admission of execution by the executing parties (Examination) and the third is the admission to the registration and actual registration itself. It is possible that the process of registration may be held up at any stage, for instance, when the executing parties did not turn up and the presenter is keen to present the document either for saving the limitation or for enforcing the attendance of the executants, wherein only the presentation of the document will be done and the other proceeding will be taken up in due course. Sometimes a document will be processed through the second stage also and all things would be done except the registration. This is resorted to complete the necessary formalities to finally register the documents like production of certificates under different Acts, or completion of proceeding under the Stamp Act, etc. Thus, when the document is kept pending for further process under the registration procedure, 'P' number is given and the process will be completed only if the registration certificate is endorsed on the document. Till such time, the registering officer will have powers to refuse the registration and the parties can also withdraw the document from registration except when the document is kept pending for realization of specified stamp duty.

6. Presentation: Every document presented for registration, shall be made directly to the Registering Officer in person by all the executants with the witnesses and with the fee payable therefor.

6.1. The incidents of fraudulent transactions/impersonation have been brought to the notice of this department. Such incidents not only affect the reputation of this department but also the security of the private properties causing mental agony, financial loss and unnecessary litigations. It is reiterated that sufficient provisions are available under sections 34 and 35 of the Registration Act and under various Rules of the Pondicherry Registration Rules, to enquire whether the document was executed by the persons by whom it purports to have been executed. The Registering Officer should satisfy himself as to the identity of the persons appearing before him and in the case of Agent/power of attorney, the right/authority of such person to appear before him should be verified. To ascertain the identity of persons, at least any one of following original (not xerox copies) evidences shall be perused and the fact of having perused such document shall also be recorded (with EPIC/Passport No.etc) by the Registering Officer on the document itself.

- 1) EPIC Card
- 2) Passport
- 3) Driving licence.
- 4) Income Tax Card(PAN/GIR)
- 5) Family Identity Card(Ration Card)
- 6) Identity Card issued by the Government Offices/Departments/Corporations/Local Bodies.
- 7) Bank passbook with photo affixed therein
- 8) Student identity card.
- 9) Arms licence
- 10) Pension Card
- 11) Physically handicapped certificate.
- 12) R.C. Book.

(The genuine spelling mistakes in the names, if any, may be condoned)



6.2. In the case of power of attorney also, in addition to the above, his right to appear as agent shall be verified with reference to the original Power of Attorney deed duly authenticated and registered. It must also be verified as to whether the property presented for registration was also specifically covered in the said power of attorney deed. In the absence of original power deed with the agent, necessary registers (Book II and Book IV) if available in the office, where the attorney presents the document for registration, may be perused by the Registering Officer. In other cases, duly certified copies (without any forgery) may be accepted. It should also be seen whether the said power of attorney was subsequently revoked and whether it has life or not, due to the fact that if the principal is dead, the power of attorney becomes null and void. An affidavit to the above effect may be taken from the agent/attorney holder in every such case.

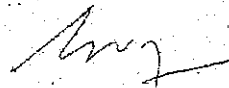
6.3. In addition, identification of parties with witnesses shall be continued as usual as per rules.

6.4. If the Registering Officer is personally aware of the parties, concerned, the fact may also be recorded.

6.5. In all the offices of Sub Registry and in the office of the District Registrar, the details of documents registered/under registration pertaining to the previous week, like name of the executants, nature of document, sale value, market value, document No, description of property with structures/building, if any, shall be affixed on the notice board by the next week itself continuously for five days for information of public with a copy to the Joint Secretary (Revenue) indicating also the Guide Line Register value of the said properties.

7. Examination: As per section 34 and 35 of the Registration Act, read with rule 55 and 57, of the Registration Rules, the Registering Officer is bound to enquire among others the following aspects:

- a) whether the parties appearing before him are the concerned persons, they profess to be.
- b) Whether the document presented for registration is genuine. He can examine the recital portion of the document and verify the same with reference to the settlement register or original patta/settlement copy produced either by the parties or obtained by otherwise, to see the nature of forgery if any committed. If any attempt of forgery is found at any stage, the same should be reported to the District Registrar and Inspector General of Registration.
- c) whether the persons appearing as agent/power of attorney has the right to appear as on date in that capacity and in respect of the property under transaction.



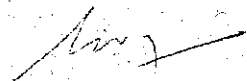
7.1. The document shall also be examined under the provisions of Indian Stamp Act, especially with reference to sections 31, 33 and 35 of the said Act. Appropriate action shall be taken either for the return of document as to adjudication of stamps under section 31 or for impounding the document under section 33, with the suspension of Registration. In the case of impounding, pending numbers may be allotted with the recording of such details in the "minute book" also being maintained under rule 33 of Pondicherry Registration Rules, 1969. In cases of impounding or cases to be referred under section 47(A) of Indian Stamp Act, neither original nor the duplicate/triplicate copy thereof, nor any certified copy should be released/delivered to any party, without the written approval of the District Registrar, as the registration is not deemed to have been completed in such cases.

7.2. It is also brought to the knowledge of this Department, that in certain cases, the executing parties have presented duplicate/triplicate copies of the document written in the stamp papers having denomination of more than Rs.1000/- or Rs.500/- and managed to obtain the same even without the original being released, with an intent to defraud the innocents, as if the duplicate/triplicate copy is the original, while the original is either mortgaged or otherwise kept pending or referred under section 47(A). Since it has already been ordered not to deliver the duplicate or further copies of documents until the actions under section 33 or 47(A) of Indian Stamp Act, as the case may be, are completed, such fraudulent action can be avoided. However, even after the completion of all formalities of registration, wherever any duplicate or further copies thereof is necessitated for delivery, at the time of preparation of document itself, it should be ensured that the word "Duplicate" or "triplicate" or as the case may be, are legibly and boldly written in red ink in each page of the instrument.

7.3. A weekly list containing details of the references if any, made under section 47(A) of Indian Stamp Act should be submitted to the District Registrar and Joint Secretary (Rev) with the reasons for such reference.

8. Registration:- After following the above instructions, the registration of document may be done by Registering Officer, after fully satisfying all the requirements of the provisions of Registration Act and Rules. The name seal of the Registering Officer shall also be affixed below all the signatures of the Registering Officer. Filing of True copies, maintenance and updating of all the Books (Book I, II, III and IV), Index Registers (I, II, III and IV) and subsidiary Index Register are all the primary functions and duties of the Registering Officer. All Index Registers should be updated then and then and there should not be any delay in this regard for more than five days. If the index register is not updated, and if it requires any considerable volume of work, the fact should be reported to the District Registrar and Inspector General of Registration.

9. It is also reiterated that in all cases, collection of appropriate stamp duty is to be ensured by the sub-registrar before registration (section 31 & 33 of Indian Stamp Act), save like section 41.



10. The Deputy Registrar of the Registration Department (the post is vacant at present) shall inspect all the sub-registries periodically to confirm whether the Registration process is carried out by the Registering Officers as per the provisions of the Act and Rules and whether various orders/instructions issued in this regard by the District Registrar/Inspector General of Registration are strictly followed/implemented. The Audit party may also examine this issue, and after such inspection, a report shall be furnished to the Inspector General of Registration with a copy to District Registrar for remedial action, if any.

11. As detailed above, in the process of registration of documents the registering authorities can refuse the registration of documents on the following grounds, among others, as provided in the Registration Act and Rules, namely,

1. description of the property is not sufficient to identify the same (sections 21 & 22). For this purpose the Registering Officer may also ask for Patta/Chitta Adangal or Settlement extract or VAO certificate and may see Book 1, subsidiary index register, etc.
2. presentation of document out of time (sections 23, 24, 25, 26, 72 and 75)
3. Failure to pay the fine imposed under section 25 in due time
4. Presentation of document in wrong registration office (section 28) (For instance a property, say, in Outgarat, may not ordinarily be registered in Pondicherry without the written approval/orders of District Registrar. In such cases the orders of District Registrar/registration details shall be submitted monthly to the Inspector General of Registration. In the event of no such registration is made, a 'NIL' report shall also be sent.
5. Failure to pay registration fee.
6. Presentation of document by an improper person (sections 32, 33, 40 and 43)
7. Non appearance of executing party within the time. Registering Officer not satisfied as to the identity of the person appeared before him, who is alleged to have executed the document. (section 34)
8. Executant appearing before the registering officer being a minor, an idiot or lunatic (section 32)
9. Failure to summon heirs of the deceased executant under section 36.
10. Property not situated within the jurisdiction of the registering officer.
11. Documents in a language not commonly used in the district and not understood by the registering officer (section 19)

12. Documents containing inter lination, blanks, erasures or alterations (section 20)
13. Document registerable with duty on stamp Act is not duly stamped, (section 33 of Indian Stamp Act, Rule 30(2) of Registration Rules)
14. Date of execution not stated in the document or that the correct date not ascertained (rule 34)
15. The registering officer not satisfied as to the right of a person appearing as a representative or agent/power of attorney before him.
16. The execution is denied by the executing party or agent (section 35).
17. The prescribed fee or fine has not been paid.

In all the cases of refusal of registration, detailed speaking order must be served to all the affected persons without any loss of time so that the aggrieved party may prefer appeal to the District Registrar or as the case may be, as per Law.

12. In all cases of fraudulent registration, the executants and the document writers are also liable for criminal action. If it is done with the connivance/knowledge of the Registering Officer, he is also liable for criminal action, apart from initiation of disciplinary proceedings.

13. This order is supplementary to the existing relevant provisions in the Act and Rules, in connection with the registration of documents. All the Registering Officers are hereby directed to strictly adhere to the instructions given above.

(By Order of Inspector General of Registration-cum-
Chief Controlling Revenue Authority)


(G. RAGESH CHANDRA)
JOINT SECRETARY (REVENUE)

To

1. The District Registrar, Registration Department, Pondicherry.
2. All Deputy Collectors (Revenue) North/South, Pondicherry Villianur, Karaikal, Mahe and Yanam
3. All Registering Officers, Pondicherry, Villianur, Oulgaret, Bahour, Thirukanur, Karaikal, Thirunallar, T.R. Pattinam, Mahe and Yanam.
4. The Special Officer, Office of the Joint Secretary (Rev), Pondicherry.
5. Stock file.
6. Spare copy.