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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 10th January, 2023

+ **W.P.(C) 254/2023 and CM APPL. 959/2023**

MONK ESTATES PRIVATE LIMITED & ANR. Petitioners

Through: Ms. Rachna Agrawal Advocate. (M:
9899007471)

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Avishkar Singhvi, Mr. Vivek
Kumar and Mr. Naved Ahmed,
Advocates for R-1 to 5 with Ms.
Kapila Aloria, Sr. Assistant from Sub-
Registrar office in person.
(M:9654847982)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.

CM APPL.959/2023 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 254/2023

3. The present petition has been filed by Petitioners seeking directions to the Respondents to make an enquiry about the missing record of volume 8486 and 8487 of additional book no. 1 of the Respondent No.4 - Sub-Registrar-III, District-Central, Asaf Ali Road, New Delhi having recording of execution and registration of lands of the Petitioner No. 1 and also to reconstruct the said missing volumes. The petition has been filed arraying the following respondents:

- Respondent No.1 - Govt. of NCT of Delhi (GNCTD) through Principal Secretary (Revenue)
- Respondent No.2 - Inspector General of Registration (GNCTD)
- Respondent No.3 - The Registrar of Assurances (Central)
- Respondent No.4 - Sub-Registrar-III, District-Central, Asaf Ali Road, New Delhi
- Respondent No.5 - Department of Delhi Archives (GNCTD)

4. The present petition raises extremely serious and perturbing issues in respect of land and property related documents and the manner in which the same are being registered, certified and preserved by the Sub-Registrars in Delhi.

5. The case of the Petitioner is that it registered six sale deeds in November, 1994 in respect of certain agricultural lands. The mutation in respect of the said lands is stated to have been carried out in favour of the Petitioner No.1 – Monk Estates Pvt. Ltd. on 15th February, 1995 and the registered copies of the registered sale deeds were obtained. Unfortunately, however, as per the Petitioners, the said original registered sale deeds were lost in 2013. An FIR was registered. The Petitioners then applied for certified copies of the sale deeds from Respondent No. 4 and requisite charges were also deposited on 2nd December, 2013. Pursuant to the said application of the Petitioner No.1 before Respondent No.4 only one Sale Deed registered in volume no.8337 was supplied. In respect of the remaining sale deeds, vide letter dated 31st December, 2013, Respondent No.4 replied that the same are not traceable. One such communication sent to Petitioner by Respondent No.4 is set out below:

**“OFFICE OF THE SUB-REGISTER-III DISTT:
CENTRAL 4/7 ASAF ALI ROAD, NEW DELHI-
110002**

Dated: 31/12/13

No. SR/III/Records/2013/884

**Sub: Application for Certified True Copy of the
document having registration number 8410,
Additional Book No. 1, Volume No. 8486, and page
No. 176-185, dated 21/11/1994.**

This has reference to your application No. 18782 dated 02/12/2013 on the subject mentioned above. In this regard, it is to inform that as per available records in this office the above said document is not traceable readily. If, the same is traced out, the certified copies of the same shall be supplied to you. Information is being provided to you against your application for certified copy.

*Sh. Ram Kumar
2/2, Chhatarpur,
Mehrauli,
New Delhi”*



6. The Petitioner, after not having received any communication from the Respondent No. 4 for a long time, filed an application for certified copies of the registered sale deeds with the Department of Delhi Archives on 1st March, 2021. However, no copies were issued to the Petitioner. The Petitioner filed RTI application dated 14th September, 2021 seeking information about the status of its applications dated 1st March, 2021 for the issuance of certified copies. The response to the said RTI application was provided by the Department of Delhi Archives on 30th September, 2021,

wherein the matter was transferred to Respondent No.4. Thereafter, Respondent No. 4, vide letter dated 18th October, 2021, informed the Petitioner that the documents sought by the Petitioner are contained in volume 8486 and 8487 and that the same are not available with the Respondent No. 4. It was also informed that an FIR has been lodged with the police on 1st May, 2019 regarding the loss/ non-availability of the said records. Two pages of the FIR were also attached with the said reply dated 18th October, 2021 to the RTI application.

7. On 23th December, 2021, the Petitioners filed a complaint/ request application before the The Registrar of Assurances (Central) seeking reconstruction of the record and requesting for certified copies thereof. Reminder was also sent on 14th December 2022, however, no reply to the same was received. Thus, the Petitioners have filed the present Petition.

8. Ld. Counsel for the Petitioner has emphasised on the basis of the copy of the FIR that a large volume of documents are missing for several years but the Respondents have not made any effort to trace out the documents. Mr. Avishkar Singhvi, Id. Counsel appearing for the Respondents submits that instructions were sought from the concerned Sub-Registrar i.e. Respondent No. 4. One of the staff member Ms. Kapila Alohia, Sr. Assistant from the office of the Respondent No.4 is also present in person. However, the said staff member is unable to answer questions asked by this Court and submits that she has joined office only one month ago.

9. A perusal of the record placed before the Court shows that several volumes from the office of the Respondent No.4 had gone missing in the year 2005 and it is only 14 years later in 2019 that an FIR had been registered.

10. This petition raises issues of enormous concern, inasmuch as the FIR, which has been registered, reveals that a large volume of records of the Sub-Registrar office have gone missing. The function of the Sub-Registrars is for registering various documents relating to assets of the citizens and the same cannot be treated in a cavalier and negligent manner. The fact that an FIR has been registered after a 14 years delay goes to prove that the documents are not being kept in safe custody and a large number of officials would be liable to be blamed for the said missing documents. Moreover, considering that these documents could be misused for sale-purchase transactions also raises serious concerns about the credibility and integrity of preservation of land records related to citizens.

11. Despite having knowledge of all the facts, none of the authorities appear to have been taken any action in this regard. Accordingly, Inspector General of Registration (GNCTD) shall remain present in the Court on the next date of hearing. The Principal Secretary, Revenue (Govt. of NCT of Delhi) shall also join proceedings on the next date of hearing.

12. In the meanwhile, the Respondents shall place on record the list of Sub-Registrars and other officials, who were deputed in the office of Respondent No.4 i.e. Sub-Registrar-III, District Central, 4/7, Asaf Ali Road, New Delhi since 1st January, 2005. In addition, status of the FIR dated 1st May, 2019 shall also be placed on record by the Respondents.

13. List on 8th February, 2023.

PRAITHIBA M. SINGH
JUDGE

JANUARY 10, 2023/dk/kt