

W.P.No.29133 of 2017

N. KIRUBAKARAN,J.

Part heard.

If the case projected before this Court is to be believed, then the situation that is prevailing in Registrars' Offices in Tamil Nadu, is very difficult to be appreciated. It is stated that since CCTV cameras have been installed to oversee the functioning in such offices, third parties have been employed to collect corrupt money for registering documents. Only with a view to restrict or minimise corruption, if any, the novel idea of installation of CCTV cameras was implemented in the Registration Offices. But, that attempt seems to have been successfully frustrated by this kind of employment of third party people otherwise called as "middlemen" or "touts" to collect corrupt money for registering documents. Mr.N. Suresh, learned counsel for the petitioner would submit that in almost all the Registration Departments, this menace is prevalent. Therefore, this Court, suo motu, impleads the *State of Tamil Nadu, represented by its Secretary, Commercial Taxes and Registration Department, Fort St. George, Chennai – 9 and the Director General of Police, Chennai, as 4th and 5th respondents respectively in the above writ petition.* Mr.T.M. Pappiah, learned Special Government Pleader takes notice on behalf of the newly impleaded respondents.

2.The case of the petitioner is that his grandfather owned ancestral property comprised in S.Nos. 82/7A and 82/8C1 at Cowl Bazaar Village, Alandur Taluk, which is part of Madras City, as of now. After the death of grandmother in the year 2011, the family members wanted to divide the properties. Five documents have been executed releasing their respective shares in favour of other members on 23.08.2016 and 26.08.2016. Those documents were presented for registration before the 3rd respondent, namely, Sub Registrar, Pammal, on 23.08.2016 and 26.08.2016 after paying the correct stamp duty. Even after that, the documents were not registered. Since the documents, which were submitted for registration, were neither registered nor returned, during the lifetime of petitioner's grandfather, he filed W.P. No. 34686 of 2016 for release of documents and the same is pending before this Court. Taking note of the pendency of the documents for a long time, for more than one year, the petitioner gave a representation on 27.03.2017 and since the said documents have not been released, the petitioner has come before this Court seeking a Writ of Mandamus directing the 3rd respondent to release the documents dated 23.08.2016 and 26.08.2016 viz., the release deeds presented for registration before the 3rd respondent in pending document Nos. P 231 of 2016 and P 233 to 236 of 2016.

3.Mr.N. Suresh, learned counsel for the petitioner would submit that the Government had installed CCTV cameras only to prevent officials in the Registration Departments, especially, in the Sub Registrar offices from indulging in corrupt practices while registering documents. However, to circumvent the same, according to the learned counsel for the petitioner, the officials of Registration Departments have engaged third parties and they are collecting bribes from the people for registering the documents. Later, it is alleged that the collected money would be handed over either to the Registrar or other officials in the said Department. According to the learned counsel for the petitioner, these third parties will not always be attached to the offices and they will be loitering in and around the registration offices having access to all the wings of the offices. Without their support or co-operation or payment to them, no documents could be registered. The learned counsel has given the list of such persons, who are employed in the Sub Registrar's Office, Pammal and they are as hereunder:

- “1. திரு.பாபு வில்லங்க சான்று போடுபவர் வாங்கும் பணத்துக்கு பில் போட்டு இவரே கையெழுத்திட்டு தருவார். செல் 9841753795
2. திரு. லோகேஷ் செல் 9688621303
3. திருமதி. கலை
4. திருமதி ராஜா ஸ்கேன். சிடி. துயாரிப்பவர். 8681950749

5. திரு. செல்லதுரை திருமணப்பதிவை பார்ப்பவர் 9962511470
6. திரு. நாகராஜன் சார்பதிவாளர் திரு.வசந்தகுமார் கார் ஓட்டுனர் லங்சப்பணத்தை வாங்குபவர்.
7. பத்திரங்களை சரிபார்க்கும் பெயர் தெரியாத சார்பதிவாளர் திரு.வசந்தகுமார் நண்பர்”

Further, he has given the details of “Gifts”, which the parties have to pay to the aforesaid persons and they are as follows:

1. இசி. பில் தொகை போக மேலும் ரூபாய் 100
2. கிரைய அக்ரிமென்ட் 500
3. திருமண பதிவு இரு அதிகாரிகளுக்கு 1000
4. ஜெனரல் பவர் 1000
5. பேங்க் கடன் பத்திரம் 1000 ரத்து பத்திரம் 1000 அடமானம் 1000
6. கிரையப் பத்திரம் காலி மனைக்கு 3000
7. மனையும் வீடும் 5000
8. பாகம்பிரியாத பாகமனை 400 சதுர அடிவரை 3000 அதற்கு மேல் 5000
9. மதிப்புக்காணா உயில் 5000
10. அபிடவிட் உறுதி மொழிப்பத்திரம் 10,000
11. விருதலை, செட்டில்மென்ட், பட்டாமனைக்கு 5000
12. பிழை திருத்தல் பத்திரம் 10,000
13. கிராம நத்தம் பட்டாவும் பத்திரமும் இருந்தாலும் 1200 சதுர அடிவரை 50,000

14. 2400 சதுர அடி அதற்கு மேல் 1,00,000
15. 0.01 சென்ட கிரையப் பத்திரத்துக்கு 2000
16. களப்பணி பார்வையிட வரும் ஆட்டோவுக்கு 100 அதில் வரும் அதிகாரி இளங்கோவிற்கு 500 சார்பதிவாளருக்கு 1000 ஆக 1600
17. பதிவு செய்யப்பட்ட பத்திரங்கள் 10 நாட்களில் திரும்ப வழங்க கேட்டால் 1500"

If the above list is to be believed, a person cannot register a document, without payment of Rs.1 lakh as bribe money for registering a one ground plot.

4.Though the people are under the mistaken impression that our country has not advanced, they will change their opinion after seeing this scientific way of corruption. These corrupt practices, would only go to show that, all is not well with the Registration Departments, if the allegations made by the petitioner are true.

5.In this case, five documents namely, P 231 of 2016 and P 233 to 236 of 2016 have been submitted as early as on 23.08.2016 and 26.08.2016 for registration and for more than one year, nothing has been heard of by the petitioner. Even during the lifetime of petitioner's grandfather, he had filed W.P. No. 34686 of 2016 seeking release of documents. At least, after the filing of the writ petition, the respondents should have been prompt enough to

release the documents. However, nothing has been done and no communication has been sent giving the reasons as to why the documents have been retained or withheld without registration, which the respondents have to explain.

6.It is within the public knowledge that the Registration Department is one of the most corrupt departments in the State and without bribe money, nothing will move and the people who had the experience of visiting the Registration office, would say. Even the latest raid conducted in the Registration Offices, a month ago, yielded huge sums of corrupt money. When the purchasing power of the people has gone up and the salary got increased, people tend to purchase properties and that is the reason why the number of registration in the Sub-Registrar's office have increased. Since a number of documents are being registered in all the Sub-Registrar office, each and everyday, it is necessary for the DVAC to keep vigil on those offices to prevent demand of "bribe money" for registration.

7.If this sorry state of affairs is in existence, one can expect the quantum of money which will have to be paid by the parties concerned to the officials in the name of "Gifts" in the offices of Registrars where the documents in respect of immovable properties would be registered in large numbers. Therefore, the

newly impleaded 4th and 5th respondents have to answer the following queries:

(i) *Whether the respondents are aware that the Registrars and other officials of Registration Departments are employing third parties to collect money over and above the amount payable for registration of documents?*

(ii) *Is there any inspection or raid made by the higher officials in this regard so far?*

(iii) *If raids have been conducted, then how many such raids have been conducted, for the past 10 years?*

(iv) *Whether any money had been seized during such raids and if so, details to be furnished for the past 10 years with regard to the quantum of seized money?*

(v) *How many cases have been registered under Prevention of Corruption Act and how many persons have been arrested?*

(vi) *If any departmental action has been taken against the erring officials and what is the result of the departmental action, so taken, pursuant to seizure of corrupt money?*

(vii) *If third parties have been employed for collecting money, what are the steps taken by the respondents to do away with such illegal system of collecting money, including arrest of those "touts"?*

(viii) Whether the Registrars are filing their assets every year to the authorities concerned and whether any officer has been charged for having been in possession of disproportionate wealth during service?

(ix) Why not the Registration Departments instal Digital Login System so that only the officials/staff working in the said Departments could enter the office so that third parties could be prevented from having access into the office?

(x) When there is a decision of this Court that three weeks' time would be the maximum time limit either for registering or returning the document, why the 3rd respondent has retained the documents of the petitioner for more than one year?

Post on 04.12.2017.

20.11.2017

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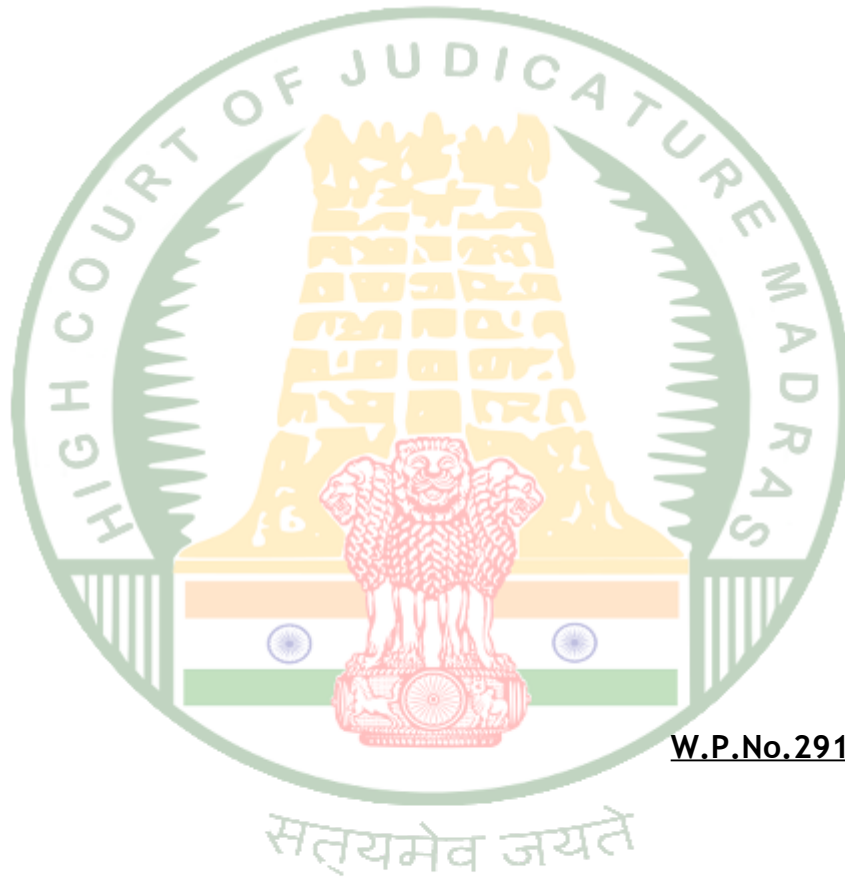
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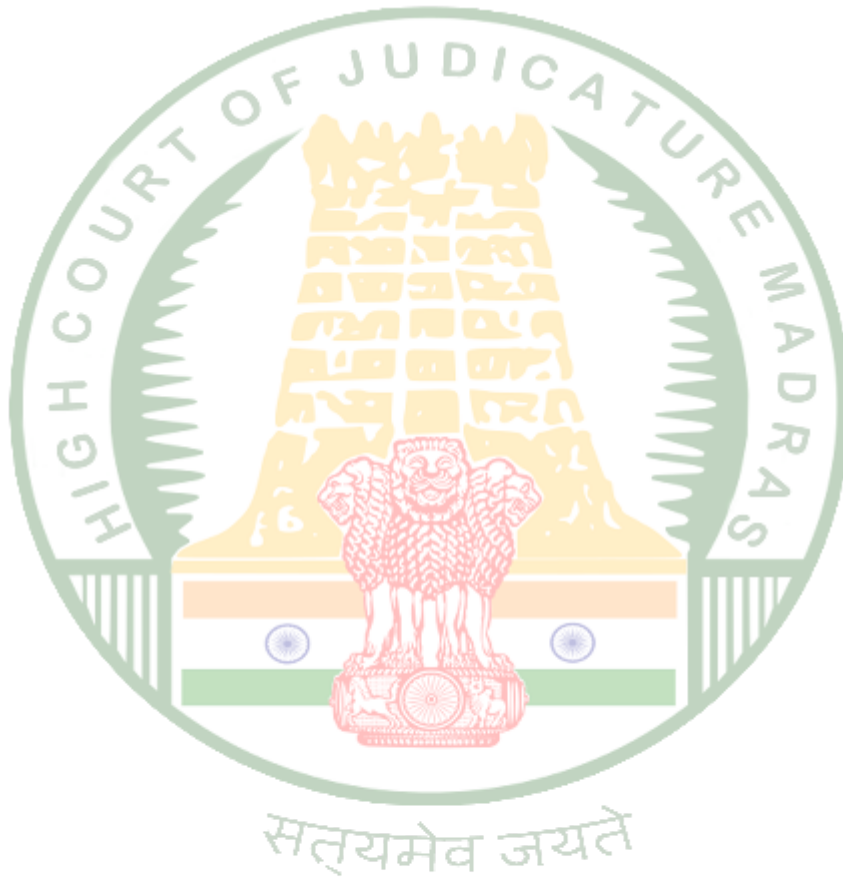
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Dated : 20.11.2017



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