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

Date of decision: 27th July, 2023

+ **W.P.(C) 254/2023**

MONK ESTATES PRIVATE LIMITED & ANR.Petitioners

Through: Ms. Rachna Aggarwal, Advocate. (M:
9899007471)

versus

GOVERNMENT OF NCT OF DELHI & ORS.....Respondents

Through: Mr. Avishkar Singhvi, Mr. Vivek
Kumar, Mr. Naved Ahmed, Mr.
Nipun Katyal, Advocates. (M- 99107
78076) with Mr. Jitender Kumar, Sub
Inspector and Ms. Hemlata Pokhriyal
Sub Registrar.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition was filed by the Petitioners seeking directions to the Respondents to make an inquiry about the missing records of volume 8486 and 8487 of additional book no. 1 of the Respondent No.4 - Sub-Registrar-III, District-Central, Asaf Ali Road, Delhi, having recording of execution and registration of lands of the Petitioner No.1 - Monk Estates Pvt. Ltd. and also to re-construct the said missing volumes.
3. The present case relates to a large quantum of records which had gone missing from the Office of the Sub-Registrar-III (District Central), Delhi way back in 2005. On 10th January, 2023 this issue was unearthed before the Court while hearing the present petition. On the said date, based on the

information which was available on the records, the following directions were issued:

“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.”

4. As per the above order, the status of the FIR which was registered in 2019 was to be placed on record and the list of the officials and other Sub-Registrars who were deputed in the office of Sub-Registrar III was also to be placed on record.

5. Thereafter, on the next date of hearing i.e. 8th February, 2023 Mr. Ashwani Kumar, Principal Secretary, (Revenue) GNCTD joined the proceedings virtually. Ms. Hemlata Pokhriyal, who was the concerned Sub-Registrar was also present in Court. On the said date a short affidavit was filed on behalf of the said Sub-Registrar III. The said affidavit dated 7th February, 2023 stated that only a Lost Report vide L.R. No. 1003607/2019 dated 1st May, 2019 was registered in 2019. A status report had been obtained from the concerned PS - Daryaganj. In addition, the details of the staff who were working in the Sub-Registrar III office were also filed. In the said chart, only the date of posting of the various officials was given and the period during which they remain posted at Sub-Registrar III was not specified. Even the current position of employment of these officials was also not available in the status report. The status of the Lost Report issued by PS, Daryaganj reads as:

“Ref No. 464/ SHO/DG Dated-20.01.2023

***Subject:-Regarding FIR of missing document of Monk Estates Private Ltd. ANR VS Govt. of NCT of Delhi & Ors.
Sir,***

It is submitted that a Lost Report Vide L.R No.1003607/2019 dated 01.05.2019 wise lodged online by Sub Registrar-III District Central Delhi.

The complainant mentioned in column No.3 Title as Losses Articles "Record up to year 2000 of ADDL Book No. 1, III and IV which have been already

transferred to Delhi Archive. Katawaria Sarai, Delhi in year 2005."

The above Lost Report was lodged by complainant for information purpose only under head INFORMATION REPORT in respect of Article/Documents Lost in Delhi, hence, No offence is made out.

The above facts has already been mentioned in above Lost Report In Note and Disclaimer Submitted Please

*ASI PHANIDER KARMALI
NO.430/C
PS DARYA GANJ"*

6. A perusal of the above status report reveals that in fact no investigation was conducted into the missing documents and missing records. The said report was only registered as an information report and is a non-cognizable report. In fact, no investigation was sought even at that time when the said report was filed with the PS - Daryaganj.

7. On 8th February, 2023 after hearing the parties, the Court observed as under:

"9. The Court observes that the inaction on the part of the Sub-Registrars and the GNCTD is unacceptable inasmuch as the missing of such valuable land records from a Sub-Registrar's office ought to have been taken into consideration with utmost seriousness. The limited action of only filing of a non-cognizable report which did not even result in investigation, is ill advised to say the least. The documents themselves have been lost for almost 18 years and no steps have been taken by any of the officials who were repeatedly being approached by the Petitioner. It appears to the Court that there may be other similarly situated parties affected by the inaction of the authorities.

10. Accordingly, it is directed that Ms. Neetu Bisht, who was the official concerned as Sub-Registrar III at the time of the lodging of the non-cognizable report shall remain present in Court on the next date of hearing. In addition, PS, Daryaganj shall investigate into the matter and place its status report on record. The non-cognizable report be converted into an FIR. An investigation is ordered under the supervision of Mr. Gursewak Singh, Assistant Commissioner of Police (ACP) (Mobile No.8750870404, Landline: 011-23268182, e-mail: acp-daryaganj-dl@nic.in.) The status report be filed within a period of four weeks.

11. Insofar as the manner in which currently documents are being registered, under the DORIS system, it appears that in the Sub-Registrar III office, the data is entered in the electronic form but it is unclear as to whether the documents themselves are uploaded and are maintained and are maintained physically. Mr. Ashwani Kumar, however, submits that under the Delhi Online Registration System (DORIS), a cloud server has been availed of by the GNCTD and that documents including documents relating to the land records are scanned and are stored on the cloud server.

12. Since there appear to be some coordination issues in the manner in which DORIS is being currently operated, Mr. Ashwani Kumar, Principal Secretary Revenue, shall place on record a proper affidavit giving the details of the DORIS system being used by the GNCTD, which is currently being used for the purpose of registration of documents with the Sub-Registrars across Delhi. In addition, the status report shall also inform the Court as to which of the Sub-Registrar offices have been provided access to the said cloud service for maintenance of the scanned PDF copies of the documents which are presented for registration. The report shall also give the details of how the DORIS system functions and the stage of

implementation. The said report shall also be filed within a period of four weeks.”

8. The above directions were issued for lodging of an FIR and conducting investigation. In addition, insofar as the Petitioners were concerned, the following directions were issued:

“13. In the meantime, insofar as the Petitioners are concerned, Ms. Aggarwal, Id. Counsel for the Petitioners submits that after the documents were registered in respect of the Petitioner’s properties, the same were submitted before the Revenue Authorities for mutation. She further submits that certified copies obtained from the Revenue Authorities have also been submitted to the Sub-Registrar III and accordingly on the basis of the said certified copies, the record of the Petitioner’s documents be reconstructed.

14. Accordingly, in the facts of this case, the Court is of the opinion that the record deserves to be reconstructed and the concerned Sub-Registrar III ought to take steps in this regard.

15. The Petitioner/his representative is permitted to appear before the Sub-Registrar III on 14th February, 2023 at 11:30 a.m. Ms. Pokhriyal, the current Sub Registrar III, who is present in Court shall verify all the documents and may seek any further documents or clarifications. If Ms. Pokhriyal wishes to confirm the authenticity of the certified copies of the documents produced, let the same be enquired from the concerned office of the Revenue authorities which have issued the certified copies.

16. After the said meeting, the Sub-Registrar III shall place a status report specifying if the record can be reconstructed qua the Petitioner and a certified copy can be issued or not.”

9. A status report dated 23rd March, 2023 was thereafter, filed on behalf of the Sub-Registrar-III which states as under:

“The subject cases is regarding writ petition filed before Hon'ble High Court Delhi under article 226/227 of the constitution of India read with section 151 CPC for issuance of appropriate WRIT orders or Directions in the matter of MONK ESTATES PRIVATE LIMITED & ANR VS GNCT OF DELHI seeking certified copies of sale deeds registered with SR-III office vide document numbers 8410,8411,8412,8413 and 8414 (Additional Book No-I, Volume 8486 and 8487-- lands measuring 5 bigha 19 biswas situated in village mehraul) on 21/11/1994.

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It is submitted that on 14.02.2023, Shri Atul Gupta, Director (FOR MONK ESTATES PVT.LTD) visited the office of SR - III, Asaf Ali Road and submitted copies of Sale deeds. In his application, at point no. 3, Shri Atul Gupta has stated that mutation of above mentioned properties was done on 15.02.1995 on the basis of documents enclosed.

We have also sought certified copies of documents from Tehsildar (Saket), which were submitted by the company at the time of applying for Mutation. We have received certified copies of mutation file bearing Missile No. 1193/94-95 to 1197/94-95 dated 15.02.1995 alongwith photocopy of sale deeds No. 8410,8411,8412,8413 and 8414 from Tehsildar Saket. Documents received by Tehsildar Saket may be kept on record of SUB REGISTRAR III OFFICE and certified copies can be issued to the Petitioner.”

10. On 27th March, 2023, the Court directed the Sub-Registrar to issue certified copies to the Petitioner and file a confirmation in that regard before the Court. The affidavit on behalf of Principal Secretary, (Revenue), GNCTD has now come on record. As per the said affidavit, the manner in which storage of documents is to be done is through a system called DORIS. In respect of the said system, the affidavit reads as under:

“4. In view thereof it is stated that the DORIS Computer application was launched in 2002 in one of the SR office and thereafter extended gradually to other Sub – Registrar offices. It is further stated that the details of the functioning and storing of data at DORIS system are:

i. Features of DORIS system

As per the functionality of DORIS below are the tasks which are feasible operations of the software:-

- 1) Circle rate calculation and entry.*
- 2) Documents proof entry*
- 3) Evaluation Entry*
- 4) Deed Approval/Rejection by SRO*
- 5) Photo capture of both parties and witnesses*
- 6) Fee entry and receipt generation*
- 7) Check List Generation Report*
- 8) Registration of Sale Deed, Will, GPA, SPA etc.*
- 9) Centralized data of 22 Sub Registrar Offices*
- 10) Online appointment system for registration process*
- 11) Data of Property records available to citizens through Internet.*
- 12) E-Search Module for citizens regarding searching of registered property details for verification.*
- 13) Generation of exceptional reports for the purpose of auditing.*
- 14) e-valuation for Stamp duty calculation*
- 15) Integration with departments for online verification.*
- 16) Online verification of the Deed issued from SR Office Delhi.*
- 17) SMS integration.*
- 18) Customized monitoring modules at various levels.*
- 19) Scanning of the Registered Deed*

Flow diagram of DORIS is annexed as Annexure-A.

ii. How the documents are being stored in DORIS and where it is being stored.

The documents after registration are scanned and being stored as scanned image stored in Data Base

linked with metadata of registered deed in physical servers located at the concerned SR Office. Thereafter, the scanned documents are integrated from time to time with central database hosted at cloud server. The public can search the details of the registered documents through DORIS. Flow diagram of DORIS deployment architecture is annexed as Annexure-B.

iii. Which of the Sub-Registrar offices have been provided access to the said cloud service for maintenance of the scanned PDF copies of the documents which are presented for registration.

All 22 Sub-Registrar offices have been provided access to the scanning module in DORIS system. Following 2 Sub-Registrar offices (SROS) have not used the scanning module due to want of necessary equipments, they are expected to start using the scanning module soon: -

I. Sub-Registrar-IV (Seelampur)

II. Sub-Registrar-VII (INA)

iv. How many Sub Registrar offices are effectively using the DORIS system.

DORIS software is rolled out at all 22 Sub-Registrar Offices.

v. Till date how much data is being stored in DORIS

Nos. of documents in central data base: 5138219

vi. Stage of Implementation of DORIS

DORIS software is rolled out at all 22 Sub- Registrar Offices and the software is being upgraded from time to time.

5. That public can access the registered documents at the link doris.delhigovt.nic.in.

6. That department has instructed the Sub Registrar to digitize the pending documents at the earliest vide letter dated 03/09/2020.

7. That department is also considering to deploy NGDRS (National Generic Document Registration System) which has better features.”

11. Insofar as the Petitioner is concerned, Id. Counsel for the Respondents submits that the reconstruction of documents has been done and certified copies of the documents have been received by the Petitioners.

12. A perusal of the above affidavit would show that although a system has been designed, it is not clear as to whether the same is implemented fully. Insofar implementation of the DORIS systems is concerned, the GNCTD is directed to ensure that the necessary systems and cloud service is made available to all the Sub-Registrars' offices so that the documents can be preserved without a situation as arose in the present case being repeated. For the said purpose the Principal Secretary (Revenue), GNCTD shall be personally responsible to ensure implementation of the DORIS system.

13. In addition, the investigation under the Lost Report vide L.R. No. 1003607/2019 dated 1st May, 2019 PS - Daryaganj registered in 2019 was to be conducted, the status of which is not clear. Accordingly, the Secretary (Revenue), GNCTD shall call for a periodic status report in respect of the investigation. If a FIR needs to be registered, the steps be taken within three months. Officials responsible shall also be identified and action shall be taken. The Secretary (Revenue) shall be personally responsible for giving effect to these directions.

14. With these observations, the present petition and all pending applications are disposed of.

PRATHIBA M. SINGH
JUDGE

JULY 27, 2023

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