M.R.O. I—20,002—12-8-65.

(1) Number of Pages 6

(2) Date of repair 9-10-68

(3) Initials of the Referencer

# MADRAS RECORD OFFICE

## GOVERNMENT OF MADRAS

Revenue DEPARTMENT

| | | |
|---|---|---|
| G.O. No. / ~~B.P. No.~~ | 2382 | ~~Press~~ / Mis. |
| Dated | 9-11-1875 | 196—. |

*Not to be folded or roughly handled*

**Registration.**

No. 16. Read the following letter from the Hon. V. RAMIENGAR, C.S.I., Inspector-General of Registration, Madras, to the Honorable D. F. CARMICHAEL, Officiating Chief Secretary to Government, Fort Saint George, dated Madras, 29th September 1875, No. 168-A:—

I have the honor to submit, for the information and orders of Government, the accompanying correspondence with the Registrar of Tinnevelly, regarding a complaint preferred by one Vadama Annavier of Karungolum, against Joseph Samuel Thaver, formerly Sub-Registrar of Morappanad, and now Sub-Registrar of Tenkasi.

From the Registrar of Tinnevelly, dated 16th July 1875, No. 75.*
To the Registrar of Tinnevelly, dated 21st July 1875, No. 355.
From the Registrar of Tinnevelly, dated 29th July 1875, No. 80.*
From the Registrar of Tinnevelly, dated 5th August 1875, No. 86.*
To the Registrar of Tinnevelly, dated 16th September 1875, No. 473.
From the Registrar of Tinnevelly, dated 23rd September 1875, No. 126.*

* Requested to be returned.

2. The case as gathered from the papers submitted is that an agreement was executed by one Soobbier and his mother, Moottamal, in favor of the complainant's daughter, Minatchiammal, on the 30th of August 1874. This document was presented for registration on the 1st September following at a chuttrum at Saithinganellore to which the Sub-Registrar had been invited for the purpose. The consideration money specified in the agreement (Rupees 1,130) was paid over by petitioner in behalf of his daughter, in the Sub-Registrar's presence, to the executing parties. The latter then and there asked the Sub-Registrar to register the document and deliver it to complainant as the representative of the claiming party, Minatchiammal. But the Sub-Registrar instead of at once giving the prescribed receipt for the document told complainant to call for it at the office at Morappanad.

See Section 52 of the Indian Registration Act and Rule 12.

Complainant accordingly followed the Sub-Registrar to Morappanad and there, in the office, demanded the receipt. The Sub-Registrar promised to let him have it in an hour's time. Complainant accordingly appeared again in the afternoon, but the Sub-Registrar told him for the first time that as the presenting party had not authorized him *in writing* to deliver the document to him (complainant), it could not be given to him without a written authority from Soobbier. Complainant then went in search of Soobbier, but could not find him. So, next day he appeared before the Sub-Registrar and told him that Soobbier was not to be found, to which the Sub-Registrar answered, that he had already delivered the document to Soobbier, and that complainant must now go about his business.

3. This at once excited the suspicions of complainant and he forthwith obtained a copy of the registered agreement and found that it had been tampered with since its presentation to the Sub-Registrar for registration. He therefore preferred a complaint to the Head Assistant Magistrate charging the executants of the document with having caused certain alterations and additions to be made in it to the injury of complainant's daughter. It appears that the Head Assistant

Magistrate dismissed the complaint without inquiry, on the ground that it was not a criminal matter, and that the complainant should seek his remedy by a civil action. On appeal, however, to the Sessions Court, the Head Assistant Magistrate was directed to take up the case and dispose of it on its merits as the complaint contained a specific charge of forgery. The Magistrate accordingly took up the case, but again dismissed it under Section 147 of the Code of Criminal Procedure.

4. The Registrar, Mr. Locke, says that the case attracted his attention for the first time in November last when he was in temporary charge of the Head Assistant Magistrate's Division, and that he considered a departmental inquiry necessary, as the Sub-Registrar's name was prominently mixed up with the case. He accordingly summoned the complainant Annavier, and took his statement on the 15th December 1874, but took no further steps.

5. The complainant thereupon petitioned this office and the petition was referred to Mr. Locke for report. In his report of the 16th of July last, without offering any explanation of his omission to proceed with the departmental inquiry which he says he had thought necessary and commenced, "states the Sub-Registrar is apparently within rule in all his acts;" but adds, "I confess to certain misgivings notwithstanding. It is not at all likely that the petitioner was a consenting party to the delivery of the registered document to the executants after he had paid up the consideration named in it and taken so much pains to have the document registered." Under all the circumstances, Mr. Locke concludes, "I think the petitioner's only remedy is in a civil action." On being subsequently called upon to explain why he did not proceed with the departmental inquiry, Mr. Locke states among other reasons that "the Head Assistant Magistrate had already examined the complainant and dismissed his complaint;" but Mr. Locke must have been aware when he wrote this that the proceedings of the Head Assistant Magistrate had nothing whatever to do with the case as against the Sub-Registrar.

6. From the papers before me, I am satisfied that the conduct of the Sub-Registrar in this case is open to very grave suspicion as remarked by the Registrar himself in his letter of the 29th July last. The Sub-Registrar apparently admits that the money was paid in his presence to Soobbier by complainant, and it is not at all likely that after this, the latter would have rested satisfied unless Soobbier had openly asked the Sub-Registrar to return the document to him (complainant) after registration. At this time the Sub-Registrar must have been acting in collusion with the executing parties, or he would have pursued the only proper course under the circumstances, that is, taken down Soobbier's authority in writing in the printed form of receipt which expressly provides for such authorization being recorded, and then acted upon it. His failing to do so, and eventually giving the receipt to Soobbier was a very unusual course to follow after the consideration money had been paid in his own presence, and clearly shows that he was giving the executing parties the opportunity to do what is charged against them, namely, to tamper with the document before registration, to the injury of the claiming party. His conduct, it appears to me, is not consistent with any other supposition. The receipt and the counterfoil, both of which I have sent for and will be found among the enclosures, bear internal evidence of this. That the

Paragraph 5.



receipt was not given to either party at the time of the acceptance of the document at the chuttrum is shown by its being dated at Morappanad, while the counterfoil is dated at Saithinganellore, and by the handwriting of each being different. And this agrees substantially with the statement of the complainant that he was told to come to the Sub-Registry Office at Morappanad for the receipt, and that he was there put off with one pretext and another until he was at last told that it had been given away to Soobbier. If the Sub-Registrar was acting honestly and was not under the influence of an improper motive, one of two courses only was open to him—he should either have taken Soobbier's written authority then and there for delivering the document to complainant and given the receipt to the latter; or if he really believed, as he states he did, that there was nothing improper in giving it to Soobbier, he would have handed it to him at once. He did neither however, although he had no right to withhold a receipt when once the document was admitted to registration. He could not openly give it to Soobbier after what had taken place, and to give it to complainant would probably defeat the business in hand. So no receipt was given at the time and the required opportunity was secured for tampering with the document.

7. Another suspicious circumstance in the case to which the Registrar pointedly refers is that the agreement was copied into the Register not by the Office Clerk, but by a stranger—by one Devasigamani Thaver, apparently a friend, if not a relative of the Sub-Registrar. After what had taken place it was certainly desirable to keep the whole transaction secret as long as possible, and the office clerk appears not to have been sufficiently in the Sub-Registrar's confidence.

8. If the complainant were prepared to prosecute the Sub-Registrar criminally, I should have no hesitation in giving him the necessary permission to do so, but it will be seen from the Acting Registrar's letter of the 23rd instant, No. 126, that Annavier is unable to undertake a criminal prosecution, as one of the witnesses on whom he had relied is dead, and the other is in a precarious state. It becomes therefore necessary to deal with the case departmentally, and, under all the circumstances, I feel called upon to recommend that the Sub-Registrar, Joseph Samuel Thaver, be summarily dismissed from his post as unworthy of trust.

9. It will be seen that the Registrar states that on examination of the Registers he finds that Samuel Thaver has been in the habit of employing strangers in copying documents into the books. This is in direct contravention of positive and repeated orders that none but the regular clerks should be permitted to take any part in the business of the office. Among the strangers so employed is the Head Master of the Anglo-Vernacular School at Morappanad, who is described by the Registrar as an intimate friend of the Sub-Registrar, and who appears to have been present with the latter at the Saithinganellore Chuttrum, and to have been cognizant of all that took place in connexion with the case.

10. I may state that in another case in which Samuel Thaver has been charged with similar improper conduct in connexion with another document presented for registration by another party, I have just accorded permission, under G.O., 4th July 1868, No. 1062, and Section 466 of the Criminal Procedure Code, to the complainant prosecuting him before the Magistracy if he is disposed to do so.

*Proceedings of the Madras Government, Judicial Department, 1st November* 1875.

No. 17. ORDER THEREON, 1st November 1875, No. 2328.

Under the circumstances brought to notice by the Inspector-General Registration, the Governor in Council directs that the Sub-Registrar Joseph Sam Thaver be summarily dismissed.

(True Extract.

*Officiating Chief Secretary*

To the Inspector-General of Registration.
,, Revenue Department.
,, Accountant-General.

Exd. T. O'Connor.

Revenue 1875 Sept
No 4355

Govt. of 1875 Madras.

JUDICIAL.

To THE INSPECTOR-GENERAL OF REGISTRATION,

&c., &c., &c.

Dated November, 1st.
Issued 9
Read. 8

Encls.

G.O., 1st November 1875, No. 2328.

NOVEMBER.
Nos. 16-17.

*Registration.*—Sub-Registrar Joseph Samuel Thaver directed to be summarily dismissed.

Mill Order

No 2382 - 9 November 1875

No 2382

Comm^r to the Board of Revenue
L Wall, Survey, & Forest Dep^t

9 Nov 75

2 to the Board of Rev de 10 Nov
1 the Dy Dr of Rev Salt
1 the Supt of Rev Survey
1 the Dy Inspector of Forests