

\$~9

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

+ W.P.(C) 2312/2018 & CM No. 30683/2018

HUMA SAAD

..... Petitioner

Through: Mr Arpit Bhargava, Ms Hina  
Bhargava and Mr Varun Talwar,  
Advocates.

versus

GNCT OF DELHI & ORS

..... Respondents

Through: Mr Sanjoy Ghose, ASC, GNCTD  
with Mr Rhishabh Jeley and Ms Urvi  
Mohan, Advocates for GNCTD.  
Mr Jasmeet Singh, CGSC for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

% **03.12.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “a. Issue a writ of mandamus or any other appropriate writ thereby directing the Respondent no.1 to immediately trace the register entries mentioned vide replies dated 28.09.2016, take strict action against erring officials including SDM Kotwali for not keeping a proper record relating to stamp papers and registers and giving up/losing custody of important statutory documents and directing respondent no.1 for framing strict guidelines/regulations/rules in a time bound manner for proper upkeep, custody and maintenance of record pertaining to stamp papers and registers and also providing for fixation of accountability of officers in case of failure to adhere to such

guidelines/regulations/rules.

- b. Issue a writ of mandamus or any other appropriate writ, order or direction, thereby directing the Respondent No.2 to submit before this Hon'ble Court as to the action taken in respect of complaint dated 17.05.2017 of Petitioner in compliance with procedure as laid down in the notary rules 1956 and take action in a time bound manner against the erring officials including notary public (Shama Rani) who is a public officer as provided under Indian Penal Code as well as notary rules 1956.
- c. Issue a writ of mandamus or any other appropriate writ, order or direction, thereby directing the Respondent no.3 to take strict action and proceed with FIR no.266/2017 in a time bound manner since the offences are concerning not only a woman but includes serious offences of counterfeiting government documents and is an offence against state.”

2. The petitioner is, essentially, aggrieved with respect to a document captioned ‘Memorandum of Understanding cum Agreement’ printed on a non judicial stamp paper of ₹100 bearing Sl. no. S 754034. The said document indicates that ‘Memorandum of Understanding cum Agreement’ was entered into on 16.05.2011 between seven individuals and one Shri Mujeeb Rehman S/o Mohd. Zameer. The petitioner claims that Shri Mujeeb Rehman had executed a Sale Deed dated 02.08.2013 in her favour.

3. It is the petitioner’s case that the non judicial stamp paper on which the ‘Memorandum of Understanding cum Agreement’ dated 16.05.2011 was printed was issued to the stamp vendor (one Ms Madhu Sadana) after 16.05.2011 and, therefore, the document dated 16.05.2011 was *ex-facie* untrue.

4. In order to establish his case, the petitioner had applied for a copy of the register for ascertaining the dates on which the stamp paper was issued to the stamp vendor and the date on which it was sold to the purchaser thereof. The said register was not traceable at the material time and, therefore, the information as sought for by the petitioner was not provided to her.

5. The petitioner has also referred to the stamp paper in question, which indicates that it bears Serial No. 10140 on the rear. The copies of the register maintained indicates that said Serial No. pertains to a stamp paper of ₹10/-, which was issued to another person.

6. It is in the aforesaid context that the petitioner had approached this Court for seeking (a) that appropriate action be taken for not maintaining the registers in the manner as required; and (b) appropriate action be taken against erring officials including the stamp vendor and Notary Public.

7. Respondent no.1 has filed a status report which indicates that on 10.09.2018 SDM (Kotwali) was appointed as an enquiry officer to conduct enquiry into the matter. Notices were issued to the stamp vendor in question (Ms Madhu Sadana, license no.329) to appear before him on 19.09.2018 and explain as to how the stamp paper bearing no.S754034 of a value of ₹100/- had been used prior to the date of issue by the Treasury Office. Ms Sadana has since recorded her statement on 27.11.2018. She claims that the stamp paper bearing sl. no.S754034 of a sum of ₹100/- was issued by the Treasury Office on 26.03.2012 and the same was misplaced. She further states that she was not aware of the said stamp paper being misplaced and, therefore, could not file an FIR or convey the information to the SDM. She had also made a statement that she had not sold the stamp paper in question.

8. The status report filed on behalf of respondent no. 1 indicates that respondent no.1 is in the process of implementing a system whereby only e-stamp papers are being issued and the entire process is digitised.

9. In view of the above, it is not necessary to pass any orders regarding maintenance of registers since the entire process is being digitised. However, it is apposite to issue directions for the competent authority to make appropriate enquiry into the conduct of the stamp vendor and if warranted take appropriate action. It is so directed.

10. Mr Jasmeet Singh, learned counsel appearing for respondent no.2 also states that an enquiry against the Notary Public has also been initiated and the same would be carried to its logical end.

11. Insofar as the FIR No.266/2017 is concerned, this Court is informed that the same is being investigated and the necessary proceedings will be instituted. The respondents are directed to complete the said proceedings as expeditiously as possible and preferably within a period of 12 weeks from today.

12. In view of the above, no further orders are required to be passed in the petition. The same is disposed of in the above terms. The pending application also is disposed of.

**VIBHU BAKHRU, J**

**DECEMBER 03, 2018**  
**MK**