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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 23rd July, 2020

+ W.P.(C) 3898/2020

D C TUTEJA

..... Petitioner

Through: Mr. Gaurav Bahl, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Manish Mohan, CGSC for
R-1/UOI.

Mr. Satyakam, ASC for R-2 to
5/GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

D.N. PATEL, Chief Justice (*Oral*)

Proceedings of the matter have been conducted through video conferencing.

1. This Public Interest Litigation has been preferred with the following prayers:-

“A) Issue a writ in the nature of mandamus or similar writ, order or direction in the nature of mandamus directing adoption of E-registration of all the documents at the Sub-Registrar office in NCT of Delhi; and/or

B) Issue such other appropriate Writ or an Order or Direction as this Hon’ble Court deems fit and proper in the facts and circumstances of the case.

C) Award costs of the writ in favour of the Petitioner and against the Respondents.”

2. Earlier, after hearing the counsel for the petitioner, we had issued notice. Now, the respondent No.2 has filed a detailed status report. For ready reference, paragraph 5 to 10 of the status report read as under:-

“5. It is submitted that the Corona Virus Disease 2019 {COVID-19} related restrictions are temporary arrangements with the objective of curbing its spread. Normal functioning of all Government departments including public dealing are operational subject to certain requisite pre-cautions as mandated for COVID-19 disease in order to curb spread.

6. It is submitted that many features of Delhi Online Registration Information System (in short, DORIS for convenience) application for registration of property module are already available online. The DORIS facilities inter-alia has following features:

(i.) Title Search: Search for registered documents with any known details.

(ii.) Registered Deed: View scanned copy of Registered Deed Documents online.

(iii.) Archive Search: Search for documents registered prior to year 2002. Archive Search is also available on website of DORIS for all historical registered documents.

(iv.) Prohibited Property: To check for list of prohibited properties so that general Public is aware for booked properties which cannot be registered.

(v.) Encumbrances search: To check for dues of local bodies, electric and water utility bills, dues of DDA, IGL and Registrar of Companies.

(vi.) *DORIS B Book: For services like **certified copies of deed, inspection, NOG, Home presentation.***

(vii.) *Model Sale Deeds: The Model Sale Deeds are available online to be used for preparation of sale deed. A set of model editable auto generatable sale deeds are available to the executants through the website of the department (doris.delhigovt.nic.in) or (<http://delhi.gov.in/wps/wcm/connect/DoIT/Revenue/revenue/home>)*

(viii.) *Auto Trigger facility enables citizen to get e-mutation of name in MCD Records, registration with Delhi Jal Board (DJB), Power Utilities & IGL. These facilities of other department are extended in addition to registration and is done automatically on real time basis.*

(ix.) *Public outreach programme to popularize the facilities for citizens in Registering Properties done by means of Newspaper advertisement, Radio Jingle in popular FM. Through Social media like Twitter, Facebook handle of department. The steps taken for Public convenience and to remove the role of middlemen (Touts) from process of registration of properties.*

7. *The stamp papers required for payment of stamp duty and transfer duty are also issued online on the portal www.eschil.com. The Delhi government has fully automated the process of issue of e stamp papers required for paying duties for registration of property.*

8. *It is submitted that time associated with registration of property in Delhi has been considerably reduced due to automation and simplification of procedure. The appointment for registration of documents is online on the government portal srams.delhi.gov.in for online submission of documents and printing appointment token online. The registered document after presentation is delivered on the same day after following registration procedure.*

9. It is submitted that Home visit option is also available for old age, medical unfit and disabled person and the same can be accessed through DORIS, an additional facility extended to the vulnerable group of society.

10. It is most humbly submitted that in order to curb any false registration of property and to avoid unwanted litigation, certain checks & balances are essential. This includes presentation of parties and witnesses, examining them by sub-registrar at the time of execution to ascertain the conduct of the parties and verify the details. It is also pertinent to mention that buying and selling of properties are generally once in a lifetime opportunity for many people. So, it is necessary to have certain check in public interest. All these steps are sine quo non for ensuring genuine registration shall take place and any fraud or misrepresentation for pecuniary benefit is avoided in process of registration of properties. The same does not seem to be possible online.”

3. Having perused the above paragraphs of the status report, it appears that Delhi Online Registration Information System (DORIS) is already available wherein several types of facilities have been extended to the public at large which reveals the details as to the title search, registered deed, archive search, prohibited property, encumbrances search, model sale deeds, etc. It also appears from paragraph 10 of the report that there is need to maintain certain checks and balances in larger public interest, due to which complete online E-registration of the documents is not possible at this stage.

4. In view of the aforesaid facts of the case and the reasons given by the respondents, we see no reason to give any directions to the respondents in the exercise of writ jurisdiction.

5. At this stage, looking to the fact that the Government of NCT of Delhi

has already introduced a system i.e. “Delhi Online Registration Information System”, counsel for the petitioner seeks leave to prefer a representation *inter alia* highlighting therein his suggestions for streamlining and augmenting the online registration system.

6. Accordingly, liberty is reserved with the petitioner to prefer a representation with proper averments and annexures so that the respondents may appreciate the suggestions of the petitioner and can take further policy decision. As and when such representation is preferred, the suggestions of the petitioner shall be kept in mind by the respondents while making amendment in the policy decision.

7. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

JULY 23, 2020
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