

**IN THE COURT OF SHRI HASAN ANZAR,
SPECIAL JUDGE, PC ACT (CBI-03),
ROUSE AVENUE DISTRICT COURT, NEW DELHI**

Registration/Closure/CC No.12/25

CNR No. DLCT11-000353-2025

RC No.15 (A)/2024

**Under Section u/s 120-B, 420 IPC and 13 (2) r/w 13 (1) (d) of the Prevention of
Corruption Act, 1988 (as amended in 2018)**

PS CBI/ACB/New Delhi

Central Bureau of Investigation

Versus

Rajpal @ Rajpal Meena

Memo of Appearance

1. Sh. Shekhar Gehlot, Id. PP for the CBI.

22.05.2026

ORDER

1. The Facts as disclosed from the perusal of charge-sheet is that the an FIR u/s 120-B, 420 IPC and 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act, 1988 was registered on 10.05.2024 against Rajpal, the then Sub-registrar-III, Asaf Ali Road, Delhi and other unknown private persons on the basis of a complaint dated 02.05.2024 of Shri Mahendra Singh, Inspector of Police, CBI, ACB Delhi.

2. As per FIR, a joint surprise check was conducted by CBI on 30.08.2019 at Sub-Registrar-III Office, Asaf Ali Road, Delhi and it was revealed from the perusal of the photocopies of the sale deeds relating to 50 unauthorized properties, registered at Sub-Registrar-III, Asaf Ali Road,

Delhi did not bear the Red Stamp impression on the first and last pages. It is also alleged that any building which is constructed unauthorizedly can be regularized if the same is within the ambit of Building Bye Laws and regulation laid in Master Plan Delhi. It is also alleged that if an unauthorized property is not regularized it would cause loss to the Government as requisite regularization fees is not paid by the owner of the property. It is stated that since Rajpal Meena, Sub Registrar has abused his position by registering the unauthorized properties and caused pecuniary advantage to the private persons and resulting into the loss to the MCD Exchequer by way of non payment of regularization charges.

3. It is contended by Id. PP for CBI as well as IO/Insp. Davinder Kumar that investigation was conducted pursuant to the lodgment of FIR and during the course of investigation no criminality was found and only administrative lapses were committed by Rajpal Meena, Sub-Registrar III, Asaf Ali Road, Delhi. It is also contended that investigation did not disclose that any pecuniary advantage was obtained or that Rajpal Meena, Sub Registrar had abused his position to provide benefit to himself or to any other public servant or private persons.

4. I have considered the submissions and perused the material available on record.

5. Vide Circular No. F.36(07)/Cordn./Div.Com/06/464-90 dated 09.05.2006 issued by Divisional Commissioner, Department of Revenue, GNCT of Delhi, directing that Sub-Registrars will ensure that a rubber stamp is impressed upon first and last page of the document revealing that the property is unauthorized as per the list displayed by the MCD to which

circular was issued in pursuance to the order passed by Hon'ble Delhi High Court in Civil Writ Petition No. 4582/2003 Case Titled as "Kalyan Sanstha Social Welfare Organization V. UOI & Ors." As per circular No. 36(07)/Coodn./Div.Com/07/613 to 620 dated 13.04.2015 issued by the Secretary (Revenue)-cum-Inspector General of Registrar, the Sub-Registrar, Revenue Department will use the details of all booked properties provided by the MCD whether it is unsafe or an unauthorized construction exist on the property and the MCD was directed to take appropriate action under the relevant building laws. Moreover, vide circular No. F.1(92)/RB/DivCom/HQ/2012/311-320 dated 12.11.2014, which delineates the duty of a Sub Registrar i.e. to check the registration of properties and to ascertain and evaluate correctly the stamp duty chargeable on the instrument and to check proper identification of both parties and deeds pertaining to the properties having unauthorized construction shall not be registered.

6. It is evident from the perusal of the record and during investigation from the year 2016 to 2018 about 50 Sale Deeds were registered with respect to unauthorized properties without impression of rubber stamp on first and last page. Any unauthorized construction can only be permitted to be regularized if it is within the ambit of building by laws and regulation laid down in Master Plan of Delhi and no unauthorized property can be registered by the Sub Registrar.

7. It is also reflected during the investigation that 50 sale deeds of properties having unauthorized construction were registered during the period of 2016-2018 and out of which 37 sale deeds were registered by Rajpal Meena, Sub Registrar-III, Asaf Ali Road. It was found that details of

23 properties containing unauthorized construction were not uploaded by MCD and only details pertaining to 14 properties reported to be containing unauthorized construction was uploaded by MCD in its website. It is also revealed that different sale deeds pertaining to the properties fall under different divisions of MCD.

8. During the hearing, some clarifications were also sought from the CBI and it was explained that the details of unauthorized properties are obtained from MCD Website in the form of Excel Data. It is also reflected in the status report dated 08.05.2026 that it is the responsibility of MCD to continuously update and make modification in the record relating to unauthorized construction and as such the details/addresses of the properties cannot be conclusively ascertained as the said data is maintained with Municipal Corporation of Delhi (MCD).

9. It is thus reflected that information whether an unauthorized construction exist or not, is based on the data updated or provided by the MCD. As per the status report dated 08.05.2026 that there is no independent mechanism to verify or authenticate the status of the properties.

10. The entire case has proceeded on the basis that Rajpal Meena has violated the departmental guidelines/circular by registering the properties in conspiracy with unknown public servants as well as unknown private persons.

11. Section 13 (1) (d) r/w Section 13 (2) of Prevention of Corruption Act, 1988 provides that a public servant can be prosecuted only if he has abused his position as a public servant and obtained for himself or any person any

valuable thing or pecuniary advantage. It is very much evident from reading of Section 13 (1) (d) that a public servant can be prosecuted only if he has committed misconduct as provided in Section 13 (1) (d) PC Act. In construing the allegation against the public servant, another question that is required to be considered whether public servant has really abused his position or not. It is also be established that the concerned public servant has used his position for the purpose for which it is not intended.

12. It is evident from the material available on record that unauthorized property can always be regularized if same is within the parameters or ambit of relevant building laws and the office of the Sub Registrar has no direct duty to control such unauthorized construction or to take any action. The Sub Registrar as per circular, could only make an endorsement if he is cognizant of the fact that a property is unauthorized or unsafe and a stamp is to be affixed on such sale deed/deed. The material as collected during the investigation would reveal that information regarding unauthorized property is derivative based on the list maintained by MCD and is dynamic in nature and such a list is constantly updated. Even if one considers that Sub Registrar had violated any rule or norms, the same is without any criminal intention or motive. It would be appropriate to take note of **C.K. Jaffer Sharief Vs. State (2013) 1 SCC 205**, the Hon'ble Supreme Court of India observed that: *“If in the process, the Rules or Norms applicable were violated or the decision taken shows an extravagant display of redundancy it is the conduct and action of the appellant which may have been improper or contrary to departmental norms. But to say that the same was actuated by a dishonest intention to obtain an undue pecuniary advantage will not be correct. That dishonest intention is the gist of the offence under section*

13(1)(d) is implicit in the words used i.e. corrupt or illegal means and abuse of position as a public servant.”

13. The material available on record only indicates that Rajpal Meena has violated rules and departmental norms while registering the sale deeds and nothing has come on record that same was actuated with any criminality.

14. The statement of number of persons such as Sellers & Buyers (LW-23 to LW-42) were recorded u/s 161 CrPC wherein they stated that they did not pay any money to any officials or the office of Sub Registrar, Asaf Ali Road, Delhi and their statement did not disclose that there was any quid-pro-quo on the part of accused Rajpal Meena, the then Sub Registrar. Neither statement of witnesses or any document placed on record unveil that there was any conspiracy between any private or public persons in order to facilitate the registration of the documents and even there was no direct material indicating that any pecuniary advantage has accrued to any person. Moreover, it is the duty of the MCD to take appropriate action against unauthorized constructions for which Sub Registrar has no role to play. It is also revealed that while registering the deeds, etc., adequate stamp duty as per the prevailing circle-rate was collected and as such no pecuniary loss was caused to Government or any other Organization.

15. The Hon'ble Supreme Court in case of ***“Vasanti Dubey Vs. State of Madhya Pradesh”***, 2012(2) SCC 731 has held that there is no power, expressly or impliedly conferred under Cr.PC on a Magistrate to call police to submit a charge sheet, when they have sent a closure report. The Magistrate may or may not accept the report and take suitable action

according to law, he could not impinge upon jurisdiction of police, by compelling them to change their opinion so as to accord with his view.

16. The conclusions drawn by the CBI are reasonable and based on the statement of witnesses as well as from the perusal of the documentary evidences collected during the investigation and, therefore, any further direction for further investigation is not required as the case has been investigated on all angles and no offence meriting invocation of offence either under the provisions of PC Act or under Penal Code is disclosed and, therefore, closure report filed by Prosecuting Agency i.e. CBI is accepted.

17. The original documents/articles, if any, be returned to IO/HIO. IO/HIO is at liberty to return the documents/articles seized during the course of the investigation to the concerned Authority/persons as per applicable rule.

18. The File be consigned to Record Room.

*(Announced in the open Court
today i.e. on 22.05.2026)*

(HASAN ANZAR)
Special Judge (PC Act) CBI-03,
RADC/New Delhi/22.05.2026