

By Speed Post.

BEFORE SMT. ZOYA HADKE, JOINT SECRETARY & LEGAL ADVISER & FIRST APPELLATE  
AUTHORITY(Notary)

(Under Section 19 of RTI Act, 2005)

MINISTRY OF LAW & JUSTICE, DEPARTMENT OF LEGAL AFFAIRS  
ROOM NO. 422, 'A' WING, SHASTRI BHAWAN, NEW DELHI 110001  
\*\*\*\*\*

Appeal No.26/JS&LA(ZH)/NC/2015

**IN THE MATTER OF:**

Shri Naresh Kumar,  
204, Gali No. 7, 30 Feet Road,  
Govind Vihar,  
Karawal Nagar, Delhi-110094.

Appellant

Versus

Central Public Information Officer ( N )  
Ministry of Law & Justice  
Department of Legal Affairs  
Shastri Bhawan  
New Delhi – 110001

Respondent

**ORDER**

**09.02.2015**

The instant appeal dated Nil received on 12.01.2015 has arisen out of RTI application dated 30.08.2014 by which the applicant had sought the following information:-

- “1. What action has been taken with respect to complaint dated 23.03.2013 against Notary Public Sh. Lal Bihari Mishra, having registration No. 6795, Shop No. 22, DDA Market, Near Gagan Cinema Road, Nand Nagri, Delhi-93?
2. What action has been taken against Deed Writer Sh. Kalu Ram Aggarwal, having office E-60/146, Opposite to Gagan Cinema, Sunder Nagri, Delhi-93?
3. Whether any investigation/enquiry was conducted with respect to the complaint dated 23.03.2013, if yes, kindly supply the enquiry report?”

2. The CPIO, vide letter dated 27.10.2014, has provided the following information to the applicant:-

- “1 & 3. It is informed that clarification was sought from Shri Lal Bihari Mishra, Advocate & Notary vide this office letter dated 29.09.2014 but no comments have been received till date. A copy of the same is enclosed herewith for information.
2. In respect of action against Shri Kalu Ram Aggarwal, no action is required to be taken by the Notary Cell.”

3. The appellant/applicant has not appeared in response to the Notice dated 30.01.2015. In his appeal he has stated that CPIO be directed to give complete information. The CPIO, Notary Cell, has not filed any reply, however, has appeared before me and informed that in response to the complaint dated 23.03.2013 made by the applicant/appellant, comments had been sought from the concerned Notary vide letter dated 29.09.2014. However, no reply has been received and the same was returned back undelivered. A fresh letter in this regard has again been sent on 02.02.2015 to the Notary concerned.

4. After careful examination of the matter, I am of the considered view that the information asked for by the applicant/appellant has been provided by the CPIO. Information with regard to enquiry report on the complaint can only be provided on completion of the enquiry. Hence the appeal is dismissed.

5. In case, the Appellant is aggrieved with this order, he may file a second appeal before Hon'ble CIC, 2<sup>nd</sup> Floor, August Kranti Bhawan, Bhikaji Cama Palace, New Delhi-110066, within the time period as prescribed under the provisions of RTI Act, 2005.

The parties be informed accordingly.

*Zoya Hadke*

(Zoya Hadke)

Joint Secretary & Legal Adviser &

First Appellate Authority

Date: 09.02.2015

Copy to:-

1. Shri Naresh Kumar, 204, Gali No. 7, 30 Feet Road, Govind Vihar, Karawal Nagar, Delhi-110094.
2. DLA & CPIO (Notary), D/o Legal Affairs, Shastri Bhawan, New Delhi-110001. (0-4) *Link gju*
- ✓ 3. RTI Cell, D/o Legal Affairs, Shastri Bhawan, New Delhi.

21/01/15  
Appeal  
New (305)  
Return

F.NO.21 (1587) / 2014-10  
Government of India  
Ministry of Law & Justice  
Department of Legal Affairs  
IMPLEMENTATION CELL

Shastri Bhawan, New Delhi  
Dated: 09.12.2014

**OFFICE MEMORANDUM**

Subject:- Information Sought by Shri Naresh Kumar under  
RTI Act, 2005.

Enclosed herewith is a RTI application dated 08.12.2014 (received on 08.12.2014 in this Department) of Shri Naresh Kumar, G-01, G-01, Karawal Nagar, Delhi-110094.

It is requested that the information may be furnished directly to the applicant as per provisions of the RTI Act, 2005, under intimation to the undersigned.

2. Fee has/has not been received in this Department.

26/05/2015 (2H) / MC / 2015  
12/11/2015

  
Asha Sota  
(US & CAPIO)  
Ph. No. 23389127

✓  
The CPIO,  
Notary cell,  
D/o Legal Affairs.

Copy to: Shri Naresh Kumar, 30 Lala Shri Deep Chand flo 204, Gali No. 7 B-2 Feet Road, G-01, Karawal Nagar, Delhi-110094.  
- He is requested to contact the said authority for requisite information.

1 of 12/14

by - p10.

EX-91100101  
02/12/2014

FIRST APPEAL UNDER SECTION 19(1)  
THE RIGHT TO INFORMATION ACT, 2005.

I. D. No.....  
(For official use)

To,  
The Additional L.A.  
Department of Legal Affairs  
Ministry of Law & Justice  
Room No.422A, 4<sup>th</sup> Floor,  
Shastri Bhawan, New Delhi-110001.

The First Appellate Authority  
Under Right to Information Act, 2005,

1. Name and Address of the Applicant.	Naresh Kumar S/o Late Sh. Deep Chand R/o 204, Gali No.7, 30 Feet Road, Govind Vihar, Karawal Nagar, Delhi-110094.
2. (I) (a) Name & Address of the Central Public Information Officer against the decision of whom the appeal is preferred.  (b) Date of Application.  (c) Date of Reply from PIO/CPIO.	Smt. Poonam Suri Deputy Legal Advisor CPIO, Govt. of India, Ministry of Law & Justice, Department of Legal Affairs (Notary Cell), Room No.439A, Shastri Bhawan, New Delhi-110001.  17.9.2014  27.10.2014 but it was

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PSG AA/CA  
ne

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DY. No. 1958  
S. 12.14

including number, if any, against which the appeal is preferred.	dt. 27.10.2014 having no. F.No.5A(303)/2014-NC
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4. BRIEF FACTS LEADING TO THE APPEAL :

A. That mother of applicant has got purchased 200 sq. yds. land in the year 1985 by appellant by from his hard earned money, out of which 50 sq. yds. land was given to another brother of the appellant by his mother. Suddenly there was some eye problems to mother of the appellant due to which his sister namely Suman had taken in good faith that she will provide medical treatment but she allured the mother of appellant and conspired to grab the 50 sq. yds. land in her name. She asked the appellant to get 50 sq. yds. land to his name by way of WILL and as such on 08.06.2009 sister of appellant and her relative as well as her husband already contacted one Mr. Kalu Ram Aggarwal and got prepared another family WILL deed in her name, when appellant reached there then Kalu Ram asked to appellant to get affix seal in his passbook and endorse

10 K.M. and some time was spent at bank at Karawal Nagar, thereafter he came to them, then they asked that put signatures very soon as the time is going on and in this circumstances he understood that he is signing family WILL deed for his name and came from there and after some time it is known that Kalu Ram Aggarwal and Lal Bihari Mishra conspired to prepare another documents i.e. Family WILL in the name of Suman, due to which the appellant is facing litigation without any cause of action and his property is being grabbed by one Mithlesh who is sister-in-law (Nanad) of Suman. Written complaint dt. 23.03.2014 was made to Law Minister, Govt. of India but no action has been taken. Hence the information was sought by the appellant about the action taken against Kalu Ram Aggarwal and notary Sh. Lal Bihari Mishra. Copy of complaint dt. 30.03.2013 is being enclosed herewith.

B. That thereafter the appellant sought informations but incomplete information was given by the CPIO. Copy of RTI application

5.   GROUNDS OF APPEAL  :

(i) That no inquiry report was submitted / supplied by the CPIO and also the fact that when no comments was sent by Lal Bihari Mishra with respect to letter dt.29.09.2014, then concern officials were silent with respect to complaint dt. 23.03.2014.

6.	If the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name and address of the Central Public Information Officer to whom the application was made.	N.A.
7.	Prayer or relief sought.	CPIO be directed to give complete information to appellant.

It is therefore prayed that appeal be admitted with direction to CPIO to furnish complete information.

DELHI (PO 110006)  
ED98665816114  
Counter No:20.1F-Code:K  
TODAY PUBLISHER INDIA,  
NEW DELHI, PIN:110001  
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Wt:200grams,  
Date:24.03.2013, 19:05  
Rate:Rs.4.00/Trade. No. www.indiapost.gov.in



दिनांक: 23.03.2013

सेवा में,

श्रीमान कानून मंत्री, भारत सरकार  
शास्त्री भवन,  
नई दिल्ली-110001.

विषय: शिकायत बरखिलाफ श्री लाल बिहारी मिश्रा, नोटरी पब्लिक रजिस्ट्रेशन नंबर 6795 शॉप नंबर 22, डी डी ए मार्केट, निकट गगन सिनेमा रोड नंद नगरी, दिल्ली-110093, एवं डीड राइटर कालूराम अग्रवाल ई-60/146, गगन सिनेमा के सामने, सुंदर नगरी, दिल्ली-110093.

मान्यवर,

सविनय निवेदन इस प्रकार है कि

1. यह कि प्रार्थी ने अपनी मां के नाम से 200 वर्ग गज का जमीन सन 1985 में गोविंद विहार इलाका करावल नगर जिसका वर्तमान मकान नंबर 244, गली नंबर 7, गोविंद विहार करावल नगर दिल्ली खरीद रखा था। 12-13 साल पहले उसमें से 50-50 वर्ग गज मेरी मां मेरे अन्य दो भाईयों को दे दी क्योंकि सभी भाई संयुक्त परिवार में थे।
2. यह कि मेरी मां को आंख में बीमारी थी जिसकी दवा दारु में करा रहा था लेकिन मेरी बहन सुमन का नीयत खराब होने के कारण



मां तुम्हारे नाम से 50 वर्ग गज का वसीयत करना चाहती है तुम करवा लो बाकी 50 वर्ग गज मां के नाम रहेगा। मैं अपने बहन की बातों में आकर 50 वर्ग गज दिनांक 08.06.2009 को मेरे नाम से वसीयत कराने श्री कालू राम अग्रवाल पता उपरोक्त पर मेरी बहन ले गई उस समय मेरी बहन ने मेरी मां के बैंक के पासबुक का खाता भी लाई थी और साथ में वोटर पहचान पत्र भी लाई थी फिर भी कालू राम अग्रवाल ने पासबुक पर दोबारा मोहर लगवाने के लिए मुझे करावल नगर भेजा और जब मैं वापस आया तो कहा कि जल्दी से साइन कर दो समय निकल रहा है और इस प्रकार उस जल्दीबाजी में मेरे नाम के वसीयत के साथ अन्य कागजों पर दस्तखत करवाए जिन अन्य कागजों के बारे में मुझे कुछ आभास नहीं था। उसी समय मिथलेश और रामपाल भी पहुंचे हुए थे लेकिन इनके बारे में मुझे कोई गलतफहमी नहीं थी क्योंकि इल लोगों को मैं गवाह के तौर पर नहीं ले गया था, बाद में रामपाल खुद गवाह बने, उस समय मुझे न अपने बहन पर न मिथलेश तथा रामपाल पर कोई शक था।

3. यह कि मेरी मां को मेरी बहन नंद नगरी से ही

में पता चला कि वह अपने नाम से भी वसीयत करा रखी थी जिसकी शिकायत मैंने थाना करावल नगर और अन्य आला अफसरों को दिया।

4. यह कि मैंने अपने मां, बहन तथा गवाह रामपाल के खिलाफ 'विल' को रद्द घोषित करने का दावा डाला जिसमें मेरी बहन तथा मेरी मां के तरफ से संयुक्त रूप से जवाब आया और रामपाल का अलग से जवाब आया उन दोनों जवाबदावे में कहीं भी मेरी बहन सुमन के नाम जी पी ए गिफ्ट डीड एफिडेविट पजेशन लेटर का जिक्र नहीं आया और यही सभी लोग जवाब दिए कि उस समय सुमन के नाम से भी वसीयत बना था। बाद में वह दावा दिसंबर 2009 में वापस हो गया क्योंकि यह विद्वान न्यायाधीश श्री अनिल कुमार, कडकडडूमा ने कहा कि वसीयत कर्ता के जीवन में वसीयत को रद्द घोषित नहीं किया जा सकता क्योंकि वह मरने के बाद लागू होता है।
5. यह कि मेरी मां को जब यह अहसास हुआ कि उसकी लडकी उसके साथ धोखा कर रही है तो कोई बहाना बनाकर मेरे पास चुपके से मेरे घर पर आ गई और 08-01-2010 को मेरी बहन के नाम से बनी वसीयत को कैंसिल कराई।

6. यह कि मुकदमे के दौरान सुमन ने मेरी मां की प्रॉपर्टी को मिथलेश को बेच दिया। जब मिथलेश ने कडकडडूमा कोर्ट में सुमन व अन्य के खिलाफ मुकदमा डाला व उसमें कागज पेश किए तब पता चला कि मेरी मां ने सुमन के नाम से गिफ्ट डीड, जी पी ए, एफिडेविट, पजेशन लैटर भी करवाए हैं जो लाल बिहारी, एडवोकेट, नोटरी के द्वारा अटैस्टेड हैं जिनकी शक्ल तक मैंने अपनी जिंदगी में कभी नहीं देखी, फिर भी मुझे गवाह कि रूप में दिखा दिए हैं।

7. यह कि वकालत का पेशा समाज में प्रतिष्ठित एवं सम्मानित पेशा माना जाता है लेकिन उपरोक्त अधिवक्ता जैसे लोग पैसे के लालच में गलत कागजात तैयार करके समाज को कलंकित कर रहे हैं। कोई भी कागज कानूनी रूप से नोटराइज भी नहीं है न उसपर कोई नंबर भी है। मेरे साथ उन वकील साहब ने मिथलेश, मेरी बहन सुमन व रामपाल के साथ मिलकर मेरे साथ धोखा किए जबकि मेरे नाम से बनी रजिस्टर्ड वसीयत का खर्चा मैंने दिया।

8. यह कि करावल नगर थाने की पुलिस की भी मिलीभगत है जिसके कारण यह गलत कागज तैयार हुआ और माननीय उच्च न्यायालय द्वारा

के बावजूद मिथलेश रामपाल आदि आए दिन लडाईं झगडा करते रहते हैं जिसमें करावल नगर थाने की भूमिका संदेहजनक है।

अतः आपसे निवेदन है कि कालूराम अग्रवाल, डीड राईटर तथा लाल बिहारी, एडवोकेट, नोटरी के खिलाफ निष्पक्ष जांच एजेंसी (आर्थिक अपराध शाखा अथवा सी बी आई) से इस मामले की जांच कराकर इन लोगों का डीड राईटर, नोटरी का पद खत्म किया जाए और इनके खिलाफ कानूनी कार्यवाही की जाए। जरूरत पडे तो प्रार्थी सहित इन व्यक्तियों का भी नार्को टेस्ट कराया जाए। आपकी अति कृपा होगी।

धन्यवाद

प्रार्थी

नरेश कुमार

(नरेश कुमार)

पुत्र स्व. श्री दीपचंद

निवासी: मकान नंबर 244, गली नंबर 7,  
30 फुटा रोड, गोविंद विहार,  
करावल नगर, दिल्ली-110094

संलग्नक: उपरोक्तनुसार

To,

The Public Information Officer,  
Ministry of Law Department,  
Govt. of India, Shastri Bhawan,  
New Delhi-1.

**Kindly furnish the following information  
under R.T.I. 2005.**

1. What action has been taken with respect to complaint dated 23.03.2013 against Notary Public Sh. Lal Bihari Mishra, having registration No.6795, Shop No.22, DDA Market, Near Gagan Cinema Road, Nand Nagri, Delhi-93 ?
2. What action has been taken against Deed Writer Sh. Kalu Ram Aggarwal, having office E-60/146, Opposite to Gagan Cinema, Sunder Nagri, Delhi-93 ?
3. Whether any investigation/enquiry was conducted with respect to the complaint dated 23.03.2013, if yes, kindly supply the enquiry report ?

Post order No. \_\_\_\_\_ of Rs.10/- dated \_\_\_\_\_ is attached herewith.

नरेश कुमार Yours

(Naresh Kumar)

S/o late Sh. Deep Chand  
R/o 244, Gali No.7, 300 Foota Road

RTI Receipt of -  
Narvesh Kumar  
Sent to Ministry of Law  
& Justice Govt of India

SP RENTAL QUOTE (119955)  
RID446933379IN  
Counter No:1, OP-Code:PA1  
To: THE P.D. MIN. OF LAW D. SHASTRI BHAWAN  
NEW DELHI, PIN:110001  
From: NARVESH KUMAR, 24A GOVIND VIHAR DELHI  
Wt: 50grams  
Amt: 17.00 ; 17/09/2014 ; 12:14  
Tax: Rs. 2.00 (Track on www.indiapost.gov)



Receipt dt 17-9-14

नरेश कुमार

F.No. 5A(303)/2014-NC  
Government of India  
Ministry of Law & Justice  
Department of Legal Affairs  
(Notary Cell)

\*\*\*\*\*  
R.No. 439A, Shastri Bhawan, New Delhi-110001

Dated : the 27<sup>th</sup> Oct. 2014

To

Shri Naresh Kumar,  
R/o H.No. 244, Gali No. 7,  
30 Foota Road, Govind Vihar,  
Karawal Nagar, Delhi-94.

Sub: Your Application dated 30.08.2014 seeking information RTI Act, 2005 - reg.


Sir,

With reference to your RTI application dated 30.08.2014 received in Notary Cell on 10.10.2014, following is the information sought by you:

Sl.No.	Question	Reply
1	What action has been taken with respect to complaint dated 23.03.2013 against Notary Public Shri Lal Bihari Mishra, having registration No. 6795, Shop No. 22, DDA Market, Near Gagan Cinema Road, Nand Nagri, Delhi-93.	1 & 3. It is informed that clarification was sought from Shri Lal Bihari Mishra, Advocate & Notary vide this office letter dated 29.09.2014 but no comments have been received till date. A copy of the same is enclosed herewith for information.
2	What action has been taken against Deed Writer Shri Kalu Ram Aggarwal, having office E-60/146, Opposite to Gagan Cinema, Sunder Nagri, Delhi-93?	2. In respect of action against Shri Kalu Ram Aggarwal, no action is required to be taken by the Notary Cell.
3	Whether any investigation/enquiry was conducted with respect to the complaint dated 23.03.2013, if yes, kindly supply the enquiry report?	

2. If you are not satisfied with the information furnished herewith, you can prefer first appeal to the Appellate Authority within 30 days of receipt of this letter at the following address: ♥  
Smt. Zoya Hadke, Addl. LA,  
Department of Legal Affairs,  
Ministry of Law & Justice,  
Room No. 422A, 4<sup>th</sup> Floor,  
Shastri Bhawan, New Delhi-110001

श्री लाल बिहारी मिश्रा

  
(Poonam Suri)  
Deputy Legal Advisor &  
CPIO

F.No.5(1385)/08-NC  
Ministry of Law & Justice  
Department of Legal Affairs  
Notary Cell

Shastri Bhavan, New Delhi  
Dated 29.09.2014

To

Shri Lal Bihari Mishra  
House No.95, Main Road  
Phase 4, Lok Vihar, Shiv Vihar  
Delhi 94

Sub: Complaint made by Shri Naresh Kumar, r/o Karawal Nagar against you for making forged documents.

A Complaint dated 23.03.2013 has been received in this department against you. The complaint has been made by Shri Naresh Kumar, r/o Karawal Nagar. The contents of the complaints are self-explanatory.

2. The allegations made against you prima facie, constitutes a professional misconduct and attract action under the provisions of Notaries Act, 1952 and Notaries Rules, 1956. You are hereby directed to offer your explanation/comment on the above stated allegation within 14 days of receipt of this notice. Copy of the above said complaint is enclosed herewith for ready reference.

पूनाम सुरी

(Poonam Suri)  
Dy. Legal Advisor & CA



