



The Indian Registration (Tamil Nadu Amendment) Act, 1974

Act 3 of 1936

Keyword(s):

Central Act Amendment, Indian Registration Act, 1908, Certificate of Sale of Immovable Property

Amendments appended: 21 of 1966, 31 of 1974, 26 of 1981, 31 of 1982, 3 of 1987, 38 of 1987, 19 of 1997, 48 of 1997, 1 of 1998, 28 of 2000, 50 of 2000, 13 of 2008

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[TAMIL NADU] ACT No. III OF 1936².

[THE INDIAN REGISTRATION (¹[TAMIL NADU] AMENDMENT) ACT, 1935.]

(Received the assent of the Governor on the 6th December 1935, and that of the Governor-General on the 30th December 1935; the assent of the Governor-General was first published in the Fort St. George Gazette of the 21st January 1936.)

An Act further to amend the Indian Registration Act, 1908, in its application to the ³[State of Tamil Nadu] for a certain purpose.

Central
Act XVI
of 1908.

WHEREAS it is expedient to amend the Indian Registration Act, 1908, in its application to the ³[State of Tamil Nadu], for the purpose hereinafter appearing ;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Registration (¹[Tamil Nadu] Amendment) Act, 1935.

¹ These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 15th October 1935, Part IV, p.306.

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), repealing the corresponding law in force in that territory.

³ This expression was substituted for the expression " Presidency of Madras " by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

Central
Act XV
1908.

Tamil
Act X
1934
Madras
Act VI
1932

1936 : T.N. Act III] *Indian Registration (Tamil Nadu Amendment) 477*

2. After sub-section (4) of section 89 of the Indian Registration Act, 1908, the following sub-section shall be added, namely:—

Amendment
of section
89, Act XVI
of 1908.

Nadu]

“(5) Every officer granting a certificate of sale of immovable property under the *[Tamil Nadu] Co-operative Land Mortgage Banks Act, 1934, or the rules made under the †Madras Co-operative Societies Act, 1932, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such registering officer shall file the copy in his Book No. I.”

* These words were substituted for the word “ Madras ” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

* The short title of this Act has now been changed as the Tamil Nadu Co-operative Land Development Banks Act, 1934 (Tamil Nadu Act X of 1934).

† See now the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961).

[TAMIL NADU] ACT No. 21 OF 1966.²

THE INDIAN REGISTRATION (¹[TAMIL NADU] AMENDMENT) ACT, 1966.

[Received the assent of the President on the 22nd December 1966, first published in the Fort St. George Gazette, on the 28th December 1966 (Pausa 7, 1888).]

An Act further to amend the Indian Registration Act, 1908 in its application to the ³[State of Tamil Nadu].

BE it enacted by the Legislature of the ³[State of Tamil Nadu] in the Seventeenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Registration (¹[Tamil Nadu] Amendment) Act, 1966. Short title, extent and commencement.

(2) It extends to the whole of the ³[State of Tamil Nadu].

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. In section 52 of the Indian Registration Act, 1908 (Central Act XVI of 1908) (hereinafter referred to as the principal Act),— Amendment of section 52, Central Act XVI of 1908.

(a) in sub-section (1),—

(i) in clause (a), the word “and” shall be added at the end ;

(ii) in clause (b), the word “and” occurring at the end shall be omitted ; and

(iii) clause (c) shall be omitted ;

¹ These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 28th October 1966, Part IV—Section 3, pages 650–651.

³ This expression was substituted for the expression “State of Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(b) after sub-section (1), the following sub-sections shall be inserted, namely :—

“(1-A) Subject to the provisions contained in section 62, where any document, not being of the class specified in the rules made under sub-section (3), is admitted to registration, it shall, without unnecessary delay, be copied in the appropriate book according to the order of its admission.

(1-B) Subject to the provisions contained in section 62 and in the rules made under sub-sections (3) and (4) and under section 89-A, where any document of the class specified in the rules made under sub-section (3) is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission.” ;

(c) after sub-section (2), the following sub-sections shall be added, namely :—

“(3) The State Government may, from time to time, specify by rules the classes of documents in respect of which true copies shall be filed in the appropriate book under sub-section (1-B).

(4) The true copy referred to in sub-section (1-B), shall be neatly handwritten, printed, typewritten, lithographed, or otherwise prepared in accordance with such rules as may be made in this behalf.

(5) The provisions of this Act shall, in their application to the classes of documents specified in the rules made under sub-section (3), have effect subject to the modifications set out in the Schedule.”.

Amendment of
section 81,
Central Act
XVI of 1908.

3. In section 81 of the principal Act,—

(i) in the marginal heading, for the words “or registering”, the words “registering or filing” shall be substituted ;

(ii) for the words “or registering of any document”, the words “registering, or filing a true copy, of any document” shall be substituted ;

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(iii) for the words "or registers such document", the words "registers, or files a copy of, such document" shall be substituted.

4. In clause (b) of section 82 of the principal Act, for Amendment of the words and figures "under section 19 or section 21" section 82, the words "under this Act or the rules made thereunder" Central Act XVI of 1908. shall be substituted.

5. After section 89 of the principal Act, the following Insertion of new section 89-A in Central Act XVI of 1908. section shall be inserted, namely :—

"89-A. Power to make rules for filing of copies of documents.—(1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the furnishing of true copies of documents by the person presenting the document for registration ;

(b) the manner in which true copies of documents shall be prepared ; and

(c) the manner of filing of such copies.

(3) All rules made under this section shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall, as soon as possible, after it is made, be placed on the table of both Houses of the State Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

6. After section 91 of the principal Act, the following Insertion of Schedule in Central Act XVI of 1908. Schedule shall be inserted, namely :—

"THE SCHEDULE

[See section 52 (5).]

**MODIFICATION OF CERTAIN
PROVISIONS OF THE ACT.**

1. In section 19, omit the words "and also by a true copy".

2. In section 45,—

(a) in sub-section (1), for the words and figure "cause the contents thereof to be copied into his Book No. 3", substitute the words and figure "cause a true copy of the contents thereof to be made and filed in his Book No. 3"; and

(b) in sub-section (2), for the words "copy has been made", substitute the words "true copy has been filed".

3. In sub-section (2) of section 46,—

(a) for the words "unless the will has been already copied", substitute the words "unless a true copy of the will has already been filed"; and

(b) for the words and figure "cause the will to be copied into his Book No. 3", substitute the words and figure "cause a true copy of the will to be made and filed in his book No. 3".

4. In section 51, —

(a) for sub-section (2), substitute the following sub-section, namely :—

"(2) In Book I shall be filed,—

(i) true copies of all documents ; and

(ii) all memoranda,

registered under sections 17, 18 and 89 which relate to immovable property, and are not wills." ; and

(b) in sub-section (3), for the words "entered all documents", substitute the words "filed true copies of all documents".

1. In section 54, for the words "copied or filed", substitute the words "filed a true copy of, or".

6. In section 55,—

(a) in sub-section (2), for the words "every document entered or memorandum filed", substitute the words "every document of which a true copy, or memorandum, is filed" ;

(b) in sub-section (4), for the words and figure "every will and authority entered in Book No. 3", substitute the words and figure "every will and authority of which a true copy is filed in Book No. 3" ; and

(c) in sub-section (5), for the words "document entered", substitute the words "document of which a true copy is filed" .

7. In sub-section (1) of section 60, for the words "the document has been copied", substitute the words "the true copy of the document has been filed" .

8. In sub-section (1) of section 61, omit the words "the margin of" .

9. In section 62, for sub-section (1), substitute the following sub-section, namely :—

"(1) When a document is presented for registration under section 19, the translation together with the true copy of the document shall be filed in the appropriate book."

TAMIL NADU ACT NO. 31 OF 1974.*

THE REGISTRATION (TAMIL NADU
AMENDMENT) ACT, 1974.

[Received the assent of the President on the 11th July 1974, first published in the Tamil Nadu Government Gazette Extraordinary on the 16th July 1974 (Ani 32, Anantha (2005—Tiruvalluvar Andu)).]

An Act further to amend the Registration Act, 1908, in its application to the State of Tamil Nadu.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fifth Year of the Republic of India as follows :—

Short title,
extent and
commencement.

1. (1) This Act may be called the Registration (Tamil Nadu Amendment) Act, 1974.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment
of section 89,
Central
Act XVI of
1908.

2. After sub-section (5) of section 89 of the Registration Act, 1908 (Central Act XVI of 1908), the following sub-section shall be added, namely :—

“(6) Every officer in charge of collection of the loans mentioned in sub-section (1), or sub-section (3) shall send to the registering officer to whom a copy of the order under sub-section (1) or a copy of instrument or order under sub-section (3) has been sent, an intimation of the discharge of such loans. Such intimation shall be in such form as may be prescribed and the registering officer shall file the intimation in his Book No. 1.”

* For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 7th March 1974, Part IV—Section 1, Page 23.

TAMIL NADU ACT NO. 26 OF 1981.*

THE REGISTRATION (TAMIL NADU
AMENDMENT) ACT, 1981.

[Received the assent of the President on the 1st May 1981, first published in the Tamil Nadu Government Gazette Extraordinary on the 8th May 1981 (Chithirai 26, Thunmathi-2012-Tiruvalluvar. Aandu).]

An Act further to amend the Registration Act, 1908, in its application to the State of Tamil Nadu.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-second Year of the Republic of India as follows :—

Short title,
extent and com-
mencement.

1. (1) This Act may be called the Registration (Tamil Nadu Amendment) Act, 1981.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Insertion of
new section
89-B in Central
Act XVI of
1908.

2. After section 89-A of the Registration Act, 1908 (Central Act XVI of 1908), the following section shall be inserted, namely :—

“89-B. Power to make rules regulating the writing of documents.—The State Government may make rules providing to the grant of licences to document writers, the terms and conditions subject to which and the authority by whom such licences shall be granted, the circumstances under which such licences may be revoked, and generally for all purposes connected with the writing of documents to be presented for registration.

Repeal of
corresponding
provision of
law in the
transferred
territory.

3. (1) If on the date of commencement of this Act there is any provision of law in force in the transferred territory corresponding to section 89-B of the Registration Act, 1908 (Central Act XVI of 1908) as inserted by section 2 of this Act (hereinafter in this section referred to as the corresponding provision of law) such corresponding provision of law in force in the transferred territory shall stand repealed.

* For Statement of Objects and Reasons, See Tamil Nadu Government Gazette Extraordinary, dated the 29th January 1981, Part IV—Section 1, page 45.

(2) Notwithstanding such repeal, anything done or any action taken or any rule made under the corresponding provision of law shall be deemed to have been done or taken or made under section 89-B of the Registration Act, 1908 (Central Act XVI of 1908) as inserted by section 2 of this Act.

Explanation.—For the purpose of this section, the expression “transferred territory” shall mean the Kanyakumari district and the Shencottah Taluk of the Tirunelveli district.

TAMIL NADU ACT NO. 31 OF 1982.*

**THE REGISTRATION (TAMIL NADU AMEND-
MENT) ACT, 1982.**

[Received the assent of the President on the 31st May 1982,
first published in the Tamil Nadu Government Gazette
Extraordinary, on the 5th June 1982 (Vaikasi 22,
Thunthubi, Thiruvallur Aandu-2013).]

*An Act further to amend the Registration Act, 1908 in its
application to the State of Tamil Nadu.*

BE it enacted by the Legislature of the State of Tamil
Nadu in the Thirty-third Year of the Republic of India as
follows :—

1. (1) This Act may be called the Registration (Tamil
Nadu Amendment) Act, 1982.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Tamil
Nadu.

(3) It shall come into force on such date as the State
Government may, by notification, appoint.

2. After section 80 of the Registration Act, 1908
(Central Act XVI of 1908) (hereinafter referred to as the
principal Act), the following section shall be inserted,
namely :—

Insertion of
new section
80-A in Central
Act XVI
of 1908.

“80-A. *Recovery of deficit registration fee.*—(1) Not-
withstanding anything contained in section 80, if, after
the registration of a document, it is found that the fee
payable under this Act in relation to that document has
not been paid or has been insufficiently paid, such fee or

* For Statement of Objects and Reasons, see *Tamil Nadu
Government Gazette* Extraordinary, dated the 18th March 1982,
part IV—Section 1, page 125.

the deficit, as the case may be, may, on a certificate of the registering officer, be recovered from the person who presented such document for registration under section 32, as an arrear of land revenue :

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard :

Provided further that no such inquiry shall be commenced after the expiry of such period, after the date of the registration of the document, as may be prescribed.

(2) The certificate of the registering officer under sub-section (1) shall, subject only to appeal under sub-section (3), be final and shall not be called in question in any court or before any authority.

(3) Any person aggrieved by a certificate of the registering officer under sub-section (1), may appeal to the Registrar if it is a certificate of the Sub-Registrar or to the Inspector-General of Registration if it is a certificate of the Registrar. All such appeals shall be preferred within such time, and shall be heard and disposed of in such manner, as may be prescribed."

3. In section 89 of the principal Act, after sub-section (6), the following sub-section shall be added, namely :—

"(7) Every officer granting any deed or other document purporting to be or to evidence, the grant or assignment by the Government, of land or of any interest in land, shall send a copy of such deed or other document to the registering officer within the local limits of whose jurisdiction the whole or any part of the land comprised in such deed or document is situate, and such registering officer shall file the copy in his Book No. 1."

Amendment
of section 89,
Central
Act XVI of
1908.



TAMIL NADU
GOVERNMENT GAZETTE
EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 108] MADRAS, TUESDAY, FEBRUARY 17, 1987
MASI 5, ATCHAYA, THIRUVALUVAR AANDU—2018

Part IV—Section 2
Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 9th February 1987 and is hereby published for general information :—

ACT No. 3 OF 1987.

An Act further to amend the Registration Act, 1908, in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Registration (Tamil Nadu Amendment) Act, 1986.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section 89, Central Act XVI of 1908.*—
section 89 of the Registration Act, 1908 (Central Act XVI of 1908
after sub-section (2), the following sub-section shall be inserted
namely :—

“(2-A) Every Court passing an order for effecting or raising
an attachment of immovable property under the Code of Civil Pro-
cedure, 1908 (Central Act V of 1908), shall send a copy of such
order together with the memorandum giving the details of the
property to the registering officer within the local limits of whose
jurisdiction the whole or any part of the said immovable property
situate, and such registering officer shall file the copy of such order
in his Book No. 1.”.

(By order of the Governor.)

S. VADIVELU,
*Commissioner and Secretary to Government
Law Department.*

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TAMIL NADU
GOVERNMENT GAZETTE
EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 614] MADRAS, WEDNESDAY, SEPTEMBER 30, 1987
PURATTASI 14, PRABHAVA, THIRUVALLUVAR AANDU—2015

Part IV—Section 2
Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 24th September 1987 and is hereby published for general information:—

ACT No. 38 OF 1987.

An Act further to amend the Indian Stamp Act, 1899 and the Registration Act, 1908 in their application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Indian Stamp and the Registration (Tamil Nadu Amendment) Act, 1987.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

2. *Amendment of Central Act II of 1899.*—In the Indian Stamp Act, 1899 (Central Act II of 1899),—

(1) after section 33, the following section shall be inserted, namely:—

“33-A. *Recovery of deficit stamp duty.*—(1) Notwithstanding anything contained in section 33 or in any other provisions of this Act, if, after the registration of any instrument under the Registration Act, 1908 (Central Act XVI of 1908), it is found that the proper stamp duty payable under this Act in respect of such instrument has not been paid or has been insufficiently paid, such duty or the deficit, as the case may be, may, on a certificate from the Registrar of the district under the Registration Act, 1908 (Central Act XVI of 1908) be recovered from the person, liable to pay the duty as an arrear of land revenue:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard:

Provided further that no such inquiry shall be commenced after the expiry of three years from the date of registration of the instrument.

(2) The certificate of the Registrar of the district under sub-section (1) shall, subject only to appeal under sub-section (3), be final and shall not be called in question in any court or before any authority.

(3) Any person aggrieved by a certificate of the Registrar of the district under sub-section (1) may appeal to the Chief Controlling Revenue Authority. Any such appeal shall be preferred within such time, and shall be heard and disposed of in such manner, as may be prescribed.”;

(2) after section 47-A, the following section shall be inserted, namely:—

“47-B. *Stamp duty chargeable for instrument of rectification.*—Where an instrument purports to rectify any error in the description of property as set out in any previous instrument within the purview of section 47-A, then, the amount of duty chargeable on such instrument of rectification shall be the amount chargeable on it under Schedule I less the amount of duty, if any, already paid in respect of such previous instrument.”;

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(3) in section 74, after clause (a), the following clause shall be inserted, namely:—

“(aa) the proper use of stamps and stamp papers and the prevention of misuse of such stamp and stamp papers.”

(4) in Schedule I, under Article “5. Agreement or Memorandum of an Agreement”, clause (i) and the entries relating thereto shall be relettered as clause (j) and before clause (j) as so relettered, the following clause shall be inserted, namely:—

“(i) if relating to construction of a house or building including the multi-unit house or building by the vendor on land sold by such vendor and containing stipulation that such land together with such house or building or multi-unit house or building so constructed shall be held either individually or jointly by the vendee of such land,—

(i) When the land is situated within the cities of Madras, Madurai and Coimbatore and Municipal Towns of Salem and Tiruchirappalli.

Thirteen rupees for every Rs. 100 or part thereof of the cost of the proposed construction of house or building or of any flat or apartment within such multi-unit house or building which is the subject matter of the agreement;

(ii) When the land is situated in any other area.

Twelve rupees for every Rs. 100/- or part thereof of the cost of the proposed construction of house or building or any flat or apartment within such multi-unit house or building which is the subject matter of the agreement.

Explanation.—For the purpose of this clause,—

(i) “multi-unit house or building” shall mean any block or building having not less than five floors, flats or apartments as the case may be;

(ii) “cost of the proposed construction” means the cost as mentioned in the agreement or the cost as adopted for the purpose of estimation by the Public Works Department of the Government for the area concerned, whichever is higher and for this purpose a certificate from the Assistant Engineer of the Public Works Department of the Government of the area concerned regarding the cost of the proposed construction shall be attached along with the agreement for the purpose of execution. Such certificate shall be conclusive proof of the cost of the proposed construction.”

Amendment of Central Act XVI of 1908.—In the Registration Act, 1908 (Central Act XVI of 1908),—

(1) in section 2,—

(i) in clause (9), the word “and” occurring at the end shall be omitted;

(ii) in clause (10), the word “and” shall be added at the end;

(iii) after clause (10), the following clause shall be added, namely:—

“(11) ‘tout’ means a person who habitually frequents the precincts of a registration office, for the purpose of employment for himself or for any other person in connection with any registration business and who is so declared as a tout under Part XIII-A;”;

(2) in section 17, in sub-section (1), after clause (e), the following clause shall be added, namely:—

“(f) instruments of agreement relating to construction of multi-unit house or building on land held by several persons as referred to in clause (i) under Article 5 of Schedule I to the Indian Stamp Act, 1899 (Central Act II of 1899).”;

(3) after Part XIII, the following Part shall be inserted, namely:—

“PART XIII-A.

OF TOUTS.

80-B. Powers to frame and publish lists of touts.—(1) Every Registrar of a district as regards his own office and the offices subordinate thereto and every Sub-divisional Magistrate as regards the registration office within his own jurisdiction may frame and publish lists of persons proved to his satisfaction or to the satisfaction of any Sub-Registrar as provided in section 80-C, by evidence of general repute or otherwise, habitually to act as touts, and may from time to time, alter and amend such lists.

(2) No person’s name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) Where the name of any person is included in a list framed and published by a Sub-divisional Magistrate under this section, such person may, within thirty days of the publication of the list

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in which his name first appears, apply in writing to the Registrar of the district for the removal of his name from such list and the orders of the Registrar, passed after such inquiry (if any) as he considers necessary on such application shall be final.

80-C. Inquiry by a Sub-Registrar regarding suspected touts.

Any Registrar of a district or Sub-divisional Magistrate may send to any Sub-Registrar within the jurisdiction of such authority the name of any person alleged or suspected to be a tout and request the Sub-Registrar to hold an inquiry in regard to such person and the Sub-Registrar shall thereupon hold an inquiry into the conduct of that person, and, after giving him an opportunity of showing cause as provided in sub-section (2) of section 80-B, shall report to the authority who has made the request whether the person has been proved to the satisfaction of the Sub-Registrar to be a tout and that authority may include the name of any person who has been so proved to be a tout in the list of touts framed and published by him under sub-section (1) of section 80-B:

Provided that such authority shall hear such person who, before his name has been so included, appears before him and desires to be heard.

80-D. Display of lists of touts in registration offices.—A copy of every such list shall be conspicuously displayed in every registration office to which the same relates.

80-E. Exclusion of touts from precincts of registration offices.—A registering officer may, by general or special order, exclude from the precincts of his registration office any person whose name is included in any such list.

80-F. Presumption as to touts found within precincts of registration offices.—Every person who having been excluded from the precincts of a registration office under section 80-E is found within the precincts of any registration office without written permission from the registering officer shall be deemed to be acting as a tout for the purposes of section 82-A :

Provided that this section shall not apply where such person is a party to a document intended for registration at such office or has been directed to appear by any process of the registering officer.

80-G. Arrest and trial of touts.—(1) Any registering officer may, by an order in writing direct any person named in the order

to arrest any such tout found within the precincts of the registration office. Such tout may be arrested accordingly and shall be forthwith produced before the registering officer.

(2) If the tout admits his offence the provisions of section 345 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall be applicable, so far as may be, to his detention, trial and punishment.

(3) If the tout does not admit his offence the provisions of section 346 of the said Code shall be similarly applicable to his detention, trial and punishment.

(4) A registering officer shall be deemed to be a Civil Court for the purposes of sections 345 and 346 of the said Code. ”;

(#) after section 82, the following section shall be inserted, namely:—

“ 82-A. *Penalty.*—Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both ”;

(5) In section 83, in sub-section (2), for the word “Offences”, the words “figures and letter ‘Save as provided in section 80-G offences’ shall be substituted.

(By order of the Governor)

S. VADIVELU,
Commissioner and Secretary to Government
Law Department.



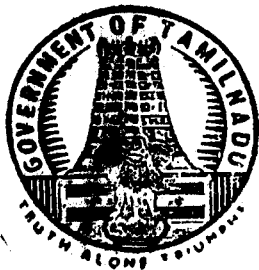
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TAMIL NADU
GOVERNMENT GAZETTE
EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 166]

CHENNAI, SATURDAY, MARCH 29, 1997
Panguni 16, Thadhu, Thiruvalluvar Aandu—2028

Part IV — Section 2
Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 27th March 1997 and is hereby published for general information :—

ACT No. 19 OF 1997.

An Act further to amend the Registration Act, 1908 in its application to the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Registration (Tamil Nadu Amendment) Act, 1997. Short title extent.

(2) It extends to the whole of the State of Tamil Nadu.

Central Act
XVI of 1908.

2. In the Registration Act, 1908, for section 28, the following section shall be substituted, namely:— Substitution of section

“ 28. Place for registering documents relating to land.—Save as in this Part otherwise provided,—

(a) every document mentioned in clauses (a), (b), (c), (d) and (e) of sub-section (1) and sub-section (2) of section 17 in so far as such document affects immovable property and in clauses (a), (b), (c) and (cc) of section 18, shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate in the State of Tamil Nadu : and

(b) any document registered outside the State of Tamil Nadu in contravention of the provisions of clause (a) shall be deemed to be null and void.

(By order of the Governor.)

A. K. RAJAN,
Secretary to Government, Law Department



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 436]

CHENNAI, FRIDAY, AUGUST 22, 1997

Aavani 6, Isvara, Thiruvalluvar Aandu—2028

Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 13th August 1997 and is hereby published for general information:—

ACT No. 48 OF 1997.

An Act further to amend the Registration Act, 1908, in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration (Tamil Nadu Amendment) Act, 1994.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force at once.

Central Act
XVI of 1908.

2. After section 22 of the Registration Act, 1908, the following section shall be inserted, namely:—

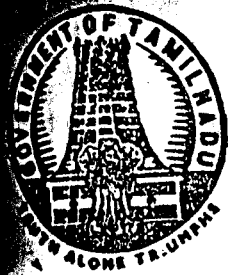
Insertion of new
section 22-A.

“22-A. *Documents registration of which is opposed to public policy.*—(1) The State Government may, by notification in the *Tamil Nadu Government Gazette*, declare that the registration of any document or class of documents is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable.”

(By order of the Governor)

A. K. RAJAN,
Secretary to Government, Law Department.



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

120]

CHENNAI, THURSDAY, MARCH 12, 1998

Maasi 28, Isvara, Thiruvalluvar Aandu-2029

Part IV — Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 2nd March 1998 and is hereby published for general information :—

ACT No. 1 OF 1998.

An Act further to amend the Registration Act, 1908 in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Registration (Tamil Nadu Second Amendment) Act, 1997.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force at once.

Short title,
extent and
commence-
ment.

2. After section 78 of the Registration Act, 1908, the following section shall be added, namely :—

Addition
of new
section 78-A.

“78-A. *Power to reduce or remit fees.*—The State Government may, if in their opinion it is necessary in the public interest so to do, by order published in the *Tamil Nadu Government Gazette*, reduce or remit, whether prospectively or retrospectively, the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of section 78, either generally or for any particular class of cases and in respect of any person or class of persons.”

(By order of the Governor)

A. K. RAJAN,

Secretary to Government, Law Department.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No.797]

CHENNAI, TUESDAY, NOVEMBER 7, 2000
Aippasi 22, Vikkrama, Thiruvalluvar Aandu-2031

Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 2nd November 2000 and is hereby published for general information:—

ACT No. 28 OF 2000.

An Act further to amend the Registration Act, 1908, in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration (Tamil Nadu Amendment) Act, 2000.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Short title,
extent and
commence-
ment.

Central Act
XVI of
1908.

2. In section 20 of the Registration Act, 1908 (hereinafter referred to as the principal Act), in sub-section (1), after the expression "persons executing the document", the expression "and in the case of document for sale of property, the persons claiming under that document also" shall be inserted.

Amendment
of section
20.

3. In section 34 of the principal Act,—

(1) in sub-section (1), after the expression "persons executing such document", the expression "and in the case of document for sale of property, the persons claiming under that document" shall be inserted;

Amendment
of section
34.

(2) in sub-section (3), in clause (b), after the expression "executed the document", the expression "or they are claiming under the document" shall be inserted.

Insertion of
new
section
34-A.

4. After section 34 of the principal Act, the following section shall be inserted, namely:—

"34-A. Person claiming under document for sale of property also to sign document.—
Subject to the provisions of this Act, no document for sale of property shall be registered under this Act, unless the person claiming under the document has also signed such document."

Amendment
of section
58.

5. In section 58 of the principal Act,—

(1) in sub-section (1), after item (a), the following item shall be inserted, namely:—

"(aa) in the case of a document for sale of property, the signature and addition of every person admitting the claim under such document, and, if such claim has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;";

(2) in sub-section (2), after the expression "execution of a document", the expression "and in the case of a document for sale of property, any person admitting the execution of such document, or any person admitting the claim under that document" shall be inserted.

(By order of the Governor)

K. PARTHASARATHY,
Secretary to Government,
Law Department.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 907]

CHENNAI, FRIDAY, DECEMBER 15, 2000
Karthigai 30, Vikkrama, Thiruvalluvar Aandu-2031

Part IV - Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 14th December 2000 and is hereby published for general information:—

ACT No. 50 OF 2000.

An Act further to amend the Registration Act, 1908, in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration (Tamil Nadu Second Amendment) Act, 2000.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall be deemed to have come into force on the 25th day of July 2000.

2. In section 2 of the Registration Act, 1908 (hereinafter referred to as the principal Act), in clause (2), the following expression shall be added at the end, namely:—

Amendment of
section 2.

“and the information storage devices like floppy disk, hard disk or compact disk or any other electronic media;”.

3. In section 16 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of
section 16.

“(2-A) The State Government shall also provide for the office of every Registering Officer notified by the State Government under sub-section (1) of section 70-B, the information processing and storage devices like computer and scanners along with the software prescribed by the Inspector-General, from time to time, necessary for the purposes of this Act.”.

Central Act
XVI of
1908.

Amendment of
section 51.

4. In section 51 of the principal Act, in sub-section (1),—

(1) for the expression "The following books", the expression "The following books and the information storage devices" shall be substituted;

(2) The following shall be added at the end, namely:—

"C—In the office of the Registering Officer notified by the State Government under sub-section (1) of section 70-B—

Information storage devices as specified in sub-section (2-A) of section 16."

Amendment of
section 61.

5. In section 61 of the principal Act, in sub-section (1), the following proviso shall be added, namely:—

"Provided that in the office of the Registering Officer notified by the State Government under sub-section (1) of section 70-B, the copying of the items referred to above may be done using electronic devices like scanner."

Insertion of
PART XI-A.

6. After PART-XI of the principal Act, the following PART shall be inserted, namely:—

"PART XI-A

REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC DEVICES.

70-A. *Application of this Part.*—This Part shall apply to the areas only in respect of which a notification is issued by the State Government under sub-section (1) of section 70-B.

70-B. *Documents scanned by electronic devices in areas notified by the State Government.*—(1) The State Government may, by notification, in the *Tamil Nadu Government Gazette*, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything contained in this Act, or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the Registering Officer in-charge of the office shall also be received in evidence of any transaction as is described in the said document.

70-C. *Saving.*—Nothing in this Part shall apply,—

(i) to any document which in the opinion of Registering Officer is not in a condition fit to be processed by means of electronic devices;

(ii) in the case of unforeseen eventuality like breakdown of the computerised system of registration:

Provided that the Registering Officer shall record the reasons in writing therefor:

Provided further that the Registering Officer shall ensure that the data and images of the documents registered due to a breakdown of the computerised system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector-General."

7. In section 89 of the principal Act,—

Amendment of
section 89.

(1) In the marginal heading, after the expression "and filed", the expression "or scanned" shall be inserted;

(2) After the expression "in his Book No.1" wherever it occurs, the expression "or get it scanned" shall be inserted.

Tamil Nadu
Ordinance 2
of 2000.

8. (1) The Registration (Tamil Nadu Second Amendment) Ordinance, 2000 is hereby repealed.

Repeal and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

(By order of the Governor)

K. PARTHASARATHY,
Secretary to Government,
Law Department.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

85]

CHENNAI, TUESDAY, MARCH 18, 2008
Panguni 5, Thiruvalluvar Aandu-2039

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 8th March 2008 and is hereby published for general information:—

ACT No. 13 OF 2008.

An Act further to amend the Indian Stamp Act, 1899 and the Registration Act, 1908 in their application to the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-seventh Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Indian Stamp and the Registration (Tamil Nadu Amendment) Act, 2006.

Short title, extent and commencement.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

PART-II.

AMENDMENT TO THE INDIAN STAMP ACT, 1899.

2. In the Indian Stamp Act, 1899,—

(1) in section 47-A,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The registering officer appointed under the Registration Act, 1908 (Central Act XVI of 1908) while registering any instrument of conveyance, dissolution of

Amendment of section 47-A.

partnership, exchange of property, gift, partition, release or settlement shall estimate the market value of the property which is the subject matter of such instrument as per the market value guidelines of properties prepared by the "Valuation Committee" constituted under section 47-AA and communicate the said estimated value to the parties concerned and unless the parties pay the duty on the basis of such valuation, he shall keep pending the process of registration of such instrument and refer the matter within a month along with a copy of such instrument to the Collector for determination of the market value of such property and the proper duty payable thereon.;

(b) in sub-section (2), for the expression "subject matter of conveyance, exchange, gift, release of benami right or settlement and the duty as aforesaid.", the expression "subject matter of any instrument of, conveyance, dissolution of partnership, exchange of property, gift, partition, release or settlement and the duty payable thereon within a period of ninety days from the date of receipt of such reference." shall be substituted;

(c) in sub-section (3),—

(i) for the expression "any instrument of conveyance, exchange, gift, release of benami right or settlement", the expression "any instrument of, conveyance, dissolution of partnership, exchange of property, gift, partition, release or settlement" shall be substituted;

(ii) for the expression "conveyance, exchange, gift, release of benami right or settlement", the expression "conveyance, dissolution of partnership, exchange of property, gift, partition, release or settlement" shall be substituted;

(d) in sub-section (4), for the expression "interest at two per cent per month on such amount for the entire period of default", the following shall be substituted, namely:—

"interest at one per cent per month on such amount for the entire period of default:

Provided that where a person has preferred an appeal against the order under sub-section (2) or sub-section (3), the interest payable under this sub-section shall be postponed till the disposal of appeal and shall be calculated on the amount that becomes due in accordance with the final order passed in appeal as if such amount had been determined under sub-section (2) or sub-section (3), as the case may be.;

(e) to sub-section (5), the following proviso shall be added, namely:—

"Provided that no appeal shall be entertained unless the person aggrieved has deposited in such manner as may be prescribed twenty-five per cent of the difference in the amount of duty determined and payable under sub-section (2) or sub-section (3), as the case may be.;"

(f) in sub-section (6),—

(i) after the words "*suo motu*", the words "or otherwise," shall be inserted;

(ii) for the expression "pass such order thereon as he thinks fit", the expression "pass such order thereon as he thinks fit, within such time as may be prescribed" shall be substituted;

(g) after sub-section (10), the following sub-section shall be inserted, namely:—

"(11) Where the duty paid is found to be in excess as a result of an order passed on appeal or revision, the excess duty paid shall be refunded.;"

(h) the *Explanation* shall be omitted.

(2) after section 47-A, the following section shall be inserted, namely:—

"47-AA. *Constitution of Valuation Committee*.—(1) The State Government shall, by notification, constitute a Valuation Committee under the Chairmanship of Inspector-General of Registration and such other member as may be specified for estimation, publication and revision of market value guidelines of properties in any area in the State at such intervals and in such manner as may be prescribed, for the purpose of section 47-A.

Central Act XVI
of 1908.

(2) The Valuation Committee is the final authority for the formulation of policy, methodology and administration of the market value guidelines in the State and may for the said purpose constitute valuation sub-committee in each district comprising of such members as may be prescribed, for estimation and revision of the market value guidelines.

(3) The sub-committee so constituted shall function under the Valuation Committee and shall follow such procedures as may be prescribed and shall be subject to reconstitution whenever and necessary."

PART-III.

AMENDMENT TO THE REGISTRATION ACT, 1908.

Central Act XVI
of 1908.

3. In the Registration Act, 1908, in section 60, in sub-section (1), for the expression "a certificate containing the word 'registered' ", the expression "a certificate containing the expression 'registered and duly stamped as per the Indian Stamp Act, 1899 (Central Act II of 1899)' " shall be substituted.

Amendment of
section 60.

(By order of the Governor)

S. DHEENADHAYALAN,
*Secretary to Government-in-charge,
Law Department.*