

THE REGISTRATION RULES

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THE REGISTRATION RULES

RULES APPROVED BY THE STATE GOVERNMENT UNDER SECTION 69 OF THE REGISTRATION ACT, 1908

[Notification on page 611 of Part II of the Fort St. George Gazette, dated 28th
June 1949]

CHAPTER I

OFFICE HOURS AND HOLIDAYS

1. The offices of all Registrars and Sub-Registrars shall be open for at least six hours daily, Sundays and holidays excepted. The usual hours shall be from 1[10.00 a.m. 5.45 p.m.] and these shall not be altered except with the approval of the Inspector General. If an alteration of these hours is sanctioned by the Inspector General, a notice showing the altered hours shall be affixed in a prominent place in each office for the information of the public.

2. A registering officer may decline to receive a document for registration if presented after 3-30 p.m. when he has sufficient work to attend to after that hour in connection with documents previously admitted to registration.

3. The holidays to be observed in registration offices are the holidays notified by Government.

4. A document presented for registration, or a sealed cover purporting to contain, a will presented for deposit under section 42 or a power of attorney, presented for attestation under section 33 shall not be accepted on an authorised holiday, except in a special emergency. When a Sub-Registrar accepts a document or attest a power of attorney on such a day he shall immediately make a report to the Registrar explaining the circumstances.

1. The office hours now changed to 10.00 a.m. to 5.45 p.m.

Note: S.O. 181(b)- Each document shall be taken up for registration in the order of its receipt, but documents presented by ladies, aged persons, sick persons and parties coming from a comparatively great distance may be given preference.

There is, however, no objection to registration at a private residence on a Sunday or other authorized holiday or to the transcription or return of

documents on such days should the registering officer happen to be in his office.

CHAPTER II

(Section 6 and 7 of the Act)

REGISTERING OFFICERS

5. A notice stating where the registering officer lives shall be affixed outside each registration office.

6. When two or more offices are established in a sub district as joint offices, each of the officers appointed to the charge thereof shall be designated a Joint Sub-Registrar and shall have concurrent jurisdiction over the whole sub-district.

7. (i) When a Joint Sub-Registrar is appointed, either as a temporary or permanent measure, to assist a Sub-Registrar, he will have no separate office or establishment but will work side by side with the other permanent Sub-Registrar, the documents registered by the both Sub-Registrars being entered in the same returns and registers and indexed in the same sheets.

(ii) In such cases there is no objection to one Sub-Registrar completing the registration or authenticating the entry of a document admitted to registration by the other Sub-Registrar when circumstances arise which prevent the latter officer from performing those duties.

(iii) The senior of the two Sub-Registrars shall sign and be designated as Sub-Registrar and the other as Joint Sub-Registrar.

CHAPTER III

(Section 15 of the Act)

SEALS

8. (i) The Seal shall always remain in the personal custody of the registering officer.

(ii) It shall be used in authenticating

(a) the certificates endorsed on a registered instrument under section 60;

(b) powers of attorney attested under section 33;

(c) summonses and commissions issued under sections 33 and 38;

(d) certified copies under section 57;

(e) memoranda and copies forwarded under sections 64 to 67 and under rules 20 and 160 (iv);

(f) copies of orders of refusal to register granted under sections 71 and 76;

(g) copies other than those above referred to granted to parties;

(h) certificates and lists granted to applicants under rule 140;

(i) copies of judgments of Registrars in appeal cases;

(j) reproduced entries of old registers.

9. Should a registering officer find himself temporarily unprovided with the prescribed seal, registration shall nevertheless proceed as usual, and such documents as have been transcribed shall remain in his custody until the seal can be affixed to the registration certificate.

CHAPTER IV

(Sections 16 and 51 of the Act)

BOOKS AND FORMS

10. (i) The registers shall be in the forms shown in Appendix I.

(ii) Where necessary more than one volume of the same class may, with the previous sanction of the Registrar, be used simultaneously for the registration of documents.

11. (i) A file book shall be maintained in each registration office corresponding with Book 1. In this shall be filed.

(a) copies of maps and plans mentioned in section 21;

(b) copies and memoranda of registered instruments received under sections 64 to 67;

(c) copies of certificates and orders received under section 89;

(d) returns of lands acquired under the Land Acquisition Act;

(e) communications received from officers of other departments intimating the cancellation, modification or rectification of transactions evidenced by papers previously filed;

(f) copies of instruments of collateral security executed under the Land Improvement Loans Act received from Revenue officers.

(ii) A separate file shall also be opened for filing copies and translations presented under sections 19 and 62 of the Act or under rule 15(i). The copies and translations placed in this file shall be connected by cross reference with the entry in the register.

11-A. The Registers and file books shall contain such number of pages as the Inspector General may from time to time prescribe.

12. [Cancelled]

13. Should a registering officer who requires a fresh register book have no blank register in stock, instruments usual, the necessary enquiries shall be held and the prescribed endorsements on the documents shall be entered. As, however, the certificate of registration cannot be added until the instrument has been copied into the register book, the instruments in all such cases shall remain in the custody of the registering officer until they have been copied into a register book and the process of registration has been completed.

CHAPTER V

(Section 19 of the Act)

LANGUAGES

14. The following languages shall be deemed to be commonly used in the district, and sub-districts named thereunder.-

I. Tamil

All districts and sub-districts.

II. English

All districts and sub-districts.

III. Telugu

(i) Sub-districts of Arkonam, Ambur, Gudiyatham, Katpadi, Pallikonda, Pallipet, Ramakrishnarajupet and Vaniyambadi in the district of North Arcot.

(ii) Sub-districts of Hosur, Denkanikottai, Royakottai and Krishnagiri in the district of Dharmapuri.

(iii) Sub-districts of Tiruttani, Tiruvallur, Uttukottai, Ponneri, Arni, Madras Socarpet, Mylapore, Triplicane, West Madras, Thyagarayanagar, Saidapet, Sembiyam and Tiruvottiyur in the district of Madras – Chingleput.

(iv) Sub-districts of Rajapalayam and Sattur in the district of Ramanathapuram.

(v) Sub-districts of Coimbatore, Udumalpet, Anaimalai, Palladam, Avanashi, Tiruppur, Annur, Gomangalam, Kinathukadavu, Mettupalayam, Dharapuram, Pollachi, Gandhipuram, Perianaickenpalyam, and Sulur in the district of Coimbatore.

(vi) Sub-districts of Kodaikanal and Palani in the district of Madurai.

(vii) Sub-districts of Gobichettipalayam, Kavandapadi, Kunnathur, Nambiyur, Punjaipuliyampatti and Satyamangalam in the district of Erode.

IV. Mayalayam

Sub-districts of Thuckalai, Palliyadi, Marthandam, Arumanai, Munchira, Kollencode, Palukal Colachel, Eraniel, Rajakkamangalam, Tiruvattar and Karingal in the district of Kanyakumari.

Sub-districts of Ootacamund, Coonoor and Gudalor in the district of Coimbatore.

V. Kannada

(i) Sub-districts of Denkanikottai in the district of Dharmapuri.

(ii) Sub-districts of Annur, Avanachi and Mettupalayam in the district of Coimbatore.

(iii) Sub-districts of Nambiyur, Punjaipuliyampatti, Talavadi and Satyamangalam in the district of Erode.

VI. Urdu

Sub-districts of Vellore, Ambur, Tirupathur and Vaniyambadi in the district of North Arcot.

15. (i) the stamp-vendor's endorsement on a document shall be considered to be a part of the document, and if it is in a language not understood by the registering officer, the party concerned shall be required.

(ii) When a power of attorney is presented for attestation or when an attested power of attorney is produced by an agent with, or in connection with, a document presented for registration and the power of attorney is written in a language not commonly used in the district, the language, demand of the presentant a true translation of the power in English or in a language commonly used in the district.

(iii) The translation shall be certified to be a true translation and shall be signed by the presentant.

(iv) No fee is leviable for filing a translation, if the power of attorney is or has been attested by the registering officer.

CHAPTER VI

(Sections 21 and 22 (1) of the Act)

DESCRIPTION OF PROPERTY

16. The description of the 'territorial division' required by section 21 of the Act shall, as far as practicable, give the following particulars.-

- (a) the registration district;
- (b) the registration sub-district;
- (c) the taluk, jaghir, zamindari, or proprietary estate;
- (d) any well-known division of (c) such as, a mootah, hoodah, khundum, firka, magany, amsam, and
- (e) the village, hamlet or suburb in which the property referred to in a registrable document is situated.

17. If property is described in a document by a specific reference to an instrument which has been already registered or of which a true copy has been filed under section 65 or 66 in the office in which the document is presented for registration and if that instrument contains the particulars required by rule 16 and such a description of the property as is required by the rules in force, the description need not be repeated in the document.

18. Whenever any non-testamentary document presented for registration relates to land situate in any local area in respect, of which the Government have issued a rule under section 22(1) of the Act requiring description by reference to a Government map or survey, the registering officer shall satisfy himself that if the land comprises one or more entire survey fields or sub-divisions the document specifies the number of each field or sub-division and that if the land has no separate number assigned to it the document specifies the number assigned to the field or sub-division in which the land is situated and further includes a description of the land sufficient for its identification.

CHAPTER VII

(Sections 19, 21, 22, 28, 29, 32, 40 and 52 of the Act)

PRESENTATION AND EXAMINATION OF DOCUMENTS

19. A document relating to immovable property which is situate partly within and partly without the areas to which the Indian Registration Act applies may be registered in the office of any registering officer within whose jurisdiction; any portion of the property is situate; but in such case, the certificate or registration shall show that the registration has been effected

only as regards that portion of the property which lies within the areas where the Registration Act is applicable.

19-A. A document relating to immovable property situated wholly out of India or outside the tracts to which the Indian Registration Act applies may be registered by a registering officer in India in Book 4 but the presentant shall be warned by a note below the registration certificate that its registration does not affect the right in the property itself.

1[19-B. When a document purporting to register trademark is presented for registration, it shall be explained to the presented with the proper course; is to have the trademark registered under the Trade and Merchandise Act, 1958 (Central Act XLIII of 1958) and not under the Registration Act, 1908 (Central Act XVI of 1908). If however the presentant insists upon registration, the registering officer shall add a note below the Registration Certificate that its registration does not confer any right in regard to trade mark.]

1. Inserted by G.O. Ms. No.101/CT&RE, dated 7-2-1980, vide Part III, Sec 1(A) of T.N. Govt, Gazette issue dated 12-3-1980.

20. A registering officer having jurisdiction to accept a document for registration at the time of its presentation to him shall complete its registration notwithstanding the fact that the village in which the property affected is situated has been transferred from his jurisdiction subsequent to the presentation of the document but before completion of its registration. But when the document affect immovable property a memorandum shall be sent, without levy of any fee to the office to whose jurisdiction the village has been transferred, for the purpose of being filed in file Book 1 of that office.

When, however, after refusal to register by a registering officer, the village in question is transferred whilst, the document is no appeal or in a suit before a civil court to the jurisdiction of another Sub-Registrar, the document, if the Registrar or the court orders that it shall be registered, shall be represented for registration to the officer to whose sub district the village has been transferred.

21. (i) A document for registration other than a document forwarded under section 89 of the Act shall be presented in person, with the fee payable therefor, direct to the registering officer and not be a clerk or a open.

(ii) A document referred to in section 88(2) may be presented through a messenger with a covering letter signed by the Government officer or other person concerned referred to in section 88(1) of the Act.

(iii) A document shall not be accepted if transmitted by post.

22. Every document shall before acceptance for registration be examined by the registering officer to ensure that all the requirements prescribed in the Act and in these rules have been complied with. If there is any informality in registering officer shall give the party such information as may be necessary and return the fees and the document 1[in accordance with Rule 27] with a view to the document being presented again in due form. For instance, in cases such as those mentioned below he should explain the defect to the presentant, if the document is presented in the wrong office; if an agent has come without a power of attorney or without such a power as the Act requires; if the description of the property is either insufficient for purposes of identification or does not fulfil the requirements for rules 16 to 18; if the document is not accompanied by a translation or by copy of a map when such translation or copy is necessary; if there are unattested interlineations, alterations, erasures or blanks, which the registering officer considers should be attested by the initials or signatures of the executants; if the date of execution is not given in the document, or if it is anterior to the date of purchase of the stamp paper on which the document is written, or if the date is given according to both the British and the Indian calendars and these dates do not tally. The action of the registering officer in this respect shall be confined to advice and he shall not himself alter the document in any way.

23. Each important interlineations, erasure or alteration occurring in a document shall, whenever possible, be caused to be noted or described at the foot of the document is accepted for registration. This course is, however, unnecessary in respect of a document executed solely by a public functionary as such or of a document received under section 89 of the Act. In such cases it will suffice if the interlineations, erasure or alteration is attested by the officer concerned.

24. Every copy of a map or plan accompanying a document shall be certified to be a true copy and shall be attested by the signature of the person executing the document or of his duly authorised agent.

25. When a document is presented for registration in duplicate or triplicate, the registering officer shall treat the duplicate and triplicate as such if they are exact reproductions of the original and bear the same date. Should any discrepancy be detected, the presentant shall be required to reconcile it before the document is accepted for registration. If the original contains a map or plan, a copy shall be annexed to the duplicate and to the triplicate.

26. (1) A document which relates to land situated in a district or portion of a district to which the rule framed by the Government under section 22(1) of the Act has been made applicable shall, before it is accepted for registration, be checked with the survey numbers and sub-divisions in the subsidiary indexes maintained under rule 125 and also, when necessary,

with the settlement registers in order that the registering officer may cause incorrect or fictitious numbers entered in the document to be rectified.

(ii) If a survey number of a sub-division entered in a document is not found in the subsidiary indexes or settlement registers, the registering officer shall, if necessary, make a reference to the Revenue Department.

(iii) If the sub-divisions of a field are found in the subsidiary indexes or settlement registers and the field is described in the document without any reference to any sub-divisions, the document may be returned for rectification.

27. (i) If there are no impediments such as those mentioned to the acceptance of a document for registration 1[***] the registering officer shall endorse on the document the date, the hour and the place of presentation and take the signature of the presenting party to such endorsement.

2[(ii) If the document is deficiently stamped, the Sub-Registrar shall inform the party orally and if he is agreeable and pays the deficit stamp duty, the amount may be collected and certified by Sub-Registrar U/s. 41 of the Indian Stamp Act, 1899 (Central Act II of 1899). In other cases, the document shall be impounded and action taken under the said Act.

If there are any further impediments in the registration of document, the registering officer may return the same with a check slip. After the impediments have been removed the registering officer shall act on the document according to the provisions of law.

Explanation: Undervaluation of property shall not be a ground for the return of the document, but will be dealt with according to section 47(A) of the Indian Stamp Act, 1899 as amended by the Indian Stamp Act (Tamil Nadu Amendment) Act 1967 (Tamil Nadu Act 24 of 1967)].

3[(iii) if, however, any of the impediments referred to above is discovered after the presentation endorsement has been made on the document, the latter may be returned for correction or amendment if the party so desires with an endorsement to that effect. Should the document be presented again, a re-presentation endorsement shall be made].

1. The words "or if the document is presented against after any such impediments have been removed" omitted by No.SRO C-13181(2).

2. Rule 27(ii) renumbered as 27 (iii) by SRO C-13/81 G.O. Ms. No.130, CT & RE, dated 14-2-1981.

3. Rule 27(ii) renumbered as 27 (iii) by SRO C-13/81 G.O. Ms. No.130, CT & RE, dated 14-2-1981.

28(i) If the period prescribed for presentation has elapsed but the document is still admissible on payment for a fine, the registering officer shall, if he is a Sub-Registrar, suspend its registration pending the order of the Registrar.

(ii) If the document is chargeable with duty under the Indian Stamp Act, 1899 and is not duly stamped, the registering officer shall impound it under section 33 of that Act and forward it to the collector, registration being suspended.

(iii) 1[* * *]

Note: The sub-rule (iii) of Rule 28 which runs as pending order on such references to a Registrar or prior to sending a document to the Collector, the registering officer may, however, record the admission of the execution and the examination of witness, if any omitted by G.O. Ms. No.63 CT & RE, dt. 3.3.1998.

29. If the executants of a document is in doubt about the proper stamp and consults a registering officer on the subject before formal presentation, the required information may be given without impounding the document. It should be explained to the executants at the same time that if he wishes to obtain an authoritative opinion, he must apply to the collector under section 31 of the Indian Stamp Act, 1899.

30. If a document is dutiable under the Tamil Nadu Court Fees and Suits Valuation Act, 1955 and is unstamped or is insufficiently stamped, it shall be returned to the party presenting it (vide section 5 of that Act) in order that the duty or the deficiency in the stamp may be made good.

MINUTE BOOK

31. Every registering officer shall maintain a "Minute Book" in such manner and as a record of such proceedings as the Inspector General of Registration may from time to time prescribe.

1. Omitted by G.O. Ms. No.63, CT & RE dated 3-3-1998.

CHAPTER VIII

(Sections 25 and 34 of the Act)

DELAY IN PRESENTATION AND APPEARANCE

32. (i) A registering officer may require that the date of execution shall be entered in a document presented for registration whenever it is not found therein.

(ii) The date of execution of a document is the date on which it is signed by the party and the date which a document bears at its head is not necessarily the date of its execution though it is prima facie so.

(iii) The date on which a certificate of sale by a Civil or Revenue Court was signed by the Court shall be taken as the date of execution for registration purposes.

(iv) An alteration in the date of execution of a document made ostensibly for the purpose of evading payment of the penalty leviable under sections 25 and 34 of the Act shall not be recognized and the document shall be treated as having been executed on the date originally entered therein.

(v) If the date of execution is not stated or if it is altered or if the Document bears an impossible date or a fictitious date anterior to the date of purchase of stamp on which the document or any portion of it is written, the document shall be refused registration if the correct date cannot be ascertained.

33. Application for registration on payment of fines under sections 25 and 34 of the Act shall be in writing but require no stamp. A statement in writing from the party concerned shall be regarded as equivalent to an application under those sections.

1[34. The fines for delays in presentation and appearance under sections 25 and 34 shall be regulated as follows:

(i) When the delay does not Exceed one week after the Expiation of the time Allowed for presentation Or appearance.	25 per cent of the Registration fee leviable.
(ii) When the delay exceeds One week but does not Exceed one month	50 per cent of the Registration fee leviable.
(iii) When the delay exceeds One month but does not Exceeds two months.	75 per cent of the Registration fee leviable.
(iv) (iii) When the delay exceeds two months but does not Exceeds four months.	100 per cent of the Registration fee leviable.

Explanations.- (1) The fine shall be levied in addition to the proper registration fee.

(2) The term “registration fee” as used, in this rule does not include the fees payable for registration under section 30 or for filing a translation under section 19 of the Act, or fees for copies and memoranda or for attendance at a private residence.

35. When a document is presented for registration in duplicate or triplicate the fine leviable under rule 34 shall be calculated as for one document only.

36. Whenever a fine for delay in appearance is levied on more occasions than one in respect of one and the same document, the amount of the fine leviable on the on the second and subsequent occasions shall be the difference, if any, between the total amount leviable up to the second or subsequent occasion and the fine or fines previously levied in respect of such document.

1. Rule 34 was substituted by G.O. Ms. No.145, CT & RE, dated 21-2-1989, w.e.f. 1-3-1989.

37. (1) Whenever an application under section 25 or section 34 is lodged with a Sub-Registrar, he shall forward the same, whether he considers the reason for delay to be satisfactory or not, for the orders of the Registrar but 1[***] there is no objection to his recording the admission of execution on such a document before forwarding the 2[application to the Registrar, provided that the document is duly stamped].

(2) When the District Registrar condones the delay either under section 25(1) or under the proviso to section 34(1) and directs either the acceptance of the document for registration or its registration as the case may be, the Sub-Registrar, on receipt of orders to that effect from the District Registrar, shall make an endorsement on the document above the registration certificate in the following form and close the same with his signature and date.-

Acceptance for registration/ admission to registration was directed by the District Registrar of in his Order No. Dated, on payment of the fine of Rs. for a delay of under section 25/section 34 of the Indian Registration Act, 1908.

Date:

Signature of the Sub-Registrar.

1. The words “as laid down in the Rule 28(iii)” were omitted by No. S.R.O. C-10/2006, vide No.37859/C1/2006, Commercial Taxes and Registration, dt. 30-7-2006, pub. In T.N.G. Gaz., Pt. III, S.2, dt. 1-11-2006.
2. Substituted for the words “application to the Registrar” by ibid.

CHAPTER IX

(Sections 36, 37, 38 and 39 of the Act)

ATTENDANCE AT PRIVATE RESIDENCES

38. An application for attendance at a private residence shall be his writing and shall, in all possible cases, be signed by the person on whose behalf attendance is required. It need not be stamped.

39. A requisition for attendance at a private residence shall be complied with as early as possible. If compliance would interfere with the regular business of the office or involve the closing of the office and if the case does not fall under the proviso to section 31 of the Act, a commission should, if practicable, be issued. Every such attendance by a Sub-Registrar or under his orders shall be reported to the Registrar within 24 hours.

40. A District Registrar may attend at a private residence situated within the limits of his district even though it may not lie within the sub-district under his immediate charge; but a Sub-Registrar shall not proceed out of his sub-district for the purpose.

41. (i) Persons exempt by law from personal appearance in Court are, under the Code of Civil Procedure, 1908.-

(a) women who, according to the customs and manners of the country, ought not to be compelled to appear in public; and

(b) persons of rank especially exempted by the Government.

(ii) A list persons exempted under clause (i) (b) shall be obtained by the registrar from the High Court of District Court and communicated to every Sub-Registrar in his district.

(iii) When in the course of attendance at a private residence the registering officer is required to record in respect of the same document the admission of persons not entitled to the concession, the request may be complied with.

42. (i) A commission issued under section 33 or section 38 shall be prepared in the form shown in Appendix II and shall, when the person to the examined resides within the sub district, be addressed ordinarily by the registering officer to one of his clerks. When the person to be examined resides in another sub-district, whether within the same district or in another district, the commission shall be directed to the Sub-Registrar of the latter sub-district. The Sub-Registrar receiving a commission so addressed

may, if he cannot attend personally, redirect it to any officer of his establishment- vide also sections 75 and 76 of the Code of Civil Procedure, 1908.

(ii) When the commission is for the examination of an executant, and has been executed, the Commissioner shall return the document to the office from which it was issued endorsed as follows.-

Having attended the at residence of A.B., son of C.D., at I have this day examined the said A.B., who has been identified to my satisfaction by E.F., son of G.H., etc., residents of and the said A.B., admitted (or denied) the execution of this document (or the voluntary execution of this power of attorney).

Left thumb impression of executants

Full signature of the executant.

Signature of witness

Commissioner.

(iii) Where receipt of consideration is acknowledged before the Commissioner, he shall add the following clause to this endorsement.-

And acknowledged receipt of Rs. (or goods to be specified) being consideration (in whole or in part).

(iv) Where consideration is paid in the presence of the Commissioner, he shall add the following to the endorsement.-

I also certify that Rs. or goods to be specified) were paid (or delivered) in my presence to the said AB. By

The signatures of the payer and payee shall also be taken below this endorsement, as provided in the specimen form in Appendix V.

(v) On receiving the Commissioner's report, the registering officer shall, if satisfied as to the execution of the document, make the following endorsement below the report:-

From the foregoing report I am satisfied that this Power of attorney has been voluntarily executed by the said A.B.

Date:

Signature of Registering Officer.

43. A Commissioner may examine witnesses in the same manner as registering officer and persons who may be required to give evidence before a Commissioner and who refuse to do so shall be subject to the penalties and punishments which they would incur for the same offence if committed in a registration office.

44. A registering officer may examine the Commissioner personally in his office touching any of the circumstances connected with the discharge of his commission, especially with reference to the voluntary nature of the admission of execution.

CHAPTER X

(Section 33 of the Act)

POWERS OF ATTORNEY

45. (i) When a power of attorney is executed before a registering officer he shall, after satisfying himself of the identity of the party and obtaining when necessary his left thumb-impression against his signature, authenticate it in the following form:- No. Of 19.....

Executed in my presence (at.....*) this day of 19..... By A.B., who is personally known to me [or whose identity is proved by (signature of) C.D. (with addition) and (signature of) E.F. (with addition)]

Seal:

Signature of Registering Officer.

*[Note: To be filled in when the execution takes place at a place other than the registration office, e.g., a private residence.]

(ii) When a power of attorney which has not been executed before a registering officer is presented to him for authentication under the proviso to section 33 of the Act, the registering officer shall, if he attends himself at the private residence of the principal or if the principal appears in the office behind a purdah and is examined with the help of hammannee, adopt the following form of authentication No..... of 19.....

I certify that I have satisfied myself on examining at this day of 19..... (signature of) A.B. [who is a gosha loady with the aid of (signature of C.D.) hammannee (with addition) that this power of attorney has been voluntarily executed by the said A.B. who purports to be the

principal and who is personally known to me (or whose identity has been proved by E.F.) (signature with addition) and G.H. (signature with addition)].

Date:

Signature of Registering Officer.

(iii) In authenticating a power of attorney which occupies more than one sheet of paper, the seal and the signature of the registering officer shall be affixed to each sheet.

(iv) Every interlineation, blank, erasure or alteration in the body of a power of attorney which is authenticated and not registered shall, at the time of authentication, be detailed in a footnote added to the document below the endorsement of authentication and shall be signed by the registering officer even if the party himself has entered a similar note in the document. If there are no interlineations, blanks or erasures or alterations, in the body, the fact shall be noted.

Interlineations, etc., in the authentication endorsement shall be initialed by the registering officer.

46. (i) If a document is presented for registration under special power of attorney, the power shall be retained and filed in the office with the following endorsement No..... of 19

Presented in connection with document No..... of 19..... of Book....., Vol.....

Date:

Signature of Registering Officer.

(ii) If a document is presented for registration under general power of attorney, the power shall be returned with the following endorsement:

Presented in connection with document No..... of 19..... of Book....., Vol.....

Date:

Signature of Registering Officer.

(iii) When a document is presented for registration by a person entitled to present it and execution is admitted by an agent under a power of attorney, the following endorsement shall be made on the power, which shall

be retained and filed, or returned, according as it is a special or a general power *No..... of 19.....

Presented in connection with document No..... of 19..... of Book....., Vol.....

Date:

Signature of Registering Officer.

*[Note:- Number required only in the case of a special power]

47. The endorsements prescribed in rules 45 and 48 shall I be written in "Tamil"

48. A power of attorney may be brought to a registering officer (1) for authentication, or (2) for registration, or (3) for both authentication and registration. In the first case, he shall merely make the entry prescribed for authentication; in the second case, he shall register the power in the same manner as any other document; and in the third case, he shall first authenticate the power and then admit it to registration in the usual manner.

49. Although a power of attorney may be registered like any other instrument, it is not valid for registration purposes unless authenticated. When a power of attorney is brought to a registering officer by a person who does not understand the distinction between authentication and registration, the registering officer should explain the difference to him and give him such information as may be necessary.

50. [Omitted]

51. [Cancelled]

52. (i) An abstract in the form printed in Appendix III shall be retained of each power of attorney authenticated by a registering officer whether such power is general or special, registered or not registered. The abstract shall be signed by the registering officer; and shall be filed in a separate file with a serial number along with other powers retained under rule 46. The notes of interlineations, blanks, erasures and alterations made by the registering officer on the original power shall be copied verbatim in the abstract.

(i) (a) Each registration office shall maintain a register of all revocations of powers of attorney registered in, or communicated to it.

(b) When notice of a revocation is given to a registering officer, he shall send an intimation of the same to such other offices as may be specified by the person revoking the power.

CHAPTER XI

(Section 35 of the Act)

EXAMINATION OF PARTIES

Executing Parties

53. (i) The expression “A person executing a document” shall be held to include.

(a) any person who becomes surety for the repayment of a loan or the fulfillment of a contract and in that capacity affixes his signature to a document;

(b) any person who endorses a negotiable document;

(c) any person who signs a receipt or a discharge endorsed on a document.

(d) any person who signs a document as an executants in token of his assent to the transaction and not merely as a witness even though he may not be described as an executant in the body of the document.

(ii) In the case of a document purporting to be executed by an attorney, or by a guardian of a minor, or by a legal curator or an idiot or lunatic, such attorney or guardian or curator shall be held to be a person executing the document for the purposes of sections 32, 34, 35 and 58 of the Act, but for the purposes of section 55, the principal or minor or idiot or lunatic as well as the attorney or guardian or curator shall be considered to be the executing parties.

ENQUIRY BEFORE REGISTRATION

54. As a general rule registration shall take place in public, but the registering officer may, on the application of a party and if he considers such a course to be called for, exclude the public during the course of any enquiry.

55. It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the

ground that the executing party had no right to execute the document; but he is bound to consider objections raised on any of the grounds stated below:-

(a) that the parties appearing or about to appear before him are not the persons they profess to be;

(b) that the document is forged;

(c) that the person appearing as a representative, assign or agent, has not right to appear in that capacity;

(d) that the executing party is not really dead, as alleged by the party applying for registration; or

(e) that the executing party is a minor or an idiot or a lunatic.

56. The term “representative” as used in the Act includes not only the guardian of a minor and the curator of an idiot or a lunatic but also the executors, administrators and heirs of deceased person. Satisfactory proof of the right of a person to appear in any of these capacities shall be added before he is permitted to present a document or to admit or deny its execution.

57. A registering officer should form his own opinion as to whether a party, appearing before him as executants of a document is a minor, a lunatic or an idiot. He is not expected to hold an elaborate enquiry although, if he so desires, he may examine on the point anyone present in the office.

58. When (i) a non-testamentary document is presented for registration after the death of the executant or (ii) the executant dies after presentation of document by the claimant or his representative, assign or agent and before admission of execution, the registering officer shall ascertain by examining the presentant and the witnesses accompanying him who the representatives or assigns of the executant are and refer, if he considers it necessary, to the village officer for information on this point. If any of the persons ascertained to be representatives or assigns of the deceased executant are present in the office at the time of the presentation of the document in case (i) or on the day fixed for the appearance of the executant in case (ii) and if the registering officer is satisfied of their representative character, he shall examine them on that day in regard to the execution of the document by the deceased. A day shall then be fixed for the appearance of any other persons claiming to be representatives or assigns for examination in connection with the document and summons shall be issued to such of the ascertained representatives as have not yet been examined. A notice of the fact of the intended enquiry shall be posted in the office

premises and on the chavadies of the munsifs of the village in which the deceased resided and of the village or villages where the property affected by the document is situate and shall be proclaimed by a crier in those villages. The cost of the service of the notice shall be levied from the person who presented the document for registration.

If the persons already examined as representatives have admitted execution and if on the notified day the person summoned appear and admit execution and if any other persons, claiming to be a representative or an assign who may, appear on that day admits execution, the document shall be registered. Should any representative or assign, of whose right to appear as such the registering officer is satisfied deny execution or willfully avoid appearance the document shall be refused registration in toto.

If on the day fixed for the examination, all the representatives who appear admit execution, or if persons, claiming to the representatives have already appeared and have admitted execution and no representatives appear on the day fixed as aforesaid, the document shall be registered as regards the deceased executant. But if some of the representatives admit execution and others deny it, the registration shall, where the registering officer is a Sub-Registrar be refused. A Registrar in such a case will proceed under sections 74 to 76 of the Act.

59. A document executed by a person who is unable to read shall be read out and, if necessary explained to him. A document written in a language not understood by the executing party shall, in like manner, be interpreted to him. When a party to be examined is dumb, recourse must be had to the means by which he makes himself understood.

IDENTIFICATION OF PARTIES

1[60 (i) The Registering officer shall require the executant and the claimant of an instrument of sale regarding whose identity he has to satisfy himself, and the executants in the case of any other instrument, to affix in his presence, whether such person can write his name or not the impression of the bulb of his left thumb both in the register of thumb impressions maintained in each registration office in the form shown in Appendix IV and also in the endorsement on the back of the document:

Provided that in respect of offices notified under section 70-B of the Registration Act, 1908, the registering officer shall require the executant and the claimant of an instrument of sale regarding whose identity he has to satisfy himself and the executant in the case of any other instrument, to place in his presence, whether such person can write his name or not, the bulb of his left thumb in the bio-metric device to have it printed in hard copy and also in the endorsement on the back of the document.

(ii) A messenger presenting a document under Rule 21(ii) shall affix his thumb impression to the endorsement of presentation, or to place the bulb of his left thumb in the bio-metric device, as the case may be.]

61. If the left thumb does not give a clear impression or is non-existent the impression of any finger of the left hand shall be obtained. Failing this, the impression of the right thumb, or if that also is non-existent or deformed, of any finger of the right hand, shall be taken. In all cases the digit and the hand used shall be specified next to each impression taken on the document and in cases where a digit other than the left thumb is used the digit from which the impression in the thumb-impression register with a note explaining why the impression of that particular digit was taken.

1. Substituted by No. S.R.O. C-12/2006, vide No.35827/C1/2005, pub. In T.N.G Gaz Pt.III, S.2, dt 13-12-2006.

62. Thumb-impression shall be dispensed within the case of a person suffering from leprosy or contagious disease. In such cases a note should be entered in the register of thumb-impressions explaining the circumstances under which it has not been obtained.

63. The signature of every person shall be taken next to his impression in the register of thumb-impressions. The registering officer himself shall in the case of a marksman write the name against the mark. He shall add below each signature or mark his initials and the date on which the impression is taken.

64. The registering officer shall add a certificate at the foot of each page of the thumb-impression register to the effect that each impression on the page has been affixed in his presence and under his supervision by the person whose name is entered next to it. This certificate shall be signed and dated by the registering officer when the page is closed.

65. In the case of a gosha woman who does not appear before a registering officer and whose examination in connection with the registration of a document or the attestation of a power of attorney is conducted in the office through a hammamnee, the finger impression shall be taken by the hammamnee who shall be clearly instructed as to the process. In this case the certificate mentioned in rule 64 should be altered as shown below:-

“Each impression on this page excepting that of which was taken by a hammamnee under instructions has been affixed in my presence, etc.”

66. A separate register shall be maintained in each registry office for thumb-impressions obtained in connection with the registration of

documents at private residences. Neither this register nor the ordinary register of thumb-impressions shall be taken with him by a registering officer when attending at a private residence, but thumb-impressions at such residences shall be obtained on separate slips of paper and the slips shall be pasted, with the initials and date of the registering officer added to them, in the appropriate page in the separate impression book. As a further safeguard, the impression shall be taken also in the last column of the report of private attendance which is finally lodged in the Registrar's office. The slip as well as the last column of the report shall contain a certificate in the following form:-

“The impression on this slip (or report) or each impression on this slip (or report) was affixed in my presence and under my personal supervision by the person whose name is entered next to it”.

In the case of a gosha lady who does not appear before the registering officer, the words “taken under my instruction from” shall be substituted for the words “affixed in my presence and under my personal supervision by” in this certificate.

CHAPTER XII

(Sections 36, 37, 38 and 39 of the Act)

ENFORCEMENT OF APPEARANCE OF EXECUTANTS AND WITNESSES

67. [Cancelled]

68. All District Registrars and Sub-Registrars may themselves issue processes in compliance with requisitions for summonses made to them.

CHAPTER XIII

(Sections 40, and 41 of the Act)

WILLS AND AUTHORITIES TO ADOPT

69. When a will or an authority to adopt is presented for registration after the death of the testator or the donor, the registering officer shall fix a day for the enquiry contemplated by section 41 (2) of the Act and shall cause notice of the enquiry (a) to be served on the persons to whom in his opinion special notice should be given (b) to be posted in a conspicuous part of the registration office and (c) to be published (i) in the Gazette of the district in which the testator or donor lived, (ii) in the Gazette of the district in which the property of the deceased is situated and (iii) in the villages where the testator or donor lived, where interested parties may reside and where the property of the

deceased is situated. The cost of the service of the notice and of its publication shall be levied in advances from the person who presents the document for registration.

70. If a person presenting a will or an authority to adopt, or a person who objects to the registration of such a document on the ground that it was not executed by the testator or donor or that the testator or donor is not dead or that the person presenting the document is not entitled to present the same under section 40 of the Act, desires that witnesses should be summoned, the request shall be complied with and the procedure prescribed in Chapter XII shall be followed.

71. (i) As each person is examined his signature shall be obtained on the document below the endorsement of presentation in the following form:-

The witnesses whose signature are affixed below have been examined under the clause (2) of section 41 of the Indian Registration Act, 1908, in reference to the document:

E.F. with addition

G.H. do

L.J. do

27th January 1940

Signature of Registering officer.

K.L. with addition

M.N. do

O.P. do

28th January 1940

Signature of Registering officer.

Q.R. with addition

S.T. do

6th February 1940

Signature of Registering officer.

(ii) If, after the conclusion of the examination of the witnesses, the registering officer should decide to register the document, an endorsement in the following form shall be made on it and its registration shall be completed:-

I am satisfied from the evidence of the witnesses whose signatures appear above-

(a) that the will (or authority to adopt) was executed by the testator.

(b) that the testator (or donor) is dead.

(c) that the person presenting the will (or authority to adopt) is entitled to present the same.

Date:

Signature of Registering officer.

(iii) Should the registering officer decide to refuse registration, the usual endorsement or refusal shall be entered on the document.

72. (i) A registering officer when enquiring under section 41(2) into the execution of a will or of an authority to adopt shall invariably, before registering the document or refusing registration, prepare and place on record a memorandum in English containing a summary of the evidence and the reasons for registration or refusal, as the case may be. A copy of any such memorandum prepared by a sub-registrar shall be submitted to the District Registrar forthwith.

(ii) When a will or an authority to adopt is refused registration the refusal order to be entered in Book 2 shall be a reproduction of the memorandum.

73. A will or an authority to adopt presented for registration after the death of the testator or donor may be returned to the presentant unregistered, if he so desires, unless it appears that the document is forged.

74. A revocation, or cancellation of a will or of an authority to adopt shall be treated as a document of testamentary character and shall be registered in Book 3.

75. (i) Wills registered or refused registration in a Sub- Registry Office which remain unclaimed for a period of over two years shall be forwarded to the Registrar's office, for safe custody, a note to that effect being entered against the original entry in the office returns (ii) if the persons entitled to claim the return of a will applies to a sub-registrar for its return after the document has been transmitted to the Registrar's office, he should be advised to obtain it from the Registrar direct. If he is unwilling to do so, the will should be obtained from the Registrar by the Sub-Registrar and returned to the person and a note of its receipt from the Registrar's Office and return to the person shall be entered in the office return.

CHAPTER XIV

(Sections 42 to 46 of the Act)

SEALED COVERS CONTAINING WILLS

76. (i) Every entry made under section 43 of the Act in Book 5 shall be dated and signed by the Registrar.

(ii) When a sealed cover is withdrawn under section 44 of the Act, the entry relating to the withdrawal shall be signed by the person by whom the withdrawal is made as well as by the Registrar.

77. When a will executed by two persons jointly is deposited under section 42 of the Act by both of them in a sealed cover, a request by one of the testators for the withdrawal of the sealed cover after the death of the other testator shall not be complied with. The Registrar may, however, after procuring satisfactory evidence as to the fact of the death, require the applicant to present an application under section 45 of the Act for the opening of the will cover and the copying, at the applicant's expense, of the will in Book 3. He may then grant the applicant a copy of the will, if the applicant so desire.

78. (i) Wills sent by post a registering officer are not presented for registration or deposited within the meaning of the Act and sections 42 to 46 are therefore inapplicable to them.

(ii) If a cover purporting to contain a will reaches a Registrar by post, he shall return it unopened. Should the cover however be retained in the office because the address of the person to whom it should be returned is unknown, the Registrar shall record upon the cover the date of receipt and the facts that it was received by post and that it has not been secured under the Act as the terms thereof have not been complied with.

(iii) A will so received shall not be delivered to any applicant unless the Registrar is satisfied that such applicant is duly authorised to receive it, nor shall the cover be opened on an application under section 45 as it has not been deposited according to the provisions of section 42.

(iv) A cover purporting to contain a will which may reach a Sub-Registrar, by post shall be returned to the sender or, if the address of the sender is not known, shall be forwarded with full particulars to the Registrar who shall deal with it under clause (ii) of this rule.

(v) A register shall be maintained in each Registrar's office showing the sealed covers received, withdrawn and opened from time to time. In it shall also be entered wills received by post by the District Registrar and retained in the office under clause (ii) wills forwarded by Sub-Registrars under clause (iv) and under rule 75 (1) and wills registered or refused registration in the Registrar's office and lying unclaimed for over two years.

(vi) An officer assuming charge of a Registrar's office, either permanently or temporarily, shall compare the sealed covers and wills with the entries in Book 5 and in the register prescribed in clause (v) and shall report to the Inspector General whether they are correct and whether the covers are preserved properly.

79. (i) When a sealed cover containing a will is opened under section 45 of the Act, the following endorsements shall be made on the will.-

Having satisfied myself that the testator hereof is dead, the sealed cover containing this will is opened on the application and in the presence of (Signature and addition) this day of 19.....

Signature of Register

This will has been 1[scanned] in Book 3 as No..... 19..... volume Page.

Date:

Signature of Register.

(ii) When a sealed cover containing a will is opened under an order of a Court and copied in Register book 3 under section 46 of the Act the fact shall be noted in Registered Book 5 in the column headed "number of document in Book 3" and the following endorsement shall be made on the will itself:-

Opened and 1[scanned] in book 3 as No..... of 19..... volume Page..... and forwarded to the court pursuant to the order of the Court, dated19.....

Date:

Signature of Register.

Seal:

80. When a will be forwarded to Court it shall be accompanied by a memorandum intimating the fee payable for opening the cover and the charges for copying in view to these being collected by the Court and remitted to the Registrar. An acknowledgment of the receipt by the Court of the Cover or will shall also be obtained and filed in the office.

80-A. When a citation is issued by a Court to produce or forward a will deposited with the Registrar under section 43, it shall be sent either through a clerk in a sealed cover, provided that no payment of travelling allowance to the clerk is involved, or be forwarded by registered post insured for not less than Rs.1,000 addressed to the officer presiding over the Court or the Registrar's office, on the original side of the High Court of Judicature, Madras, as the case may be.

1. Substituted for the word "copied" by No. S.R.O. C-13/2006, pub. In T.N.G. Gaz. Pt. III, S.2, dt. 13-12-2006.

81. When a sealed cover containing a will is opened, the cover which contains the depositor's superscriptions and the Registrar's endorsements shall be preserved carefully or a record maintained as to its disposal.

CHAPTER XV

(Sections 52, 58, 59 and 60 of the Act)

ENDORSEMENT AND CERTIFICATES

82. (i) The endorsement prescribed by sections 52 and 58 of the Act and the certificate prescribed by section 60 shall be written by the registering officer himself in the form prescribed in Appendix V or as near thereto as circumstances permit, unless he has been specially authorised by the Inspector General to use an endorsement stamp.

(ii) The executant and the witnesses may be required to write their additions themselves in the endorsements made on documents, when they are able to do so.

(iii) The name and addition of a party who is required to sign in the endorsements but who is not able to do so shall be written by the registering officer himself. Where the addition is entered by the party himself (clause (ii)) the registering officer shall satisfy himself that the addition as entered is complete and that it corresponds with the statement made by the party.

(iv) The endorsement stamps referred to in clause (i) shall be retained in the personal custody of the registering officer and when not in use shall be kept in a sealed bag. The impressions on documents shall be made, the endorsements and certificates shall be signed, and the blank spaces therein filled in by the registering officer in his own hand.

83. An executing party shall be required to use the same language in signing the endorsement of admission of execution as he had used in signing the instrument.

84. All District Registrars and Sub-Registrars shall write in Tamil the endorsements and certificates on documents written in Tamil. Documents written in languages other than Tamil shall be endorsed and certified in English or in such other language as may be specified by the Inspector General of Registration in this behalf.

85. If there is not sufficient blank space in the instrument for the endorsements and certificate, they may be entered on a separate slip or sheet of paper which shall be attached to the document, and a note of the fact shall be made on the document itself and signed by the registering officer.

86. When a document occupies more than one sheet of paper, the number of the document of which the sheet forms a part, the total number of sheets of which the document consists, the number of the sheet and the seal and signature of the registering officer shall be endorsed on each sheet.

87. "Identified, by inspection behind the purdah, by A.B. (Signature with addition), who is her (relationship to be stated) and by CD. Signature with addition...."- The entry "identified by" shall be made by the registering officer above the signature of the witnesses examined" for purposes of identification, and the entry "witnesses examined" above the signature of witnesses who are examined for any other purposes. When an executants is a gosha lady and is examined through a hammamnee, a special form of endorsement as in the margin shall be made by the registering officer and the signature of the hammamnee shall be obtained on the document as witness after the registering officer has recorded a brief deposition from her with reference to the duty she has performed.

88. When a document is executed by a person as a guardian or an agent he shall be described as such in the registration endorsement.

89. (i) When a person executes a document both for himself and as agent or guardian of a minor, an idiot or a lunatic, the registration endorsement shall contain two distinct signatures, one for admission of execution by the person himself and the other for admission as agent or guardian.

(ii) When there are more persons than one under the guardianship of a single person, the registration endorsement need contain only one signature on behalf of all such persons, but all their names shall be specified.

90. (i) When the presentation and the admission of execution of a document are made by an agent under a power of attorney, reference to the authority under which the agent acts shall be given in the endorsement of admission of execution, the fact that the presenting party is an agent being entered after his signature below the endorsement of presentation.

(ii) The endorsement of presentation made on a document presented under rule 21(ii) shall mention the number and date of the covering letter with which it is presented and the designation of the Government officer or other person concerned.

91. (i) When the amount of consideration mentioned in a document presented for registration is paid before the registering officer the signatures of the payer and of the payee shall be obtained below the endorsement of payment.

(ii) When the consideration is paid before the registering officer in currency notes and any party to the transaction desires that the numbers of the notes shall be noted in the endorsement, the request shall be complied with.

(iii) When money is paid on behalf of the claimant by his agent, messenger or servant, the words "on behalf of the claimant" with the name of the claimant shall be added after the name of the payer in the endorsement.

92. The certificate of registration shall be added by the registering officer only after the document has been copied and the entry compared.

93. (i) In the case of a document presented for registration in duplicate or triplicate, the duplicate and triplicate shall be examined with the original and shall bear the following additional endorsement.-

Duplicate (or triplicate);

Difference between the original and the duplicate (or triplicate)

Interlineations, blanks, alterations and erasures in this Compared by Reader

Examiner

Date:

Signature of Registering officer.

A note shall also be entered on the original as regards the number of copies registered with the original.

(ii) In entering notes of the interlineations, blanks, alterations and erasures on the duplicate and triplicate, the particular letter or word or figure interlined, altered or erased shall be specified, e.g., "in line 12, the word 'currency' interlined", "letter 'a' or figure '2' altered", "in line 10, the word 'money' erased" and so on.

When an erased letter or word cannot be deciphered, the note shall run as follows.-

"A word occurring after 'the' in line 5 erased."

(iii) Each duplicate or triplicate of a document presented for registration shall bear the same endorsement as the original document and the same registration number. The certificate of registration on the original and on the duplicate or triplicate shall mention all the pages of the volume occupied by the entries which relate to the original and the duplicate.

94. (i) A document which is partially registered as regards some of its executants and refused as regards others shall have two distinct endorsements, the one of admission signed by such of the executants as admit execution, and the other of refusal being written below the seal and signature affixed to the certificate of partial registration and signed and dated by the registering officer.

(ii) Similarly, a document affecting property wholly situate within the areas to which the Indian Registration Act applies but registered as regards a portion only of such property shall bear two distinct endorsements one of registration and the other of refusal.

95. The signatures of witnesses examined in the course of an inquiry before a Registrar under section 74, whether in reference to an appeal case or as regards a document the execution of which has been denied before him, need not be endorsed on the document in respect of which the inquiry is made.

96. When a document is registered by a Registrar after inquiry under section 74, the following note shall be endorsed on it, in lieu of the endorsement of admission of execution:-

I am satisfied from the evidence adduced in the inquiry held under section 74 of the Registration Act that the document was executed by A.B.

Date:

Signature of Register.

97. An endorsement made on a document represented for registration, under an order of Registrar or a Court shall quote the number and date of the order under which it is represented.

CHAPTER XVI

(Sections 52 and 61 of the Act)

RECEIPTS FOR DOCUMENTS AND FOR FEES AND RETURN OF DOCUMENTS

98. (i) A receipt shall be granted for each document presented for registration, for each power of attorney presented for authentication and for each sealed cover deposited and for every fee or fine levied by a registering officer.

(ii) An application for transfer of revenue registry presented with a document shall be acknowledged in the receipt for the document.

(iii) When the fees consist of several items, each item shall be separately entered both in the receipt and in the counterfoil so as to admit of any over-charge being traced. In the case of copying fees the number of words shall be entered and in the case of mileage, the number of miles.

99. [Cancelled]

100. The receipt for a document shall be handed to the person presenting the document or to his nominee after obtaining in the counterfoil the signature of presentant to the endorsement of nomination, and also the signature of the nominee, if he can write, for the purpose of comparison when the nominee appears to take back the document.

101. (i) If a document is ready for transcription on the day of its presentation, the day and hour when it will be ready for return shall be endorsed on the receipt. In the case of document retained pending an inquiry or a reference, the day and hour of return shall be communicated to the presentant or his nominee by a separate notice issued on the day when the document becomes ready for transcription. If, however, in the latter case the receipt is produced on the day when the document is ready for transcription and the document cannot be returned on that day, the information may be endorsed on receipt itself.

(ii) When a document is not ready for return of the date entered on the receipt or in the notice, the entry of that day shall, if the receipt or notice is produced before the registering officer, be cancelled and the probable latter

date on which the document will be ready shall be entered under the initials of the registering officer.

(iii) Corresponding entries and corrections shall be made in the counterfoil.

102. A document shall, if possible, be returned on the date of its admission to registration.

103. In order to obtain delivery of a document the person entitled to claim back the same shall produce the receipt, and the registering officer shall thereupon obtain his signature to the acknowledgment in the counterfoil and return both the document and the receipt after endorsing on the latter the date of its return and initialing this entry. A person entitled to claim back a document who is known to the registering officer may obtain the return of a document by sending the receipt to the registering officer through a messenger with a requisition endorsed on the receipt and signed by himself for the delivery of the document to the messenger. The document may then be handed over to the messenger after his acknowledgment and thumb-impression have been taken in the counterfoil of the receipt, the receipt being retained in the office and pasted to the counterfoil.

104. In the event of a receipt being lost, the person who should have produced it may receive the document on making and signing on the counterfoil a declaration of the loss and, if required by the registering officer, affixing his thumb-impression thereto.

105. When a nominee fails to take back a document within seven days from the date noted on the receipt as that on which it will be ready for delivery, the nomination may be revoked by the person by whom it was made by an entry signed by him to that effect in the counterfoil.

106. When a party to a document objects to its being returned to a person in whose favour the receipt has been drawn up, the objection shall not be allowed to prevail, unless such party can satisfy the registering officer that he has applied to a competent Court, for an injunction to restrain the registering officer from returning the document.

107. When an impounded document is received back from the Collector after adjudication of stamp duty, the registering officer shall immediately give notice in writing to the presentant or to the person authorised by the presentant to take delivery of the document either to take steps to complete the registration of the document or to take delivery of the document.

108. When proceeding to attend at a private residence the receipt book shall not be taken by the registering officer, but the requisite receipt may be detached from the counterfoil for issue to the party concerned, the entries in the counterfoil being made after return of the registering officer to his office, In such a case any nomination to take delivery of a document shall be obtained on a slip which shall be initialled and dated by the registering officer and pasted on to the counterfoil.

109. These rules do not contemplate the return of document by post, but a document may be so returned if a presentant or his nominee desires this course to be followed, and at his own risk, subject to the conditions mentioned below:-

(i) The presentant or his nominee shall sign an endorsement on the counterfoil of the receipt authorising the return of the documents or documents by registered post to an address to be specified and shall deposit therefor.

(a) The actual cost of postage, the postal registration fee, and the fee for obtaining the acknowledgment of the addressee; and

(b) a fixed sum of fifteen paise to meet the incidental charges such as stationery for the covers used.

(ii) The amount paid shall be included in the receipt granted to the party.

(iii) When registration has been completed, the registering officer shall dispatch the document or documents in a sealed cover under registered serviced postage to the address specified and shall note the fact on the counterfoil of the receipt.

(iv) The acknowledgment of the addressee shall be pasted to the counterfoil.

CHAPTER XVII

(Section 52 of the Act)

REGISTER BOOKS

110. The registers shall be maintained in accordance with such instructions as the Inspector General of Registration may from time to time prescribe, provided that no erasure shall be permitted and that every page shall contain a uniform number of lines.

111. [Cancelled]

112. Every entry of a registered document shall be an exact copy of the original.

113. When a document is presented for registration in duplicate or triplicate, it shall not be necessary to enter the document more than once in the register book.

114. (i) With the previous sanction of the Inspector General a special volume of Register Book 1 or Book 4 in the form of a file book with numbered butts may be opened in any office for the registration of documents of a temporary character and leases, whatever their term, which are prepared on forms printed on such paper and in such form as may be approved by the Inspector General.

(ii) The copy of each document shall be made by the registering staff by filling in the blanks in a spare copy of the printed form, and on this spare copy the endorsements and the certificate of registration entered on the original document shall be copied and the prescribed foot-notes shall be added.

(iii) The copy thus prepared shall be duly examined in the manner in which copies made by hand in the ordinary register books are required to be examined and shall be filed in the file book mentioned in clause(i). When a map or plan is attached to a document a copy of the map or plan shall be filed in the same file of the document.

(iv) After it has been so filed, the registering officer shall authenticate the copy by his signature with date and shall also affix to it the seal of his office. He shall write the signature and affix seal in such a manner that the signature and the impression of the seal shall appear partly upon the butt and partly on the sheet pasted thereto.

(v) When a copy consists of more than one sheet, each sheet shall be pasted to separate butt and the registering officer shall endorse on it the number of the sheet and the number of the document of which it forms part and shall affix his signature, with date and the seal of his office to such endorsement in the manner laid down in clause (iv) the seal being dispensed with in the case of the sheet on which the authentication seal has already been affixed.

(vi) Documents registrable in Book 1 and Book 4 shall be filed in separate file books.

(vii) Each file book shall be assigned a serial number in the series assigned to ordinary volumes of register book.

(viii) Every document accepted for registration under clause (i) shall be numbered in the same series as documents copied in ordinary register books.

(ix) When a document is registered under this rule, a note of its registration in the file book shall be entered in the register book in which it would otherwise have been registered. This No filed in the book volume

(x) The file books shall be kept in the personal custody of the registering officer until they are completely filled when they shall be placed among other completed volumes of register books.

115. No document shall be returned to party before the entry of it in the register has been authenticated by the registering officer.

116-A. On the registration of document, which revokes, or cancels or rectifies an error in or modifies the terms of, a document previously registered in the same class or register book or of a return of lands acquired under the Land Acquisition Act or of a document received and filed under section 89 of the Act, Vide Rule 11 supra or on the receipt of a communication from a revenue officer or from a Court which intimates a similar revocation, cancellation, rectification or modification, a note shall be entered at foot of the entry of the latter document or communication as under:-

“This document/ communication revokes (cancels, rectifies or modifies) the document No. Of 19 copied/ filed/ the return filed at pages volume Of book/ File Book/ File Book 1”.

And at foot of the previous entry or of the document previously registered or filed a note shall be entered as shown below:-

“This document/ return has been revoked (cancelled, rectified or modified) by document No. of 19 Copied/ document filed/ the return filed at pages volume Of book/ File Book/ File Book 1”.

(b) When the revocation, cancellation, rectification or modification is of a document, relating to immovable property, a corresponding note shall also be entered in Index No.II and when it relates to the rectification of any particulars entered in Index I, II, III or IV, a note of rectification shall also be entered in the respective index against the particular item rectified.

117. [Cancelled]

118. If a registered document is declared by a Court to be a forgery or to have been registered under admission made by a person who falsely personated the executants a note calling attention to the fact shall be entered at the foot of the entry in the register and when practicable on the document.

CHAPTER XVIII

(Sections 54 to 56 of the Act)

INDEXES

119. Indexes I, II III and IV shall be prepared on loose sheets, lettered alphabetically and shall contain the particulars shown in Appendix VI, a fresh set of sheets being used for each calendar year. The indexes shall be prepared in Tamil in all Registration Offices.

120. [Cancelled]

121. The names of all persons executing documents shall be entered in one column and the names of all persons claiming under documents in another column. In indenture deeds of partition and similar instruments, the fact that the party claiming under the document is also an executing party, shall be indicated by writing the name across both these columns.

122. The column "Nature and value of transaction" shall also contain-

(a) information regarding the movable property to which a document relates;

(b) the shares assigned to each party to a partition deed;

(c) concise details in the case of a document such as a release, maintenance deed, or rectification deed; and

(d) in the case of a mortgage the rate of interest, if any and the term.

123. When a loan order is received with a security bond under clauses (1) and (3) of section 89 of the Act, the order and the bond shall be indexed as separate documents, although the property specified in both may be the same.

124. Registering officers on registering non-testamentary documents relating to immovable property situated in cantonments shall forward to

cantonment magistrates the necessary information in English in the form prescribed for the purpose.

125. [Deleted by G.O. Ms. No.289, CT & RE, dt. 6.9.94].

126. An alphabetical index to the names of persons purporting to be executants of documents entered in Book 5 shall be affixed to that register book.

CHAPTER XIX

(Section 57 of the Act)

SEARCHES

127. 1[Every application to a Registering Officer for an inspection, a search or a copy shall be made in writing. An emergent application shall be made before twelve noon, in writing with double the normal rate of fees, to get the certified copy or encumbrance certificate on the next working day. Not more than five emergent applications shall be admitted in a day. Forms for such applications shall be furnished by the registering Officer free of cost. These applications need not be stamped].

2[Provided that the provisions relating to emergent application shall not be received and complied with through the medium of the post, the postage charges being borne by the applicant. In such cases special care shall be taken to ensure that the provisions of clauses (2) of section 57 are satisfied, and the title of the applicant to have the copies shall be proved to the satisfaction of the registering officer.

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1. New Rule 127 sub. By G.O. Ms. No.58, CR&RE, dated 23-2-1998.
2. Added by G.O. Ms. No.190, CT, dated 22-12-2000.

129. An application for a search in respect of property situated in more sub-districts than one or in a village which has been transferred from one sub-district to another may be presented at any of the Sub-Registry Offices in which the property or any portion of it is situated or to which the village is or has been attached. In such cases, the procedure prescribed in rule 130 (ii) may be followed if the party so desires.

130. (i) All application for a search or for a copy of any entry contained in a book which has been transferred to the office of a District Registrar may be made to such District Registrar either direct or through the Sub-Registrar in whose office the entry was originally made.

(ii) When such application is made to a Sub-Registrar it shall be accompanied by the requisite stamp and other papers and by a deposit of money sufficient to cover the prescribed search fee and the postage and a sum of two rupees as on advance for copying charges. The Sub-Registrar shall cause a search to be made in the indexes, shall endorse on the application, the number and year of the documents, the particulars of the volume and the pages thereof containing the copy of the document and shall forward a copy of the application so endorsed with the stamp and other papers to the Registrar concerned. The latter shall cause the copy to be prepared and furnished to the Sub-Registrar with a bill for the copying charges. On receipt of the copy and the bill, the Sub-Registrar shall deliver or transmit the former to the party after refunding to, or collecting from him any surplus or deficiency on the amount deposited. Any moneys collected under this rule shall be brought to account in the office of the Sub-Registrar to whom the original application was made.

(iii) When an applicant has paid the prescribed fees for search in the indexes of a Sub-Registrar's office in respect of a document which has been registered in another office or in a book transferred to the Registrar's office, no further search fee shall be levied when he applies to the other office or to the Registrar for a search or copy of the same document, provided that the applicant produced before that office the receipt for the fee granted to him by the Sub-Registrar.

131. Fees for searches shall be payable in advance, but in the following cases the fees may be adjusted in the treasury accounts.-

(i) searched for encumbrances-

(a) on property offered as security for loans under the Loans Acts, and

(b) on property pledged as security for the due performance of their duties by public servants, and

Note:- The term "public servant" in this clause should be interpreted to mean "an officer serving directly under Government".

(ii) requisitions from a public officer for a certificate of encumbrance in his official capacity.

132. In complying with a requisition from a Court which involves a search or the preparation of a copy of any document, the registering officer shall forward to the Court a memorandum of the fees payable, in view to the amount being remitted by the Court.

133. The fee for a search shall entitle the applicant to read the entry for the finding of which the fee has been paid or to have it read to him; but it shall not entitle him to take a copy of the entry. If a search proves fruitless the fee shall not be refunded, but the applicant may if he so desires, be granted a certificate stating that the entry sought for has not been found in the books.

134. With reference to Note (3) to Article 13 of the Table of Registration Fees, a search fee shall not be levied for the grant of copy of a document-

- (a) admitted to registration but not transcribed into the registrar;
- (b) presented but not yet admitted to registration; or
- (c) the registration of which has been refused.

135. Only one search fee shall be levied-

(i) for making a search in respect of a single document or in respect of acts and encumbrances on one and the same property in two or more offices because of the transfer of a village from one sub-district to another;

(ii) for making a general search in respect of one and the same property in the records of an office which was abolished and then revived;

(iii) for making a search for acts and encumbrances in respect of one and the same property when owing to the splitting up or grouping together of villages, as the result of survey and settlement operations, the search has to be made in the indexes of more than one village.

136. When a search is made in respect of more than one entry or more than one document, executed by, or in favour of, one and the same individual, search fees shall be levied separately for each office in which the nominal indexes have to be searched. This rule applied also to a search in the duplicate copies of the nominal indexes of two or more offices filed in a registrar's office.

137. (1) When an application for a search is presented and the requisite fees have been paid, the registering officer shall enquire whether the applicant will himself make the search or desire that it should be made by the office establishment. When a clerk is deputed to make the search, the name of the clerk deputed shall be noted on the application. As soon as the search is completed, the result or a reference to the certificate of encumbrance showing the result, shall be noted on the application by the clerk, and signed by him.

(ii) Whenever an entry found on search is read out to an application under Rule 133, a note shall be made on the application to the effect that this has been done and, when the applicant does not require a copy of such entry, this fact shall also be noted on the application and the signature of the applicant obtained thereto.

138. All inspections and searches of books and indexes shall take place in the presence of the registering officer.

139. A copy of an entry shall not be made from any book until the registering officer has scrutinized the entry generally.

CERTIFICATE OF ENCUMBRANCE

140. When an application is made for a search for encumbrances in respect of any immovable property or for a list of documents executed by, or in favour of, a single individual and the applicant desires that a certificate of encumbrances or a list of documents found in the courses of such should be furnished to him by the registering officer, the request shall be complied with the certificate or list being in the form printed in Appendix VII.

141. In the case of searches of a list of documents executed by, or in favour of, particular individual, the list shall show the number, date, nature and value of the several documents found as well as the names of the parties and the village in which the property affected, if any, is situated; but not description of the properties affected by the documents should be given as in the case of encumbrances certificates on properties. The list shall not include particulars of documents registered in Register Books 3 and 4 unless the applicant is entitled to copies of the entries (section 57 of the Act)

142. A certificate of encumbrance granted by a Registrar or by a Sub-Registrar shall be in the language in which the indexes of his office are prepared. If the indexes are not in English but the party requires the certificate to be prepared in English the request may be complied with.

143. A certificate of encumbrance shall contain a complete list of all acts and encumbrances affecting the property in question.

144. In the case of a search made in the records of more than one office, the various certificates prepared in the different offices shall be granted to the party and not a consolidated certificate by the officer to whom the application was made in the first instance. An officer who makes a search at the request of another officer shall therefore furnish a certificate in duplicate.

145. (i) Searches for certificates of encumbrance shall, as a rule, be made by two persons independently of each other, so that the results obtained by one may be compared and verified with those obtained by the other.

(ii) When a party himself makes the search he should be required to furnish a signed note of the results of the search and the results should be verified by a member of the office establishment.

146. A copy shall be retained of each encumbrance certificate issued from an office and shall be filed in a separate file book in which the various certificates will be numbered consecutively in a separate series for each calendar year.

The notes furnished by parties containing the results of searches conducted by themselves and the duplicate of the certificate received from other offices under Rule 144 shall be filed with the office copy of the encumbrance certificate concerned.

PRODUCTION OF REGISTER BOOKS IN COURT

147. When a requisition is received from a Court for the production of a register book other than Book 3 or Book 4 or a register of thumb-impressions, the registering officer shall ascertain whether it is absolutely necessary that the book itself should be produced or whether a certified copy of the entry required in evidence will not suffice. When it is absolutely necessary to produce the book itself, or when the requisition is for the production of register book 3 or 4 or a register of thumb-impressions, the book shall be forwarded in a sealed packet, through a clerk, with instructions to bring the packet back to the office unless the Court considers its detention to be necessary. When a copy is forwarded to Court, it shall be sent in a sealed cover addressed by name to the officer presiding over the Court.

CHAPTER XX

(Sections 63 of the Act)

RECORD OF SUBSTANCE OF STATEMENTS

148. Evidence required by a registering officer shall be taken by himself or by some one appointed under a commission.

149. The oath or affirmation to be made before a registering officer by a deponent shall at his option be in any of the following forms:-

A

“The evidence which I shall give shall be the truth, the whole truth, and nothing but the truth. So help me God.”

B

“I solemnly affirm in the presence of Almighty God that what I shall state shall be the truth, the whole truth, and nothing but the truth.”

C

“I affirm that what I shall state shall be the truth, the whole truth, and nothing but the truth.”

150. (i) When execution is admitted and the endorsement is signed by the party admitting execution, and when witness, are examined merely with reference to the identification of the parties appearing, the prescribed endorsement is itself a sufficient record. A record of the substance of the statements shall, however, be made in the following cases:-

(a) when execution is denied;

(b) when a person admitting executing refuses to sign the endorsement;

(c) when a person admits execution on protest or with a reservation;

(d) when an enquiry is held as to the alleged death of an executing party;

(e) when an enquiry is held as to the right of a person to appear as the executor, administer, or heir of a deceased person, or as the guardian of an infant, or as the curator of an idiot or a lunatic;

(f) when any person is examined as to the age of a party who appears to be a minor or as to the sanity of a party who appears to be an idiot or a lunatic;

(g) when an explanation is taken regarding the cause of delay in the presentation of document or in the appearance of parties;

(h) when the addition of any person, or the description of a property has to be ascertained owing to the addition or the description not appearing either in the document or in the endorsement;

(j) when an enquiry is held under section 74 as to the fact of the execution of a document; and

(k) generally in all cases in which a record may seem necessary.

(ii) All such statements with the exception of those under (i) and (j) which shall be kept with the record of the enquiry shall be recorded in a book known as the deposition book maintained in each registration office.

(iii) Depositions taken by a District or by a Sub-Registrar empowered to exercise any of the powers of a District Registrar shall be recorded in English when they relate to the hearing of an appeal under section 72, an application under section 73 or an enquiry under section 74. In all other cases District Registrars and Sub-Registrars shall record the deposition in Tamil.

(iv) Each witness or party shall be examined separately. The deposition shall usually be recorded, the signature of the person who makes it shall be obtained. A certificate shall be appended to each deposition to the effect that it has been read over or interpreted to the deponent and acknowledged by him to be correct. This certificate shall be in English whether the deposition is taken in English or not.

(v) At the head of each deposition the document to which it appertains together with the book, volume and year shall when practicable be noted.

(vi) The deposition book shall not be carried when a registering officer attends at a private residence. Any statements or depositions which a registering officer may find it necessary to take when attending at a private residence shall be recorded by him in a separate book and on his return to the office copied in the deposition book. The copy may be made by a clerk and examined by another clerk, but shall be authenticated by the registering officer with date.

CHAPTER XXI

(Sections 64 to 67 of the Act)

TRANSMISSION OF MEMORANDA AND COPIES

151. Memoranda of registered documents required for transmission under the provisions of sections 64 to 67 of the Act, shall be prepared in the form printed in Appendix VIII.

152. [Cancelled].

153. The copies required to be forwarded under section 65(1), 66(2) and 67 shall be presented with the document by the party presenting the document. The copies shall be prepared in the manner prescribed in Rules 4 and 6 of the Registration (Filing of True Copies) Rules, 1967. The total number of memoranda required shall be made in the office of original registration.

1[154. (i) The copies and memoranda received in a registering office shall not be given a document number in that office but shall be filed in the File Book 1 separately and indexed with reference to the page of the volume in which they are filed. The said File Book 1 shall be maintained, kept under the personal custody of the registering officer and bound in accordance with Rule 9 of the Indian Registration (Filing of True Copies) Rules, 1967].

(ii) the translation received in a registration office shall not be given a document number in that office but shall be pasted in the file or translation and indexed with reference of the volume in which they are filed.

2[(iii) The copies of plans or maps presented with the true copy of the documents shall be on durable drawing papers and shall be of 14 inches in length and 9 ½ inches in breadth and shall be filed separately in File Book 1 and the said File Book 1 shall be maintained, kept under the personal custody of the registering officer and bound in accordance with Rule 9 of the Indian Registration (Filing of True Copies) Rules, 1967.]

155. When a document is registered in duplicate or triplicate no memorandum or copy is required to be forwarded under sections 64 to 67 in respect of the duplicate or triplicate, but this number of copies registered with the original shall be noted in the column headed “document” in the memorandum prepared from the original.

156. [Cancelled].

1. Sub. By G.O. Ms. No.928 CT & RE, dated 15-6-1988, w.e.f. 1-7-1988.

2. Sub-rule (iii) added by G.O. Ms. No.437 CT&RE, dated 16-12-1992.

157. A memorandum of a registered document transmitted under sections 64 to 67 shall be prepared in Tamil in all Registration Offices.

158. When a registering officer finds that a correction is necessary in a copy or memorandum of a document forwarded by him to another registering officer, he shall send an erratum to the latter, who shall file it in the file Book No.1 carry out the correction and add a note on the correction is made. A reference to the pages and volume of the file book in which the erratum has been filed shall be entered on the original memorandum of copy and the indexes shall also be corrected accordingly.

CHAPTER XXII

(Sections 68 and 69 of the Act)

ERRORS IN REGISTRATION

159. (i) In the event of a document being registered in a wrong register book, the registration shall stand but the Registrar will direct that the requisite particulars regarding the document should be entered in the appropriate place in the indexes relating to the proper book with a reference to the volume and page of the book in which the document has been copied.

(ii) Corresponding notes shall also be entered in the entry in the wrong book as well as in the indexes relating thereto.

(iii) In cases in which copies and memoranda under sections 64 to 66 had been forwarded at the time of registration in the wrong book and in cases in which the forwarding of such copies and memoranda become necessary for rectifying the error, the requisite notice of the error in the former and the requisite copies and the memoranda in the latter shall be forwarded free of cost.

160. (i) Where by inadvertence a document is registered in a wrong office the registering officer shall inform the executing and claiming parties of the fact and advise them to apply to the Registrar for a direction under section 68 for its registration afresh in the proper office.

(ii) Where the proper office of registration is in a district other than that in which the office of wrong registration is situated, the application shall be made to the Registrar of that other district.

(iii) When a direction is so issued to a Sub-Registrar he shall register the document without the levy of any fee and in the endorsement of presentation shall refer to the orders of the Registrar.

(iv) The registering officer in whose office the document was originally registered shall in any case forward to the proper office, free of charge, a copy or a memorandum of the document in accordance with the procedure prescribed by sections 64 to 66 and the receiving officer shall file the copy or memorandum in his File Book 1.

161. A registering officer will be held liable for any loss to Government which may arise from neglect on his part in the registration of a document, the making of a search or the grant of a copy of a document.

161-A. Register books, papers, documents, indexes, etc., may with the approval of the State Government, be transferred from one registration office to another for the safe custody, Sealed covers deposited under section 42 of the Act may likewise be transferred from one Registrar's office to another for safe custody.

CHAPTER XXIII

(Sections 71 and 76 of the Act)

REFUSAL TO REGISTER

162. When registration is refused the reasons for refusal shall be at once recorded in Book 2. They will usually come under one or more of the heads mentioned below-

I. Section 19.- That the document is written in a language which the registering officer does not understand and which is not commonly used in the district, and that it is unaccompanied by a true translation and a true copy.

II. Section 20.- That it contain unattested interlineations, blanks, erasures, or alterations which in the opinion of the registering officer require to be attested.

III. Section 21.- (1) to (3) and Section 22.- That the description of the property is insufficient to identify it or does not contain the information required by Rule 18.

IV. Section 21(4).- That the document is unaccompanied by a copy or copies of any map or plan which it contains.

V. Rule 32.- That the date of execution is not stated in the document or that the correct date is not ascertainable.

VI. Sections 23, 24, 25, 26, 72, 75 and 77.- That it is presented after the prescribed time.

VII. Sections 32, 33, 40 and 43.- That it is presented by a person who has not right to present it.

VIII. Section 34.- That the executing parties or their representatives, assigns, or agents have failed to appear, within the prescribed time.

IX. Sections 34 and 43.- That the registering officer is not satisfied as to the identity of a person appearing before him who alleges that he has executed the document.

X. Sections 34 and 40.- That the registering officer is not satisfied as to the right of a person appearing as a representative, assign, or agent so to appear.

XI. Section 35.- That execution is denied by any person purporting to be an executing party or by his agent.

Note:- When a registering officer is satisfied that an executants is purposely keeping out of the way with a view to evade registration of a document or has gone to a distant place and is not likely to return to admit execution within the prescribed time, registration may be refused the non-appearance being treated as tantamount to denial of execution.

XII. Section 35.- That the person purporting to have executed the document is a minor, an idiot or lunatic.

Note:- When the executants of a document who is examined under a commission under section 38 of the Act is reported by the Commissioner to be a minor, an idiot or a lunatic registration may be refused and it is not necessary that the registering officer should personally examine the executants to satisfy himself as to the existence of the disqualification.

XIII. Section 35.- That execution is denied by the representative or assign of a deceased person by whom the document purports to have been executed.

Note:- When some of the representatives of a deceased executants admit and others deny execution the registration of the document shall be refused in toto, the persons interested being left to apply to the Registrar for an enquiry into the fact of execution.

XIV. Section 35 and 41.- That the alleged death of a person by whom the document purports to have been executed has not been proved.

XV. Section 41.- That the registering officer is not satisfied as to the fact of execution in the case of a will or of an authority to adopt presented after the death of the testator or donor.

XVI. Sections 25, 34 and 80.- That prescribed fee or fine has not been paid.

1[XVII. Section 230(a) of the Income Tax Act, 1961 (Act 43 of 1961).- That the prescribed certificates from the Income Tax Office has not been produced.

XVIII. Section 10 of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Act 58 of 1961).- That the declaration has not been filed by the transfer.

XIX. Section 27 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (Act 24 of 1978).- That the statement has not been filed by the transferor and transferee.]

2[162-A. No Registration Officer shall accept for registration any document or service agreement evidencing bonded labour or transaction constituting an offence under any law or opposed to public policy or morality].

163. When the executants of a document appear at different time the order of registration or refusal shall be passed after all the executants have appeared and admitted or denied execution, as the case may be, unless the maximum time allowed for appearance by the Act has expired or unless the presentant applies for the return of the document, unregistered as regards the executant who failed to appear.

1. Items XVII, XVIII and XIX added by G.O. Ms. No.1392, CT & RE, dated 21-12-1987, w.e.f. 1-1-1988.

2. Rule 162-A added by G.O. Ms. No.691, CT & RE, dated 16-7-1980.

164. When a document is partially registered partially refused registration, the refusal shall be endorsed after the document is registered.

165. A Sub-Registrar is not authorized by law to refuse to registrar a document which has been executed by himself or in his own favour or because he is party interested, remotely or indirectly, in the transaction to which such document relates; nor is he authorized to refuse to authenticate a power of attorney granted for the registration of such document but he shall always advice the parties to office. If the document falls within the category of documents mentioned in section 28 of the Act, such other office will be the office of the Registrar of the district who will, as provided in the Table of fees, register such document without charging the usual extra fee under section 30(1) of the Act. If the parties, after being advised as above, insist on the Sub-Registrar's registering a document or authenticating a power in which he is interested, he shall do so but shall immediately report the fact for information of the Registrar to whom he is subordinate.

This rule should not be understood as authorising a registering officer to attest powers of attorney executed by himself.

CHAPTER XXIV

(Sections 41(2) and 72 to 76 of the Act)

APPEALS AND ENQUIRIES

166. (i) An appeal under section 72 of the Act or an application under section 73 shall be presented in writing to the Registrar of the district or to the officer in charge of the Registrar's Office, accompanied by a copy of the refusal order appealed against and the original document in respect of which the order was passed.

(ii) When the document is stated to be in the possession of some person other than the appellant and the latter desires time to obtain and produce it or the issue of a summons for its production, the request may be complied with and the appeal or application admitted pending receipt of the document.

167. (i) An appeal under section 72 shall be presented either by the appellant or by a certificated pleader duly authorised on his behalf by a vakalat attested in the manner prescribed in the Civil Rules of Practice applicable to Mofussil Civil Courts or by an agent holding a power of attorney authenticated as laid down in section 33 of the Act.

(ii) An application under section 73 shall be presented in person by the party or by an agent holding a power of attorney authenticated as aforesaid.

(iii) An appeal or an application shall not be accepted or acted upon if sent by post.

168. In an enquiry connected with a will or an authority to adopt under section 41(2) of the Act or an appeal under section 72 or an application under section 73 or in an original enquiry under section 74, private vakils or persons not qualified under the Legal Practitioners Act shall not be allowed to appear. Such persons are not, however, debarred from acting as agents if authorized by a duly authenticated power of attorney.

169. An application under section 73 presented by any of the persons mentioned therein within the prescribed period but without the requisite

verification may be returned in view to its being verified and presented again within a stated time.

170. An appeal under section 72 or an application under section 73 may, when the Registrar is on a tour of inspection in his district, be posted for hearing at any Sub-Registrar's station convenient to the parties.

171. (i) An applicant in this rule shall mean an appellant under section 72 or party at whose instance an enquiry under section 74 is commenced and shall include subject to provisions of Rule 167, also an agent or a vakil.

(ii) On the presentation of an appeal under section 72 or an application under section 73 and in the case of original enquiry under section 74, a date shall be fixed for the hearing of the appeal or application or for the enquiry.

(iii) Such date shall be notified to the applicant and also published on the notice board or the Registrar's office.

(iv) Within one week of the date of such publication, the applicant shall pay the process fee necessary for the issue of notice to the opposite party (hereinafter called the respondent) and for summonses for securing the attendance of witnesses; provided that the Registrar may extend the time for such payment from time to time on sufficient cause being shown.

(v) If on the date of hearing-

(a) neither party appears, or

(b) the applicant does not appear and the respondent appears and contests the registration of the document, or

(c) the respondent does not appear and it is found that notice has not been served upon him in consequence of the failure of the applicant to pay the requisite fee for such service, the Registrar shall make an order refusing to direct registration of the document.

Provided that it shall be open to the Registrar to adjourn the enquiry from time to time for sufficient cause.

(vi) An order refusing to direct registration under this rule shall be recorded in Book 2.

172. An order on an appeal under section 72 or on an application under section 73 directing or refusing registration shall not be endorsed on

the document itself but shall, when registration is ordered, be recorded separately and filed in a separate file book, and when registration is refused, be recorded in Book 2. In either case a brief abstract of the order shall be endorsed on the petition of appeal or application which will be kept with the records of the case.

173. An appeal or application against an order of refusal to register a will presented for registration after the death of the testator may be presented by any executor appointed under the will. The Registrar may, after the perusal of the records connected with the refusal, call for fresh evidence or issue summonses to witnesses or remand the case to the Sub-Registrar for further enquiry.

174. [Cancelled]

175. Where a refusal order is based on the ground that the executant is purposely keeping out of the way in order to evade registration or has gone to a distant place and is not likely to return to admit execution and the non-appearance is treated as tantamount to denial of execution, the application may be accepted by a Registrar under section 73, and the fact of execution enquired into as if execution had been specifically denied.

176. (i) All orders passed by a Registrar under section 72, 75 and 76 shall be communicated without delay to the Sub-Registrar Concerned.

(ii) When the office in which a document is ordered to be registered is different from the office in which the registration was refused a copy of the order directing registration shall be sent to both offices.

CHAPTER XXV

FEES AND FINES

177. It is for the registering officer, who is responsible for levying the fee, to determine in the first instance what fee should be paid. After it has been paid the presenting party may, if he is dissatisfied, refer the question to the Registrar who shall, if he thinks there has been an overcharge, order the Sub-Registrar to refund any excess. If the decision is adverse to the party he may make a further reference to the Inspector General.

178. In the event of registration being refused, any fee or fine which may have been levied shall be refunded except fees for commission, summonses attendances and travelling allowances where such fees and

allowances have been earned. Such refund shall be made out of the permanent advance of the registering officer and a bill in detail for the adjustment of the refund shall be submitted in the usual manner.

179. Every application for the remission or refund of a fine or a fee shall be lodged in the first instance with the registering officer who levies it for submission to the sanctioning authority through the proper channel.

180. District Registrar may themselves dispose of applications for refund of fees or fines collected in excess or for work not performed by the department.

181. Whether a document is admitted to registration or not, all fees and fines shall be at once brought to account.

182. (i) At stations where there is treasury and the treasury is open, the collections shall be remitted daily to the treasury. Provided that a remittance need not be made on any day when the total collections to be remitted do not exceed Rs. *5.

(ii) At stations where there is no treasury the fees shall be remitted to the nearest treasury at such intervals as may from time to time be prescribed by the Inspector General.

**(iii) A remittance to the treasury shall be accompanied up by the challan book duly filed up in duplicate in view of one copy of each challan being returned signed by the Treasury Officer.

[*Presently Rs.1,000]

[**Presently in triplicate]

CHAPTER XXVI

(Section 83 of the Act)

PROSECUTIONS

183. A Sub-Registrar shall, before instituting a prosecution, forward a full report of the case to the Registrar and obtain his approval to the prosecution. It, however, the circumstances demand immediate prosecution, a report shall be made by the Sub-Registrar to the Registrar within 24 hours of the institution of the prosecution. A Registrar who institutes a prosecution

or approves of the institution of a prosecution by a Sub-Registrar or receives intimation that a prosecution has been instituted by a Sub-Registrar shall report the fact to the Inspector General.

CHAPTER XXVII

(Section 88 of the Act)

DOCUMENTS EXECUTED BY GOVERNMENT OFFICERS AND OTHER PUBLIC FUNCTIONARIES

184. The exemption from personal appearance contemplated by section 88 of the Act shall be held to apply also to a Government officer who is an ex-officio Presented or Chairman of a local body or an Agent to the Court of Wards.

CHAPTER XXVIII

PRESERVATIONS OF RECORDS

185. The following books and files shall be preserved permanently.-

Book 1 - Registger of non-testamentary documents relating to
immovable property.

Book 2 - Record of reasons for refusal to register

Book 3 - Register of wills and authorities to adopt

Book 4 - Miscellaneous Register

Book 5 - Register of deposits of wills.

Indexes Nos. I, II, III and IV and subsidiary indexes.

Register of thumb-impressions

File of translations

File of appeal orders and judgments and orders of Courts

Deposition book.

186. [Cancelled]

187. All other books and records shall be preserved or destroyed under such orders as may be issued from time to time by the Inspector General provided that the disposal of such books and records as are maintained under the Registration Act or the Rules framed thereunder shall be regulated by the rules made by the Inspector General under the Destruction of Records Act, 1917.

188. (i) In all registration offices two registers of records shall be maintained one relating to the permanent records and the other to the temporary records, and in these registers separate pages shall be allotted for each series of books, indexes and other records.

(ii) All records in an office shall be brought to account in one or other of these registers according to the instructions issued from time to time as to the classification of records. A record shall not be omitted from its appropriate register on the ground that it has not been completed or has not been bound; for instance, when a volume of register book or a new register of thumb-impressions is brought into use, it shall be entered in the register of permanent records on the day the first document is copied in the volume or the first impression taken; similarly the index of a particular year shall be entered in the records register even though it may at starting to be maintained in loose sheets.

(iii) The date of destruction and the number and date of the order, if any, sanctioning the same shall be noted in the record register against the entry of the record destroyed, each such note being attested and dated by the registering officer.

189. The completed volumes of the undermentioned books belonging to the office of a Sub-Registrar or of a Joint Sub-Registrar situated at the headquarter station of a district may, with the sanction of the Inspector General, be transferred at the end of each calendar year to the office of the Registrar, The records of a Joint Sub-Registrar may similarly be transferred to the chief joint office:-

Register books 1, 2, 3 and 4 and the indexes relating thereto.

Registers of thumb-impressions

File books of power of attorney

File books of translations

File books of appeal orders and judgments

Deposition books.

Minute books

190. (i) When a page in a register book shows signs of crumbling of an entry, signs of fading the page or entry shall, with the previous sanction of the District Registrar, be recopied.

(ii) The sheets containing the reproduced entries shall be preserved in cover under the seal and signature of the registering officer, with a slip pasted over the cover to show its contents.

(iii) When an entry is recopied a note of the fact shall be made at the foot of the entry in the original register, When an entire volume is recopied, a notice to that effect shall be entered in red ink on the label on the back of the original volume as well as on title page and on the back of the volume containing the reproduced entries a label shall be pasted showing in red ink its contents.

(iv) The original shall be faithfully reproduced as it is found in the register and any missing a note shall be made as regards portions not legible or visible, or undecipherable letters, words or figures shall not be filled up by guessing from the context.

(v) The entries as copied shall be compared and authenticated as a true copy by the registering officer with date and seal.

(vi) The signature of the clerks who recopies each entry and of the clerk who examines it shall be affixed above the signature of the registering officer authenticating the copy.

(vii) Uninitialled interlineations, etc., in the original shall be noted above the signatures of the clerks who copy and compare, and these notes shall be attested by the registering officer.

(viii) The interlineations, etc., in the copies of entries, shall be noted by the copying clerk and shall be initialled by the registering officer.

CHAPTER XXIX

[Sections 70-A, 70-B and 70-C of the Act]

SYSTEM OF REGISTRATION USING ELECTRONIC DEVICES

190-A. When a document is presented for registration, the registering officer shall in the first instance, verify whether it is in a condition fit to be accepted for registration in accordance with the provisions of the Act and these Rules. The registering officer shall then decide whether the document may be admitted for registration or kept pending registration. The document shall then be sent to the Computer section.

(ii) In the computer section numbers is serialisation shall be assigned to documents ready for registration and to documents pending registration when payment towards proper/deficit stamp duty and fees is made as the case may be. After making due entries in the accounts, receipts shall be prepared and sent to the registering officer along with the documents for his signature.

(iii) The registering officer shall then satisfy the adequacy of the payment made and proceed to record presentation and admission of execution of the document in accordance with these Rules. The certificate of registration prescribed hereunder shall then be endorsed in all cases when such document is registered.

Registered as No of of Book

Date: Signature of Registering Officer.

(When registration is partially effected in the first instance)

Registered as No of of Book is regards E.F. (or as regards property to be described in brief)

Date:

Signature of Registering Officer.

Registration refused as regards G.H. (with addition) (or as regards property to be described in brief)

Date:

Signature of Registering Officer.

(When a document refused registration by a registering officer registered under the orders of the Registrar or of the Court)

Registration as No..... of of Book as regards G.H. (with addition)

Date:

Signature of Registering Officer.

Only registered documents shall be sent to the computer section for scanning and archival.

(iv) Scanning and archival shall be done using Document Management Software as approved and regulated by the Inspector General of Registration.

(v) (a) In the case of unforeseen eventuality like, breakdown of computerised system of Registration, the Registration Officer shall after recording the reasons in writing, forward the registered documents through special messenger for scanning and data entry in such other office notified under sub-section (1) of section 70-B of the Act. The process of scanning of documents and data entry relating to indices shall be made using electronic devices kept in the nearest notified office. The scanned images of documents and data relating to indices recorded in floppy disk or CD Rom or any other media shall be sent to the office where the computerised system broke down. As and when the computerised system is restored, the data and the scanned images of the documents received in the media as aforesaid shall be duly incorporated in the computerised system.

(b) In such case, all the images that are scanned and stored shall be viewed from the storage media and authenticated as "True images" by the registering officer in whose office the document was scanned the registering officer shall sign the certificate of authentication.

(c) The registering officer in whose office the documents were registered, shall record in the register kept for this purpose that such documents are scanned in the other notified office with particulars such as the document number, pages and the name of the office where scanning and data entry of the document was done.

(vi) When a document is registered in duplicate or triplicate, the page in which, additional endorsement prescribed under sub-rule (i) of rule 93 to be made on duplicate or triplicate, shall also be scanned along with the original.

(vii) Maps and Plans accompanying documents shall be scanned along with document.

(viii) Copies of certain orders, certificates and instruments received under section 89 of the Act, by the registering officer shall be scanned and stored in the storage media and the same filed in Book-I.

(ix) All the image of scanned and stored pages of documents shall be viewed from the storage media and authenticated by the registering officer as "True image". The certificate of authentication shall be incorporated in the storage media.

(x) All such indices required to be prepared shall be made using the software package approved by the inspector General of Registration.

(xi) The return of documents after completion of the above process, is governed by the Act, Rules and other regulations.

(xii) The copies of registered documents required to be forwarded under sub-section (1) of section 65, sub-section (2) of section 66 and section 67 shall be prepared in hard copies from the storage media in which the documents are scanned and stored.

(xiii) Memoranda of registered documents required for transmission under the provisions of sections 64 to 67 of the Act shall be prepared from the date entry relating to indices of such documents.

(xiv) The copies, memoranda and translation received in a registering office shall be dealt with in the same was as provided in Rule 154.

(xv) Index Number I, II, III and IV stored in the information storage devices like floppy disk, hard disk or compact disk or any other electronic media shall be preserved permanently

191-194.[cancelled].

195. [Deleted by G.O. Ms. No. 215, CT & RE, dated 6.6.1997, Vide No. SRO A.63/97 published in Part III, S.1(a) of Tamil Nadu Govt. Gazette, dt. 2.7.1997].

196. In these rules there is anything repugnant in the subject or context, the word, Government, means the "Government" of Tamil Nadu.

197. These rules extend to the whole of the State of Tamil Nadu, including the territory transferred to that State by the Andhra Pradesh (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959)