

## STATE AMENDMENTS

## Maharashtra, Gujarat:

**Note.**—For omission of sub-section (2) of section 20, see sub-section (3) of section 70D in Part XIA inserted in main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4-9-1930); Bombay Act 35 of 1958; Act 11 of 1960, sec. 87; Gujarat A.L.O., 1960.

## Tamil Nadu:

In section 20, in sub-section (1), after the expression "persons executing the document", insert the expression "and in the case of document for sale of property, the persons claiming under that document also".

[Vide Tamil Nadu Act 28 of 2000, sec. 2.]

**21. Description of property and maps or plans.**—(1) No non-testamentary document relating to immovable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(2) Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered.

(3) Other houses and lands shall be described by their name, if any, and as being the territorial division in which they are situate, and by their superficial contents, the roads and other properties on to which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(4) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

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## Gujarat:

Same as in Maharashtra.

[Vide Gujarat Act 11 of 1960, sec. 87 and Gujarat A.L.O., 1960.]

## Maharashtra:

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

"(2) Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. In all city surveyed areas, houses and lands shall also be described by their cadastral survey numbers as in the city survey maps and records."

[Vide Bombay Act 35 of 1958, sec. 4 (w.e.f. 24-4-1958).]

**Note.**—For omission of sub-section (4) of section 21, see sub-section (3) of section 70D inserted in the main Act by Bombay Act 17 of 1930.

## Uttar Pradesh:

In section 21, for section (1), substitute the following sub-section, namely:—

"(1A) No non-testamentary document relating to immovable property shall be accepted for registration unless:—

- (a) it contains a description of such property sufficient to identify the same; and
- (b) it is a compound also, where the property is agricultural land, by a map or plan, not necessarily on scale, showing all properties with full description in the radius of two hundred meters of that agricultural land."

[Vide Uttar Pradesh Act 36 of 2001, sec. 6 (w.e.f. 20-5-2002).]

## COMMENTS

Where a document comprises several properties and the description is sufficient as to some, but insufficient as to others, the registering officer must not refuse to accept the document for registration in its entirety; *Kesava v. Kannusamy*, (1904) 15 Mad LJ 30.

**22. Description of houses and land by reference to Government maps or surveys.**—(1) Where it is, in the opinion of the <sup>1</sup>[State Government], practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the <sup>1</sup>[State Government] may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

(2) Save as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of section 21, sub-section (2) or sub-section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.

## STATE AMENDMENTS

## Delhi:

Same as in Punjab.

[Vide Notification No. 189/38, dated 30th May, 1939, as amended by Notification No. 72/43-Public, dated 16th September, 1943.]

## Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87 and Gujarat A.L.O. 1960.]

## Maharashtra:

In section 22, for sub-section (2), substitute the following sub-section, namely:—

"(2) Except in the case of city surveyed areas and except as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of section 21, sub-section (2) or sub-section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property."

[Vide Bombay Act 35 of 1958, sec. 5 (w.e.f. 24-4-1958).]

## Punjab, Haryana and Chandigarh:

In section 22, in sub-section (1), omit the words "not being houses in towns".

[Vide Punjab Act 8 of 1941, sec. 2 (w.e.f. 23-5-1941) read with Act 23 of 1960, sec. 4; Act 31 of 1966, sec. 88.]

## Section 22A

## Andhra Pradesh:

After section 22, insert the following section, namely:—

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

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

[Vide Andhra Pradesh Act 4 of 1999, sec. 4 (w.e.f. 1-4-1999).]

## Bihar:

After section 22, insert the following section, namely:—

"22A. Registration of documents which is against the public policy.—(1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents is against the public policy.

1. Subs. by the A.O. 1950, for "Provincial Government".

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

[Vide Bihar Act 6 of 1991, sec. 2 (w.e.f. 8-8-1991).]

**Gujarat:**

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87; Gujarat A.L.O., 1960.]

**Karnataka:**

Same as in Maharashtra.

[Vide Karnataka Act 55 of 1976, sec. 3 (w.e.f. 23-10-1976).]

**Maharashtra:**

After section 22, insert the following section, namely:—

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

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

[Vide Bombay Act 24 of 1938 (w.e.f. 8-2-1939) read with Act 35 of 1958 (w.e.f. 24-4-1958).]

**Note.**—For notifications barring registration of documents relating to permanent alienation of agricultural land without sanction from the Collector, see Bombay Government Notification No. 1958/97574 IV-27/28 January, 1959 and No. 1959/192322(b), dated 18-1-1960; for similar notification in respect of Vidarbha region, see Bombay Gazette, 1958, Pt. IV, p. 12; for declaration of registration of trade marks under this Act as being against public policy, see Bombay Gazette, 1958, Pt. IVA, p. 504.

**Meghalaya:**

After section 22, insert the following section, namely:—

"22A. Registration of certain documents may be declared as being opposed to public policy.—(1) The State Government may, by notification in the Official Gazette, declare that registration of any document or class of documents is opposed to public policy.

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

[Vide Meghalaya Act 5 of 1990, sec. 2 (w.e.f. 22-6-1990).]

**Orissa:**

After section 22, insert the following section, namely:—

"22A. Document registration of which is opposed to public policy.—(1) The State Government may, by notification, declare that the registration of any document or class of documents is opposed to public policy.

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

[Vide Orissa Act 8 of 2002, sec. 5 (w.e.f. 24-5-2002).]

**Rajasthan:**

Same as in Maharashtra.

[Vide Rajasthan Act 16 of 1976, sec. 2 (w.e.f. 13-2-1976).]

**West Bengal:**

After section 22, insert the following new section 22A:—

"22A. Registration of certain documents to be opposed to public policy.—(1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or any class of documents specified in such notification shall be opposed to public policy.

(2) The registering officer shall examine a document prescribed for registration is one to which a notification under sub-section (1) is applicable and shall take such evidence as may be produced by the parties and may also require them to produce all documents in their possession or custody which the registering officer considers relevant.

(3) Notwithstanding anything to the contrary contained elsewhere in the Act, the registering officer shall refuse to register any document or any class of documents to which a notification under sub-section (1) is applicable."

[Vide Registration (West Bengal Amendment) Act, 1981].

PART IV

OF THE TIME OF PRESENTATION

**23. Time for presenting documents.**—Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final.

COMMENTS

Where a document requiring registration is not presented for registration within the time prescribed, it will not be open to the parties to have it registered in an indirect manner by simply adopting the device of registering to it in, or making it a part of, a later document which could be presented for registration; *P.A.J. Seetharama Raju v. L.G.G.A. Deptt.*, AIR 1963 Mad.

**[23A. Re-registration of certain documents.**—Notwithstanding anything to the contrary contained in this Act, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub-Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document may, within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented, in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered; and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it has not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefor under Part IV, and all the provisions of this Act, as to registration of documents, shall apply to such re-registration; and such document, if duly re-registered in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration:

Provided that, within three months from the twelfth day of September, 1917, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in

accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid.]

### STATE AMENDMENTS

#### Section 23B

##### Andhra Pradesh:

After section 23A, insert the following section, namely:—

23B. Power of State Government to permit the registration of documents registered in the loges at Masulipatnam and in certain other areas in French India.—(1) The State Government may, by notification in the Andhra Gazette, direct that all documents, or any class of documents, which—

- (a) relate to properties situated within the loges at Machilipatnam (formerly known as Masulipatnam), the areas whereof have been set out in the Schedule to the Madras (Enlargement of Areas and Alteration of Boundaries) Order, 1948,
- (b) have been registered in a registration office by an official appointed or controlled by any French Indian authority, and
- (c) are required to be registered under this Act,

may be registered under this Act free of all charges, within such time, and subject to such restrictions and conditions, as may be specified in the notification; and if any document is so registered, the registration shall have effect for all purposes from the date on which the document was originally registered by the official referred to in clause (b):

Provided that nothing in this sub-section shall be deemed to invalidate any decree or order touching any such document which may have been passed by any Court of Law and become final before the enactment of this section.

(2) Sub-section (1) shall apply in relation to documents relating to properties situated within the limits of any French territory now adjoining the territory of the State of Andhra Pradesh, as it applies in relation to documents relating to properties situated within the loges referred to in sub-section (1), subject to the modification that for the words "before the enactment of this section" occurring in the proviso, the words "before such date as may be notified in that behalf by the State Government" shall be substituted.

[Vide Madras Act 17 of 1952, sec. 2 (w.e.f. 14-1-1953) as adapted by Andhra Pradesh A.L.O., 1953.]

##### Kerala:

Malabar—Omit section 23B inserted by Madras Act 17 of 1952 as in force in the Malabar District.

[Vide Kerala Act 2 of 1959, sec. 2 (w.e.f. 1-6-1960).]

##### Tamil Nadu:

After section 23A, insert the following section, namely:—

23B. Power of State Government to permit the registration of documents registered in the loges at Kozhikode and in certain other areas in French India.—(1) The Government may, by notification in the Fort St. George Gazette, direct that all documents, or any class of documents, which—

- (a) relate to properties situated within the loges at Kozhikode (formerly known as Calicut), the areas whereof have been set out in the Schedule to the Madras (Enlargement of Areas and Alteration of Boundaries) Order, 1948,
- (b) have been registered in a registration office by an official appointed or controlled by any French Indian authority, and
- (c) are required to be registered under this Act,

may be registered under this Act free of all charges, within such time, and subject to such restrictions and conditions, as may be specified in the notification; and if any document is so registered, the registration shall have effect for all purpose from the date on which the document was originally registered by the official referred to in clause (b):

Provided that nothing in this sub-section shall be deemed to invalidate any decree or order touching any such document which may have been passed by any Court of law and become final before the enactment of this section.

(2) Sub-section (1) shall apply in relation to documents relating to properties situated within the limits of any French territory now adjoining the territory of the State of Madras, as it applies in relation to documents relating to properties situated within the loges referred to in sub-section (1), subject to the modification that for the words "before the enactment of this section" occurring in the proviso, the words "before such date as may be notified in that behalf by the State Government" shall be substituted.

[Vide Tamil Nadu Act 17 of 1952, sec. 2 (w.e.f. 14-1-1953) as adapted by Tamil Nadu A.L.O., 1954, (w.e.f. 1-10-1953).] Tamil Nadu Act 17 of 1952, in so far as applies to, and is in force in the added territories, i.e., territories added under the Second Schedule to the Central Act 56 of 1959, has been repealed by Tamil Nadu (Added Territories Extension of Laws) Act, 1964 (7 of 1964).

24. Documents executed by several persons at different times.—Where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

25. Provision where delay in presentation is unavoidable.—(1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in <sup>1</sup>[India] is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the proper registration-fee, such document shall be accepted for registration.

(2) Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

### STATE AMENDMENT

##### Rajasthan:

In section 25—

- (a) in sub-section (1), for the word "Registrar", substitute the words "Registering Officer", for the words "direct that", substitute the words "register the document" and for the words "such document shall be accepted for registration", substitute the words "on such document"; and
- (b) omit sub-section (2).

[Vide Rajasthan Act 18 of 1989, sec. 3 (w.e.f. 18-9-1989).]

26. Documents executed out of India.—When a document purporting to have been executed by all or any of the parties out of <sup>1</sup>[India] is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied—

- (a) that the instrument was so executed, and
- (b) that it has been presented for registration within four months after its arrival in <sup>1</sup>[India],

may, on payment of the proper registration-fee accept such document for registration.

27. Wills may be presented or deposited at any time.—A will may at any time be presented for registration or deposited in manner hereinafter provided.

1. Subs. by Act 3 of 1951, sec. 3. and Sch., for "the States" (w.e.f. 1-4-1951).

## PART V

## OF THE PLACE OF REGISTRATION

28. Place for registering documents relating to land.—Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clauses (a), (b), (c) <sup>1</sup>[(d) and (e), section 17, sub-section (2), insofar as such document affects immovable property,] and section 18, clauses (a), (b) <sup>2</sup>[(c) and (cc),] shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

## STATE AMENDMENTS

## Andhra Pradesh:

In section 28, for the expression "clauses (a), (b), (c), (d) and (e) of section 17, sub-section 2", substitute the expression "clauses (a), (b), (c), (d), (e), (f) and (g) of section 17, sub-section (2)", and for expression "clauses (a), (b), (c) and (cc)", substitute the expression "clauses (a), (b) and (cc)".

[Vide Andhra Pradesh Act 4 of 1999, sec. 5 (w.e.f. 1-4-1999).]

## Bihar:

For section 28, substitute the following section, namely:—

"28. Place for registering documents relating to land.—Save as in this part otherwise provided every document mentioned in clauses (a), (b), (c), (d) and (e) of sub-section (1) and sub-section (2) of section 17 insofar as such documents affect immovable property and in clauses (a), (b), (c) and (cc) of section 18 shall be presented for registration in the office of the Sub-Registrar within whose sub-district or district the whole of the property to which such document relates is situated in the State of Bihar."

[Vide Bihar Act 6 of 1991, sec. 3 (w.e.f. 8-8-1991).]

## Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87; Gujarat A.L.O., 1960 (w.e.f. 1-7-1961).]

## Maharashtra:

(i) In section 28 for the letters, brackets and word "(b) and (c)", substitute the brackets, letters and word "(b), (c), (cc) and (ee)".

[Vide Bombay Acts 14 of 1939, sec. 4; 14 of 1947, read with 35 of 1958, sec. 2 (w.e.f. 28-4-1958) and 6 of 1960, sec. 43 (w.e.f. 1-1-1961).]

(ii) For brackets, letters, word and figure "(ee) and (eee)", substitute brackets, letters and words "and (ee)".

[Vide Maharashtra Act 20 of 1971, sec. 58 (w.e.f. 15-6-1972).]

## Orissa:

In section 28,—

(i) for the words, brackets and letter "and (e)", substitute the brackets and letters and word "(e), (f) and (g)"; and

(ii) omit the words "or some portion".

[Vide Orissa Act 8 of 2002, sec. 6 (w.e.f. 24-5-2002).]

## Pondicherry:

For section 28, substitute the following section, namely:—

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

(a) every document mentioned in clauses (a), (b), (c), (d) and (e) of sub-section (1) and sub-section (2) of section 17, in so far as such document affects immovable property and in clauses (a), (b), (c) and (cc) of section 18 shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole

1. Subs. by Act 33 of 1940, sec. 3, for "and (d)".

2. Subs. by Act 33 of 1940, sec. 3, for "and (c)".

or some portion of the property to which such document relates is situate in the Union Territory of Pondicherry; and

(b) any document registered outside the Union Territory of Pondicherry in contravention of the provisions of clause (a) shall be deemed to be null and void."

[Vide Pondicherry Act 5 of 1999 (w.e.f. 4-5-1999).]

## Uttar Pradesh:

(1)(i) In section 28, omit the words, figures and letters "sub-section (1), clauses (a), (b), (c), (d) and (e), section 17, sub-section (2)".

(ii) For the words "section 18, clauses (a), (b), (c) and (cc)", substitute the words "every document mentioned in section 18, clause (c)".

[Vide Uttar Pradesh Act 19 of 1981, sec. 8 (w.r.e.f. 1-8-1981).]

(2)(i) Omit the words "or some portion".

(ii) Insert the following proviso, namely:—

"Provided that the document of award, exchange, gift, mortgage, partition, settlement and trust insofar as such document affects immovable property shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or major portion or half-portion of the property to which such document relates is situate."

[Vide Uttar Pradesh Act 27 of 1994, sec. 3.]

## COMMENTS

The burden of proving that the property is situate within the jurisdiction in which a document relating thereto registered is on the person relying on such document; *Mohd. Khaja v. Monappa*, AIR 1953 Hyd 280.

29. Place for registering other documents.—(1) Every document <sup>1</sup>[not being a document referred to in section 28 or a copy of a decree or order], may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the <sup>2</sup>[State Government] at which all the persons executing and claiming under the document desire the same to be registered.

(2) A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immovable property, in the office of any the Sub-Registrar under the <sup>2</sup>[State Government] at which all the persons claiming under the decree or order desire the copy to be registered.

30. Registration by Registrars in certain cases.—(1) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

<sup>3</sup>[\*\*\*]

## STATE AMENDMENTS

## Andhra Pradesh:

In section 30,—

(i) in sub-section (1), omit brackets and figure "(1)"; and

(ii) omit sub-section (2).

[Vide Andhra Pradesh Act 13 of 1996, sec. 2 (w.e.f. 15-6-1966).]

1. Subs. by Act 33 of 1940, sec. 3 and Sch. II, for "other than a document referred to in section 28, and a copy of decree or order".
2. Subs. by the A.O. 1950, for "Provincial Government".
3. Sub-section (2) omitted by Act 48 of 2001, sec. 4 (w.e.f. 24-9-2001). Earlier sub-section (2) was amended by Act 45 of 1969, sec. 2(b) (w.e.f. 26-12-1969).