



The Registration (Tamil Nadu Amendments) Act, 2008

Act 2 of 2009

Keyword(s):

Registration

Amendments appended: 36 of 2009, 28 of 2012, 29 of 2012, 24 of 2022, 41 of 2022

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TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 34]

CHENNAI, THURSDAY, FEBRUARY 5, 2009
Thai 23, Thiruvalluvar Aandu-2040

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 29th January 2009 and is hereby published for general information:—

ACT No. 2 OF 2009.

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

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

1. (1) This Act may be called the Registration (Tamil Nadu Amendment) Act, 2008.
- (2) It extends to the whole of the State of Tamil Nadu.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

Short title,
extent and
commence-
ment.

Central Act
XVI of 1908.

2. For section 22-A of the Registration Act, 1908, the following section shall be substituted, namely:—

Substitution of
section 22-A.

“ 22-A. *Refusal to register certain documents* .—Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:—

(1) instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,—

Tamil Nadu Act
35 of 1972.

(i) belonging to the State Government or the local authority or Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971;

Tamil Nadu Act
22 of 1959.

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is applicable;

Tamil Nadu
Act XV of
1958.

(iii) donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958; or

(iv) of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995,

Central Act
43 of 1995.

unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;

(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned:

Provided that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site.

Explanation I.—For the purpose of this section ‘local authority’ means,—

(i) any Municipal Corporation constituted under any law for the time being in force; or

(ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920 ; or

Tamil Nadu Act
V of 1920.

(iii) a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994 ; or

Tamil Nadu Act
21 of 1994.

(iv) any other Municipal Corporation, that may be constituted under any law for the time being in force.

Explanation II.—For the purpose of this section ‘planning authority’ means the authority constituted under section 11 of, and includes the Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971;

Tamil Nadu Act
35 of 1972.

(3) instrument relating to cancellation of sale deeds without the consent of the person claiming under the said sale deed.”.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 295]

CHENNAI, THURSDAY, NOVEMBER 19, 2009
Karthigai 3, Thiruvalluvar Aandu-2040

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 12th November 2009 and is hereby published for general information:—

ACT No. 36 OF 2009

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

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

1. (1) This Act may be called the Registration (Tamil Nadu Amendment) Act, 2009.
- (2) It extends to the whole of the State of Tamil Nadu.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

Short title,
extent and
commence-
ment.

Central Act
XVI of 1908.

2. In section 89 of the Registration Act, 1908, after sub-section (2A), the following sub-section shall be added, namely:—

Amendment to
section 89.

“(2B) The State Government passing an order for effecting or raising an ad-interim attachment of immovable property under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishments) Act, 1997 (Tamil Nadu Act 44 of 1997) shall send a copy of such order together with the memorandum giving the full details of the property to the registering officer within the local limits of whose jurisdiction the whole or any part of the said immovable property is situate and such registering officer shall file the copy of such order in Book No. 1 or get it scanned.”

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 173]

CHENNAI, THURSDAY, JUNE 21, 2012
Aani 7, Thiruvalluvar Aandu-2043

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 20th June 2012 and is hereby published for general information:—

ACT No. 28 OF 2012.

An Act to amend the Registration (Tamil Nadu Amendment) Act, 2008.

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

1. (1) This Act may be called the Registration (Tamil Nadu Amendment) Amendment Act, 2012.

Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu
Act 2 of
2009.

2. In section 1 of the Registration (Tamil Nadu Amendment) Act, 2008, in sub-section (3), after the expression “by notification, appoint”, the expression “and different dates may be appointed for different provisions of this Act” shall be inserted.

Amendment of section 1.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 308]

CHENNAI, FRIDAY, NOVEMBER 2, 2012

Aippasi 17, Thiruvalluvar Aandu-2043

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 24th October 2012 is hereby published for general information:-

ACT No. 29 OF 2012.

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

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

1. (1) This Act may be called the Registration (Tamil Nadu Amendment) Act, 2012.

Short title,
extent and
commence-
ment.

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

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

2. In section 17 of the Registration Act, 1908 (hereinafter referred to as the principal Act),—

Amendment of
section 17.

(1) in sub-section (1), for clause (f), the following clauses shall be substituted, namely:—

“(f) instruments of agreement relating to construction of building as referred to in clause (i) under Article 5 of Schedule I to the Indian Stamp Act, 1899 (Central Act II of 1899);

(g) instruments of agreement relating to sale of immovable property of the value of one hundred rupees and upwards;

(h) instruments of Power of Attorney relating to immovable property other than those executed outside India;

(i) instruments evidencing an agreement relating to the deposit of title deeds:”;

(2) in sub-section (2), the Explanation shall be omitted.

Central Act
XVI of
1908.

Amendment of
section 28.

3. In section 28 of the principal Act,—

(1) in clause (a), for the expression “clauses (a), (b), (c), (d) and (e),” the expression “clauses (a), (b), (c), (d), (e), (f), (g), (h) and (i)” shall be substituted;

(2) to clause (a), as so amended, the following proviso shall be added, namely:—

“Provided that every document mentioned in clause (h) of sub-section (1) of section 17 may also be presented for registration in the office of the Sub-Registrar within whose jurisdiction the principal ordinarily resides;”.

Insertion of
new section
34-B.

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

“34-B. Procedure for Registration of document of Power of Attorney relating to immovable property.—Subject to the provisions of this Act, no document of Power of Attorney relating to immovable property shall be registered, unless passport size photographs and finger prints of the principal, the agent and of the identifying witnesses are affixed to the document and the agent has also signed such document.”.

Amendment of
section 50.

5. In section 50 of the principal Act, in sub-section (1), for the expression “clauses (a), (b), (c) and (d) of section 17”, the expression “clauses (a), (b), (c), (d), (f), (g), (h) and (i) of section 17” shall be substituted.

Insertion of
new section
64-A.

6. After section 64 of the principal Act, the following section shall be inserted, namely:—

“64-A. Procedure where instrument of Power of Attorney presented in office of Sub-Registrar relates to immovable property not situate in sub-district.—Every Sub-Registrar on registering an instrument of Power of Attorney including instrument of revocation or cancellation of such Power of Attorney relating to immovable property not situate in his own sub-district, shall make a copy and send the same together with a copy of the map or plan (if any) mentioned in section 21, to every other Sub-Registrar in whose sub-district the whole or any part of such property is situate and such Sub-Registrar shall file the same in his Book No.1:

Provided that where such instrument relates to immovable property in several districts, shall forward the same to the Sub-Registrars concerned, under intimation to the Registrar of every district in which any part of such property is situate.”.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.



**TAMIL NADU
GOVERNMENT GAZETTE
EXTRAORDINARY** PUBLISHED BY AUTHORITY

No. 288]

CHENNAI, FRIDAY, MAY 20, 2022
Vaikasi 6, Subakiruthu, Thiruvalluvar Aandu-2053

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 7th May 2022 and is hereby published for general information:—

ACT No. 24 OF 2022.

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

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

1. (1) This Act may be called the Registration (Tamil Nadu Amendment) Act, 2021.

Short title,
extent and
commence-
ment.

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

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

Central Act XVI
of 1908.

2. To section 32 of the Registration Act, 1908 (hereinafter referred to as the principal Act), the following proviso shall be added, namely:—

Amendment of
section 32.

“Provided that the State Government may, by notification, specify such documents which may be presented through electronic means.”.

3. For section 32-A of the principal Act, the following sections shall be substituted, namely:—

Substitution of
section 32-A.

“**32-A. Registration by electronic means.**—In cases, where the document is presented for registration by electronic means, the procedure for its presentation, appearance for admission, endorsements, manner of fixing signature and seal, mode of payment of registration fees and other fees and such other process, shall be such as may be prescribed by rules made in this behalf.

32-AA. Compulsory affixing of photograph, etc.— Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and fingerprints to the document:

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and fingerprints of each buyer and seller of such property mentioned in the document shall also be affixed to the document.”.

Amendment of
section 52.

4. In section 52 of the principal Act, in sub-section (1), in clause (a), for the expression “under section 32-A”, the expression “under section 32-AA” shall be substituted.

Amendment of
section 69.

5. In section 69 of the principal Act, in sub-section (1), after clause (gg), the following clause shall be inserted, namely:—

“(ggg) regulating the procedure for presentation of documents, appearance for admission, endorsements, manner of fixing signature and seal, mode of payment of registration fees and other fees and such other process, when the document is presented by electronic means.”.

(By Order of the Governor)

C. GOPI RAVIKUMAR,
*Secretary to Government (Legislation),
Law Department.*



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 428]

CHENNAI, TUESDAY, AUGUST 16, 2022
Aadi 31, Subakiruthu, Thiruvalluvar Aandu-2053

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 6th August 2022 and is hereby published for general information:—

ACT No. 41 OF 2022.

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

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

1. (1) This Act may be called the Registration (Tamil Nadu Second Amendment) Act, 2021.

Short title,
extent and
commencement.

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

(3) It shall come into force at once.

Central Act XVI
of 1908.

2. In section 2 of the Registration Act, 1908 (hereinafter referred to as the principal Act), after clause (5), the following clause shall be inserted, namely:—

Amendment of
section 2.

“(5-A) “forged document” shall have the same meaning assigned to it in section 470 of the Indian Penal Code, 1860;”.

3. After section 22-A of the principal Act, the following section shall be inserted, namely:—

Insertion of new
section 22-B.

“22-B. Refusal to register forged documents and other documents prohibited by law.— Notwithstanding anything contained in this Act, the registering officer shall refuse to register the following documents, namely:—

(1) forged document;

(2) document relating to transaction, which is prohibited by any Central Act or State Act for the time being in force;

(3) document relating to transfer of immovable property by way of sale, gift, lease or otherwise, which is attached permanently or provisionally by a competent authority under any Central Act or State Act for the time being in force or any Court or Tribunal;

(4) any other document as the State Government may, by notification, specify.”

Insertion of new sections 77-A and 77-B.

4. After section 77 of the principal Act, the following sections shall be inserted, namely:—

“77-A. Cancellation of registered documents in certain cases.—

(1) The Registrar, either *suo moto* or on a complaint received from any person, is of the opinion, that registration of a document is made in contravention of section 22-A or section 22-B, shall issue a notice to the executant and all the parties to the document and parties to subsequent documents, if any, and all other persons who, in the opinion of the Registrar, may be affected by the cancellation of the document, to show cause as to why the registration of the document shall not be cancelled. On consideration of reply, if any received therefor, the Registrar may cancel the registration of the document and cause to enter such cancellation in the relevant books and indexes.

(2) The power under sub-section (1) may also be exercised by the Inspector General of Registration.

77-B. Appeal.- (1) Any person aggrieved by an order of the Registrar under sub-section (1) of section 77-A may prefer an appeal to the Inspector General of Registration within thirty days from the date of cancellation of the document and the Inspector General of Registration shall pass an order confirming, modifying or cancelling the order of the Registrar.

(2) In the case of an order passed by the Inspector General of Registration under sub-section (2) of section 77-A, an appeal shall lie to the State Government within thirty days from the date of the order.”

Insertion of new sections 81-A and 81-B.

5. After section 81 of the principal Act, the following sections shall be inserted, namely:—

“81-A. Penalty for registering documents in contravention of sections 22-A and 22-B.—(1) Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with registering the documents presented for registration under this Act, registers documents in contravention of section 22-A or section 22-B, shall be punishable with imprisonment for a term which may be extended to three years, or with fine, or with both.

(2) Nothing contained in this section shall apply in the case of registration of a document made in good faith.

Explanation.— For the purpose of this sub-section, the expression “good faith” means any act believed or done by a person in good faith with due care, caution and sense of responsibility or by mistake of fact believing himself justified by law under section 79 of the Indian Penal Code, 1860.

Central Act XLV of 1860.

81-B. Offences by companies.—(1) Where an offence under this Act has been committed, by a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence, has been committed with the consent or connivance of, or it attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be, liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals, and

(b) “director” in relation to a firm means a partner in the firm.”.

(By order of the Governor)

C. GOPI RAVIKUMAR,
Secretary to Government (Legislation),
Law Department.