

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 28th April 2025 is published together with Statement of Objects and Resasons for general information:-

L.A Bill No. 18 of 2025

**A Bill 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-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration (Tamil Nadu Amendment) Act, 2025.

Short title,
extent and
commencement.

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

(3) It shall come in to force at once.

Central Act XVI of
1908

2. After section 34-B of the Registration Act, 1908, the following section shall be inserted, namely:—

Insertion of new
Section 34-C.

“34-C. Production of Original documents.— Notwithstanding anything contained in any other law for the time being in force, the registering officer before whom a document relating to immovable property is presented for registration shall not register the same, unless the executant produces the previous original document by which the right over the subject property was acquired by him along with the Encumbrance Certificate pertaining to the subject property obtained within ten days before the date of presentation:

Provided that where an encumbrance as to subsisting mortgage, exists over the property, the registering officer shall not register such document unless a No Objection Certificate is obtained from the mortgagee:

Provided further that where an agreement for sale has been executed in respect of the subject property and it has not been performed, the registering authority shall not register such document unless the period of limitation for filing a suit for specific performance of the above agreement has lapsed:

Provided also that where the subject property is ancestral one and the previous original document is not available, the registering officer shall not register such document, unless the patta issued by the Revenue Department in respect of that property is produced:

Provided also that if the previous original document is lost, the registering officer shall not register such document unless non-traceable Certificate issued by the Police department along with the advertisement published in the local Newspaper giving the notice of loss of the previous original document are produced:

Provided also that production of the previous original document shall not be necessary for a document in which the Government or a statutory body is the executant or for such classes of documents as may be notified by the State Government, from time to time.”

STATEMENT OF OBJECTS AND REASONS.

In order to safeguard public from the perils caused due to fraud, forgery and impersonation in the registration of documents relating to immovable properties, rule 55-A has been inserted in the Tamil Nadu Registration Rules, 1949 by invoking section 69 of the Registration Act, 1908 (Central Act XVI of 1908). The said rule 55-A mandates that the original title deed or other records specified therein shall be produced at the time of registration of the documents relating to immovable properties. The limited purpose of the said rule is to ascertain as to whether the person executing the document possess a title over the immovable property to be registered and the said rule is made with an intent to avoid fraudulent transactions.

2. However, the Supreme Court of India, in its Judgement, dated 07.04.2025 has held that the rule making power under section 69 cannot be exercised to make a rule that is inconsistent with the provisions of the 1908 Act and accordingly, the Supreme Court has declared rule 55-A (i) of the said Rules as ultra-vires to the said Central Act XVI of 1908.

3. In the said circumstances, in order to achieve the object behind the said rule 55-A by giving legal sanctity thereto and thereby to protect the interests of the public, who may be affected by fraud, forgery and impersonation in the registration of documents, the Government have decided to incorporate suitable provisions in the said Central Act XVI of 1908 by way of a State amendment.

4. The Bill seeks to give effect to the above decision.

P. MOORTHY,

Minister for Commercial Taxes and Registration.

Secretariat,
Chennai,
28th April 2025.

K. SRINIVASAN,
Principal Secretary.