

THE REGISTRATION (KERALA AMENDMENT) BILL, 2009

(As passed by the Assembly)

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*BILL*

*further to amend the Registration Act, 1908, in its application to the State of Kerala.*

*Preamble.*— WHEREAS, it is expedient further to amend the Registration Act, 1908, in its application to the State of Kerala, for the purposes hereinafter appearing ;

BE it enacted in the Sixty-first Year of the Republic of India as follows :—

1. *Short title and commencement.*— (1) This Act may be called the Registration (Kerala Amendment) Act, 2010.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Amendment of section 17.*— In section 17 of the Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the principal Act),—

(i) in sub-section (1), after clause (e), the following clauses shall be inserted, namely :—

“(f) Instruments purporting or operating to effect a contract for the sale of immovable property of the value of one hundred rupees and upwards ;

(g) Power of attorney creating any power or right of management, administration, development, transfer or any other transaction relating to immovable property of the value of one hundred rupees and upwards other than those executed in favour of father, mother, wife, husband, son, adopted son, daughter, adopted daughter, brother, sister, son-in-law or daughter-in-law of the executant.”;

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

3. *Amendment of section 71.*—In section 71 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) No registering officer shall accept for registration any document involving transfer of property including contract for sale of immovable property belonging to or vested in the Government of Kerala or public sector undertakings operating in the State or local self government institutions unless it is accompanied by a no objection certificate issued by an officer authorised by the State Government in this behalf.”.

4. *Insertion of new sections 83 A and 83 B.*—After section 83 of the principal Act, the following sections shall be inserted, namely :—

“83 A. *Cancellation of registered documents in certain cases.*—(1) If on enquiry by an officer in the Registration Department not below the rank of the Deputy Inspector General of Registration, it is found that some one has falsely personated another, and in such assumed character presented, admitted the execution and got registered any document by a registering officer and the existence of such a document is detrimental to the interest of another person, the same shall be cancelled by the Inspector General of Registration on application made to him in such form as may be prescribed.

(2) If on an enquiry conducted by the District Collector *suo motu* or on the basis of a complaint received by him, it is found that any Government land or land owned by a public sector undertaking, has been transferred on the strength of a document which is got registered without following the procedure prescribed in sub-section (3) of section 71, the District Collector may make recommendation to the Inspector General of Registration to cancel the registration of such document.

(3) On receipt of such recommendation from the District Collector, the Inspector General of Registration shall cancel the registration of such document after following such procedure as may be prescribed.

83 B. *Appeal to Government from orders of the Inspector General of Registration.*—Any person aggrieved by an order of the Inspector General of Registration under section 83A, may prefer an appeal before the Government within thirty days from the date of receipt of such order, and the Government shall pass an order confirming, modifying or cancelling the order of the Inspector General of Registration as they deem fit.”.

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