

Registration (Madhya Pradesh Amendment) Act, 2009**4 of 2010****[14 January 2010]**

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Registration (Madhya Pradesh Amendment) Act, 2009**4 of 2010****[14 January 2010]**

An Act further to amend the Registration Act, 1908 in its application to the State of Madhya Pradesh. Be it enacted by the Madhya Pradesh Legislature in the Sixtieth Year of the Republic of India as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Registration (Madhya Pradesh Amendment) Act, 2009.
- (2) It shall come into force from the date of its publication in the Madhya Pradesh Gazette.

2. Amendment Of Central Act No. 16 Of 1908 In Its Application To The State Of Madhya Pradesh :-

The Registration Act, 1908 (No. 16 of 1908) (hereinafter referred to as the Principal Act), shall in its application to the State of Madhya

Pradesh be amended in the manner hereinafter provided.

3. Amendment Of Section 2 :-

In Section 2 of the Principal Act, after clause (4), the following clause shall be inserted, namely:-

"(4-A) "Electronic from" shall have the same meaning as assigned to it in clause (r) of subsection (1) of Section 2 of the Information Technology Act, 2000 (No: 21 of 2000);".

4. Amendment Of Section 17 :-

In Section 17 of the Principal Act,-

(i) in sub-section ("1), in clause (e), for colon, the semi colon shall be substituted and thereafter the following clauses shall be inserted, namely:--

"(f) . any document which, purports or operates to effect any contract for sale of any immovable property;

(g) power of attorney relating to sale of immovable property in any way.";

(ii) in sub-section (2),-

(a) in clause (v), for (he words, bracket, figure and letter "any document other than the document specified in sub-section (1A)\ the words, brackets, figures and letters "any document other than the documents specified in clause (f) and (g) of sub-section (1) and sub section (IA)" shall be substituted;

(b) the existing explanation shall be omitted.

5. Insertion Of Section 22-A :-

After Section 22 of the Principal Act. the following Section shall be inserted in Part III, namely:-

"22-A.Insertion of Section 22-A.--

Notwithstanding anything contained in this Act or any other law for the time being in force, no Registering Officer shall accept for Registration any document relating to the sale of any immovable property, if the property comprised therein has already been conveyed or permanently alienated by the same person or his representative, assign or agent in favour of any other person by a registered document, unless the previous registered document is cancelled by order of a Court."

6. Amendment Of Section 34 :-

In Section 34 of the Principal Act,-

(i) in sub-section (1),-

(a) for the figures and word "41, 43, 45, 69, 75, 77, 88 and 89", the figures, letters and word "41. 43, 45, 69, 75, 77, 88, 89, 89-A and 89-B" shall be substituted;

(b) in existing proviso, for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

" Provided further that, when such document is presented in electronic form, personal appearance shall not be required.";

(ii) in sub-section (3), in clause (c), for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

"Provided that, when such document is presented in electronic form, the enquiry shall be made in such manner as may be prescribed.";

(iii) in sub-section (4), for the words, bracket and figure "proviso to sub-section (1)", the words, bracket and figure "first proviso to sub-section (1)" shall be substituted.

7. Amendment Of Section 35 :-

In Section 35 of the Principal Act, in sub-section (2), for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

"Provided that when the document is presented in electronic form the procedure laid down by rules prescribed in this behalf shall be followed.".

8. Amendment Of Section 69 :-

In Section 69 of the Principal Act. in sub-section (1), in clause (k), for full stop, the colon shall be substituted and thereafter the following clause shall be inserted, namely:-

"(1) regulating the procedure for presentation of document, appearance for admission, endorsements, manner of fixing signature and seal, mode of payment of Registration Fees and other Fees and any other process when the document is presented "in electronic form.". Non-acceptance of registration of document regarding the property already conveyed by a registered document by the same person.

9. Insertion Of Section 80-B :-

After Section 80-A of the Principal Act, the following Section shall be inserted in Part XIII, namely:-

"80-B. The State Government may, if it is necessary in the public interest so to do, by order published in the official Gazette, reduce or remit, in the whole or part of the Madhya Pradesh, the fees payable in respect of any matter or matters . enunciated in clause (a) to (i) of Section 78, either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

10. Insertion Of Section 82-B :-

After Section 82-A of the Principal Act, the following Section shall be inserted, namely:-

"82-B. Any person who fails to file a notice under Section 89-B before the Registering Officer within the period specified in that Section shall be punished with imprisonment for a term which shall not be less than one year but which may extend upto three years and shall also be liable to fine."

11. Insertion Of Section 89-A To 89-C :-

After Section 89 of the Principal Act, the following Sections shall be inserted in Part XV under the heading "Miscellaneous", namely:-

"89-A. (1) Every Court passing.--

(a) any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or in immovable property in favour of any person, or

(b) an order for interim attachment or attachment of immovable property or for the release of any immovable property from such attachment, shall, in accordance with the rules made in this behalf, send a copy of such decree or order together with a memorandum describing the property as far as may be practicable, in the manner required by Section 21, to the Registering Officer within the local limits of whose jurisdiction the whole or any part of immovable property comprised in such decree or order is situate, and such officer shall file the copy of the memorandum in his Book No. 1:

Provided that where the immovable property is situate within the local limits of the jurisdiction of more than one Registering Officer, the procedure indicated in this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.

(2) Every Officer issuing a sale certificate or a written demand

before the attachment of the immovable property of a defaulter under the provisions of any law relating to revenue recovery for the time being in force including the Revenue Recovery Act, 1890 (No. 1 of 1890) shall-

(a) send a copy of such sale certificate or written demand together with a memorandum describing the property, as far as may be practicable, in accordance with the provisions of Section 21;

(b) where such written demand is withdrawn or attachment of property is lifted or the property is sold and sale is confirmed, send a memorandum indicating that fact and describing that property, as far as may be practicable, in accordance with the provisions of Section 21, to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property which the written demand relates is situate and such Registering Officer shall file a copy of the written demand and the memorandum in his Book No. 1:

Power to reduce or remit fees. Copies of Court decrees, sale certificates by Competent Authority, attachment orders, written demands under Revenue Recovery Act to be sent to Registering Officers and filed in registers. Provided that where the immovable property is situated within the local limits of the jurisdiction of more than one Registering Officer, the procedure specified in clauses (a) and (b) of sub-section (2) shall be followed in respect of the property within the jurisdiction of each of such officers.

89-B. Punishment for failure to file notice under Section 89-B.--

(1) Every person who has mortgaged immovable property by depositing title deeds under clause (f) of Section 58 of the Transfer of Property Act, 1882 (No. 4 of 1882) shall within thirty days from the date of the mortgage, file a notice of intimation of his having so mortgaged the property, giving details of his name and address, and name and address of the mortgagee, date of mortgage, amount received under the mortgage, rate of interest payable list of documents deposited and description of immovable property as detailed in Section 21, before the Registering Officer within the limits of whose jurisdiction the whole or any part of the property is situated and the said officer shall file the same in his Book No. 1:

Provided that if the property so mortgaged falls within the jurisdiction of more than one Registering Officer, the procedure specified in this sub-section shall be followed in respect of the property within the jurisdiction of each such Officers.

(2) If the person who has mortgaged the property as aforesaid fails to file a notice within thirty days as stated in sub-section (1) before

the Registering Officer or Officers, as the case may be, and enters into any transaction in relation to or affecting the immovable property which is the subject matter of the mortgage, with a third party, such a transaction shall be void and the third party shall be entitled to refund of any amount paid by him together with simple interest at the rate of 12 percent per annum from the date of payment and also to compensation of any damages suffered by him, from his transferor.

(3) The amount recoverable by such transferee as specified in subsection (2) shall be a charge on the interest of the mortgagor, in the mortgaged property.

89-C. Power to make rules for filing of true copies of documents and notices referred to in Section 89-A and 89-B.--

(1) The State Government may, by notification in the Official Gazette, make rules for all purposes connected with the filing of copies of documents or notices referred to in Sections 89-A and 89-B, in the appropriate book under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the manner in which notices or true copies of document shall be prepared; and

(b) the manner of filing the notices or true copies.

(3) Every rule made under this Section shall be laid, as soon as may be after it is made, on the table of the Legislative Assembly."

Notice to be sent to Registering Officer by mortgagor after creation of mortgage by depositing title deeds and provision for compensation in favour of subsequent transferee.