

Registration Act, 1908

Section 23A - Re-registration of Certain Documents

¹[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

²Andhra 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."

³Kerala:

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

⁴Tamil Nadu:

After section 23A the following section shall be inserted:--

"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."

1. Inserted by Act 15 of 1917, Section 2.

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

3. Vide Kerala Act 2 of 1959, Section 2 (w.e.f. 1-6-1960).

4. Vide Tamil Nadu Act 17 of 1952, Section 2 (w.e.f. 14-1-1953) as adapted by Tamil Nadu A.L.O., 1954.
