

Registration Act, 1908

Section 89 - Copies of Certain Orders, Certificates and Instruments to Be Sent to Registering Officers and Filed

(1) Every officer granting a loan under the Land Improvement Loans Act, 1883 (19 of 1883), shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1.

(2) Every Court granting a certificate of sale of immovable property under the Code of Civil Procedure, 1908 (5 of 1908), shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such officer shall file the copy in his Book No. 1.

(3) Every officer granting a loan under the Agriculturists' Loans Act, 1884 (12 of 1884), shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies as the case may be, in his Book No. 1.

(4) Every Revenue Officer granting a certificate of sale to the purchaser of immovable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.

STATE AMENDMENTS

1 Andhra Pradesh:

For sub-section (5) of section 89 substitute as under:

"(5) An officer empowered to grant a certificate of sale of immovable property under the Andhra Pradesh Co-operative Societies Act, 1964 or the rules made thereunder shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate; and such registering officer shall file the copy in his Book No. 1.

(6) Every Tribunal issuing a certificate under sub-section (6) of section 38 or subsection (2) of section 38E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, declaring the protected tenant to be the purchaser or owner, as the case may be, of the land, and every Tahsildar issuing certificate sanctioning the exchange under sub-section (2) of section 39 or under section 50B of the Act aforesaid declaring the validity of any alienation or other transfer of agricultural land shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the agricultural land comprised in such certificate is situate; and such registering officer shall file the copy in his Book No. 1."

2 Gujarat:

Same as those of Maharashtra.

3 Kerala:

In section 89,--

(a) omit sub-sections (1) and (3);

(b) after sub-section (4) add the following sub-sections:--

"(5) 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 or of any person, or

(b) an order for attachment of immovable property or for the release of any immovable property from attachment,

shall 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 the immovable property comprised in such decree or order is situate, and such officer shall file the copy of memorandum in his Book No. 1.

(6) Every officer issuing a written demand before the attachment of the immovable property of a defaulter under the Revenue Recovery Act for the time being in force shall--

(a) send a copy of such written demand together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21; and

(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 the manner required by section 21,

to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand relates is situate and such registering officer shall file copy of the written demand and the memorandum in his Book No. 1."

[4](#) [5](#) [Madhya Pradesh:

Mahakoshal.--In its application to the Mahakoshal region of the State of Madhya Pradesh, in section 89,--

(i) after sub-section (4), insert the following sub-section, namely:--

"(5) Every sale officer granting a certificate of sale under section 20 of the Madhya Pradesh Co-operative Land Mortgage Banks Act, 1937 (1 of 1937), or under clause (c) of section 85 of M.P. Co-operative Societies Act, 1960, or the rules made thereunder shall send a copy of such certificate to the registering office within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such registering officer shall file the copy in his Book No. 1."

(ii) after sub-section (5) insert the following, namely:--

"(6) Every consolidation officer passing an order under sub-section (1) of section 22 of the Central Provinces Consolidation of Holdings Act, 1928, shall send a copy of such order to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property referred to in such order is situate and such registering officer shall file the copy in his Book No. 1."

[6](#) [7](#) [8](#) [Maharashtra:

In section 89,--

(i) in sub-sections (1) and (3), for the words and figure "Book No. 1", substitute the word "office".

(ii) after sub-section (4), insert the following sub-sections, namely:--

"(5) Every consolidation officer passing an order,--

- (i) under sub-section (1) of section 29 or sub-section (2) of section 29A of the Bombay Prevention Fragmentation and Consolidation of Holdings Act, 1947, or
- (ii) under sub-section (1) of section 203 of the Madhya Pradesh Land Revenue Code, 1954, or
- (iii) under sub-section (1) of section 31 of the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956,

shall send a copy of such order to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property referred to in such order is situate, and such registering officer shall file the copy in his Book No. 1.

(6) Every sale officer granting a certificate of sale under section 20 of the Central Provinces and Berar Co-operative Land Mortgage Banks Act, 1937, shall send a copy of such certificate to the registering officer within the local limit of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate and such registering officer shall file the copy in his Book No. 1."

Vidarbha.--As the above amendments have now been extended to and shall remain in force in the Vidarbha region of the State of Maharashtra, sub-sections (5) and (6), inserted in section 89 by C.P. and Berar Acts 1 of 1937 and 59 of 1949 and in force immediately before 24-4-1958, have been repealed from that date by Bombay Act 35 of 1958, section 7(1).

(iii) (a) after sub-section (6), add the following new sub-section, namely:--

"(7) The registering officer to whom a memorandum under sub-section (7) of section 18, sub-sections (1A) and (4) of section 22, section 22C and section 28A of the Bombay Public Trusts Act, 1950, or a copy of entry under section 23 of that Act is sent shall file the same in his Book No. 1.";

(b) in the marginal note, after the word "instruments" insert the words "and of certain memoranda".

10 Orissa:

After sub-section (4) of section 89, insert the following sub-section, namely:--

"(5) A copy of every certificate of sale granted under section 20 of the Orissa Co-operative Land Mortgage Banks Act, 1938, shall be sent to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate and such registering officer shall file the copy in his Book No. 1."

11 Rajasthan:

After section 89(4), insert as under:

"(5) Every bank granting a loan to an agriculturist for agricultural purposes shall send within such time and in such manner as may be prescribed, a copy of any instrument whereby immovable property is mortgaged for the purpose of securing repayment of loan, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate and such registering officer shall file the copy in his Book No. 1.

Explanations.--For the purposes of sub-section (5),--

(a) the expression "every bank" shall mean--

- (i) a banking company as defined in the Banking Regulation Act, 1949;
- (ii) the State Bank of India constituted under the State Bank of India Act, 1955;

- (iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959;
- (iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;
- (v) a banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949;
- (vi) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963;
- (vii) Agro-Industries Corporation;
- (viii) Agricultural Finance Corporation Ltd., a company incorporated under the Companies Act, 1956; and
- (ix) any other financial institution notified by the State Government in the Official Gazette as a bank for the purpose of this Act.

(b) the word "agriculturist" shall have the meaning assigned to it in sub-section (3) of section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

[12](#) [\[13](#) [\[14](#) [Tamil Nadu:

After sub-section (4), insert the following sub-section, namely:--

"(5) Every officer granting, a certificate of sale of immovable property under the Madras Co-operative Land Mortgage Banks Act, 1934, or the rules made under the Madras Co-operative Societies Act, 1932, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such registering officer shall file the copy in his Book No. 1."

After sub-section (5), insert as under:

"(6) Every officer in charge of collection of the loans mentioned in subsection (1), or sub-section (3) shall send to the registering officer to whom a copy of the order under sub-section (1), or a copy of instrument or order under subsection (3) has been sent, an intimation of the discharge of such loans. Such intimation shall be in such form as may be prescribed and the registering officer shall file the intimation in his Book No. 1."

After sub-section (6), insert as under:

"(7) Every officer granting any deed or other document purporting to be or to evidence, the grant or assignment by the Government of land or of any interest in land, shall send a copy of such deed or other document to the registering officer within the local limits of whose jurisdiction the whole or any part of the land comprised in such deed or document is situate, and such registering officer shall file the copy in his Book No. 1."

Section 89A

[15](#) Goa:

After section 89, insert as under:

"89A. Power to make rules for filing of true copies of documents.--(1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books 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 true copies of documents shall be prepared; and

(b) the manner of filing and pasting of such copies.

(3) All rules made under this section shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

16 Karnataka:

After section 89, insert as under:

"89A. Power to make rules for filing of copies of documents.--(1) The State Government may make rules for all purposes connected with the preparation or filing of true copies of documents in the appropriate books under this Act.

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

(a) the manner in which true copies of documents shall be prepared; and

(b) the manner of filing of such copies.

(3) All rules made under this section shall be published in the Official Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(5) Nothing in this Part shall apply to any document which is prepared on a printed or lithographed form or which in the opinion of the registering officer, is not in a fit condition to be photocopied.

(6) Notwithstanding anything contained in this Part in the case of document containing a map, plan or trade mark label, if the party presenting the document so desires, the registering officer may accept three copies of such map, plan or trade mark label and where such true copies are accepted the map plan or trade mark label shall not be photocopied and such copies thereof shall be filed in the appropriate file book.

17 Kerala:

After section 89, insert the following section:--

"89A. Power to make rules for filing of true copies of documents.--(1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books 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 true copies of documents shall be prepared; and

(b) the manner of filing such copies.

(3) All rules made under this section shall be published in the Official Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that rule should not be made, the rule thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Note.--For Indian Registration (Filing of True Copies) Rules, 1967, see Kerala Gazette, dated 30th December, 1967 Extra, (w.e.f. 8-1-1968).

18 Orissa:

After section 89, insert the following section:--

"89A. Duty of Collector in proceedings under section 47A of the Indian Stamp Act, 1899.--(1) It shall be the duty of the Collector, if he is satisfied during the proceedings, if any, under section 47A of the Indian Stamp Act, 1899, that the fees for registration paid under this Act in respect of a document is in deficit to determine in the course of such proceedings the deficient amount of fees to send a copy of the order made in the proceedings to the registering officer for the recovery of the said amount from the person liable to pay the deficient amount of stamp duty under the said section; and all amounts recoverable as aforesaid may be recovered as arrears of land revenue.

(2) An order of the Collector under sub-section (1) shall be deemed to be an order made by the Collector under section 47A of the Indian Stamp Act, 1899, and shall be final subject to the decision in appeal, if any, under sub-section (3) of the said section."

19 Pondicherry:

After section 89, insert the following:--

(1)

(2) } Same as in Tamil Nadu.

(3)

(4) Every rule made under this section shall, as soon as possible after it is made, be laid before the Legislative Assembly, Pondicherry, while it is in session for a total period of 14 days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions aforesaid, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

20 Tamil Nadu:

After section 89, insert the following, namely:--

"89A. Power, to make rules for filing copies of documents.--(1) Same as in Kerala.

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

(a) the furnishing of true copies of documents by the person presenting the document for registration;

(b) Same as (a) in Kerala;

(c) Same as (b) in Kerala.

[21](#) 2A. Every Court passing an order for effecting or raising an attachment of immovable property under the Code of Civil Procedure, 1908 (5 of 1908), shall send a copy of such order together with the memorandum giving the 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 his Book No. 1.

(3) Same as in Kerala.

(4) Every rule made under this section shall, as soon as possible, after it is made, be placed on the table of both the Houses of the State Legislature, and if, before the expiry of the session in which it is so placed or the next session, both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Note.--For Indian Registration (Filing of True Copies) Rules, 1967, see Fort St. Geo Gazette, 11-2-1967, Pt. V, Extra., p. 1.

[22](#) West Bengal:

In its application to the State of West Bengal after section 89, section 89A(1) and (2), as inserted, are the same as in Karnataka.

Section 89B

[23](#) Orissa:

In its application to the State of Orissa, after section 89A, insert the following new section, namely,--

"89B. Power of State government to make Rules.--(1) The State Government may, by notification in the Official Gazette, make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

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

(a) the furnishing of true copies of documents by the person presenting the documents for registration;

(b) the manner in which true copies of documents shall be prepared; and

(c) the manner of filing such copies."

[24](#) Tamil Nadu:

After section 89A, insert as under:

"89B. Power to make rules regulating the writing of documents.--The State Government may make rules providing for the grant of licences to document writers, the terms and conditions subject to which and the authority by whom such licences shall be granted, the circumstances under which such licences may be revoked, and generally for all purposes connected with the writing of documents to be presented for registration."

1. Vide Andhra Pradesh Act 38 of 1974, section 2 (w.e.f. 1-11-1974).
2. Vide Act 11 of 1960, section 87, Gujarat A.L.O. 1960.
3. Vide Kerala Act 7 of 1968, section 17 (w.e.f. 22-2-1968).
4. Vide Madhya Pradesh Act 42 of 1965, section 2 (w.e.f. 9-12-1965).
5. Vide C.P. and Berar Act 59 of 1949, section 2 (w.e.f. 23-12-1949).
7. Vide Bombay Act 5 of 1929, section 12 (w.e.f. 22-5-1929) read with Act 35 of 1958, section 2 (w.e.f. 24-4-1958).
8. Vide Bombay Act 35 of 1958, section 7 (w.e.f. 24-4-1958).
9. Vide Maharashtra Act 20 of 1971, section 58 (w.e.f. 15-6-1972).
10. Vide Orissa Act 3 of 1938, section 40 (w.e.f. 18-3-1940).
11. Vide Rajasthan Act 16 of 1976, section 5 (w.e.f. 13-2-1976).
12. Vide Tamil Nadu Act 3 of 1936, section 2 (w.e.f. 21-1-1936).
13. Vide Tamil Nadu Act 31 of 1974, section 2 (w.e.f. 1-10-1974).
14. Vide Tamil Nadu Act 31 of 1982, section 3 (w.e.f. 5-9-1983).
15. Vide Goa Act 24 of 1985, section 14 (w.e.f. 5-12-1985).
16. Vide Karnataka Act 41 of 1984, section 5 (w.e.f. 7-11-1986).
17. Vide Kerala Act 7 of 1968, section 18 (w.e.f. 22-2-1968).
18. Vide Orissa Act 17 of 1966, section 2 (w.e.f. 11-7-1966).
19. Vide Pondicherry Act 17 of 1970, section 7 (w.e.f. 1-11-1970).
20. Vide Tamil Nadu Act 21 of 1986, section 5 (w.e.f. 1-4-1967).
21. Inserted by Tamil Nadu Act 3 of 1987, section 2 (w.e.f. 1-4-1987).
22. Vide West Bengal Act 17 of 1978, section 6 (w.e.f. 1-1-1983).
23. Vide Orissa Act 14 of 1989, section 15 (w.e.f. 19-9-1989).
24. Vide Tamil Nadu Act 26 of 1981, section 2.