

PART V
OF THE PLACE OF REGISTRATION

28. Place for registering documents relating to land.—Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clauses (a), (b), (c) ¹[(d) and (e), section 17, sub-section (2), insofar as such document affects immovable property,] and section 18, clauses (a), (b) ²[(c) and (cc),] shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

STATE AMENDMENTS

Andhra Pradesh:

In section 28, for the expression "clauses (a), (b), (c), (d) and (e) of section 17, sub-section 2", substitute the expression "clauses (a), (b), (c), (d), (e), (f) and (g) of section 17, sub-section (2)", and for expression "clauses (a), (b), (c) and (cc)", substitute the expression "clauses (a), (b) and (cc)".

[Vide Andhra Pradesh Act 4 of 1999, sec. 5 (w.e.f. 1-4-1999).]

Bihar:

For section 28, substitute the following section, namely:—

"28. Place for registering documents relating to land.—Save as in this part otherwise provided every document mentioned in clauses (a), (b), (c), (d) and (e) of sub-section (1) and sub-section (2) of section 17 insofar as such documents affect immovable property and in clauses (a), (b), (c) and (cc) of section 18 shall be presented for registration in the office of the Sub-Registrar within whose sub-district or district the whole of the property to which such document relates is situated in the State of Bihar."

[Vide Bihar Act 6 of 1991, sec. 3 (w.e.f. 8-8-1991).]

Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87; Gujarat A.L.O., 1960 (w.e.f. 1-7-1961).]

Maharashtra:

(i) In section 28 for the letters, brackets and word "(b) and (c)", substitute the brackets, letters and word "(b), (c), (cc) and (ee)".

[Vide Bombay Acts 14 of 1939, sec. 4; 14 of 1947, read with 35 of 1958, sec. 2 (w.e.f. 28-4-1958) and 6 of 1960, sec. 43 (w.e.f. 1-1-1961).]

(ii) For brackets, letters, word and figure "(ee) and (eee)", substitute brackets, letters and words "and (ee)".

[Vide Maharashtra Act 20 of 1971, sec. 58 (w.e.f. 15-6-1972).]

Orissa:

In section 28,—

(i) for the words, brackets and letter "and (e)", substitute the brackets and letters and word "(e), (f) and (g)"; and

(ii) omit the words "or some portion".

[Vide Orissa Act 8 of 2002, sec. 6 (w.e.f. 24-5-2002).]

Pondicherry:

For section 28, substitute the following section, namely:—

"28. Place for registering documents relating to land.—Save as in this Part otherwise provided,—

(a) every document mentioned in clauses (a), (b), (c), (d) and (e) of sub-section (1) and sub-section (2) of section 17, in so far as such document affects immovable property and in clauses (a), (b), (c) and (cc) of section 18 shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole

1. Subs. by Act 33 of 1940, sec. 3, for "and (d)".

2. Subs. by Act 33 of 1940, sec. 3, for "and (c)".

- or some portion of the property to which such document relates is situate in the Union Territory of Pondicherry; and
- (b) any document registered outside the Union Territory of Pondicherry in contravention of the provisions of clause (a) shall be deemed to be null and void."

[Vide Pondicherry Act 5 of 1999 (w.e.f. 4-5-1999).]

Uttar Pradesh:

- (1)(i) In section 28, omit the words, figures and letters "sub-section (1), clauses (a), (b), (c), (d) and (e), section 17, sub-section (2)".
- (ii) For the words "section 18, clauses (a), (b), (c) and (cc)", substitute the words "every document mentioned in section 18, clause (c)".

[Vide Uttar Pradesh Act 19 of 1981, sec. 8 (w.r.e.f. 1-8-1981).]

- (2)(i) Omit the words "or some portion".
- (ii) Insert the following proviso, namely:—
 "Provided that the document of award, exchange, gift, mortgage, partition, settlement and trust insofar as such document affects immovable property shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or major portion or half-portion of the property to which such document relates is situate."

[Vide Uttar Pradesh Act 27 of 1994, sec. 3.]

COMMENTS

The burden of proving that the property is situate within the jurisdiction in which a document relating thereto registered is on the person relying on such document; *Mohd. Khaja v. Monappa*, AIR 1953 Hyd 280.

29. Place for registering other documents.—(1) Every document ¹[not being a document referred to in section 28 or a copy of a decree or order], may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the ²[State Government] at which all the persons executing and claiming under the document desire the same to be registered.

(2) A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immovable property, in the office of any the Sub-Registrar under the ²[State Government] at which all the persons claiming under the decree or order desire the copy to be registered.

30. Registration by Registrars in certain cases.—(1) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

³[***]

STATE AMENDMENTS

Andhra Pradesh:

In section 30,—

- (i) in sub-section (1), omit brackets and figure "(1)"; and
- (ii) omit sub-section (2).

[Vide Andhra Pradesh Act 13 of 1996, sec. 2 (w.e.f. 15-6-1966).]

1. Subs. by Act 33 of 1940, sec. 3 and Sch. II, for "other than a document referred to in section 28, and a copy of decree or order".
2. Subs. by the A.O. 1950, for "Provincial Government".
3. Sub-section (2) omitted by Act 48 of 2001, sec. 4 (w.e.f. 24-9-2001). Earlier sub-section (2) was amended by Act 45 of 1969, sec. 2(b) (w.e.f. 26-12-1969).

Bihar:

In section 30, omit sub-section (2).

[Vide Bihar Act 6 of 1991, sec. 4 (w.e.f. 8-8-1991).]

Gujarat:

In section 30—

(1) in sub-section (1), omit the brackets and figure "(1)";

(2) omit sub-section (2).

[Vide Gujarat Act 18 of 1990, sec. 2.]

Haryana:

In section 30, omit sub-section (2).

[Vide Haryana Act 4 of 1997, sec. 2 (w.e.f. 12-3-1997).]

Madhya Pradesh:

In section 30, omit sub-section (2).

[Vide Madhya Pradesh Act 1 of 1993, sec. 2 (w.e.f. 15-7-1993).]

Orissa:

In section 30, omit sub-section (2).

[Vide Orissa Act 19 of 1991, sec. 2.]

Rajasthan:

In section 30,—

(i) in sub-section (1), omit brackets and figure "(1)"; and

(ii) omit sub-section (2).

[Vide Rajasthan Act 18 of 1989, sec. 4 (w.e.f. 18-9-1989).]

Uttar Pradesh:

In section 30, omit sub-section (2).

[Vide Uttar Pradesh Act 27 of 1994, sec. 4.]

West Bengal:

(1) In section 30, omit sub-section (2).

[Vide West Bengal Act 17 of 1996, sec. 3.]

Section 30A and 30B

(2) After section 30, insert the following section, namely:—

"30A. *Registration by Registrar of Assurances, Calcutta.*—Notwithstanding anything contained elsewhere in the Act, the Registrar of Assurances, Calcutta, may receive and register any document referred to in section 28 without regard to the situation in any part of West Bengal of the property to which the document relates."

[Vide West Bengal Act 22 of 1997, sec. 3.]

(3) After section 30A, insert the following section, namely:—

"30B. *Special power of registration in certain cases by Registrar of Assurances, Calcutta.*—Notwithstanding anything contained elsewhere in this Act, the Registrar of Assurances, Calcutta, may without regard to the situation in any part of India outside the State of West Bengal of the property to which a document relates, receive and register the document where such document is in the nature of—

(a) a mortgage bond executed by an employee of a Government, a statutory body or a local authority in favour of such Government, statutory body or local authority as security for advances taken by such employee for house-building purposes; or

(b) a reconveyance executed by a Government, a statutory body or a local authority in favour of employee of such Government, statutory body or local authority on repayment of the advances taken by such employee for house-building purposes."

[Vide West Bengal Act 15 of 1998, sec. 3 (w.e.f. 1-4-1998).]

31. Registration or acceptance for deposit at private residence.—In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorised to accept the same for registration or deposit:

Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.