

*THE TRANSFER OF REGISTRY RULES, 1966

In supersession of the rules laid down in the Travancore & Cochin Land Revenue Manuals the Madras B. S. O. No. 31 and the unified rules issued by the Travancore-Cochin Government in their Notification R. Dis. No. 7449/52/Rd. dt. 17/09/1953 relating to the transfer of revenue registry, the Government of Kerala hereby issue the following unified rules for the Transfer of Registry.

1. (a) These rules may be called the Transfer of Registry Rules, 1966.

(b) They shall come into force at once.**

¹[1A. In these Rules, the term "Tahsildar" shall include the Headquarters Deputy Tahsildar of the Taluk and the Deputy Tahsildar in charge of a sub-taluk.]

2. Transfer of Revenue Registry takes place either—

(1) by voluntary action of the owners.

(2) by virtue of decrees of Civil Courts or by Revenue sales, or

(3) by succession.

3. For effecting the transfer of registry, the following procedure shall be followed:—

(a) **Voluntary transfer of title.**— (i) In all cases of absolute transfer of title over a land, by sale, partition, gift, agreement etc., the party or parties thereof shall record in the application in Form I appended to these rules, their consent for the transfer of registry of the survey numbers involved in the transfer. A true copy of the document by which the transfer is proposed to be effected, shall be furnished on the reverse of the form. In the case of lengthy documents additional sheets on plain paper may be used in continuation of the form. This application shall be presented to the Registering Officer along with the document to be registered.

(ii) The copy of the document furnished on the reverse of the application form shall be compared with the original document in the Registry Office and certified as true copy by the Registering Officer.

(iii) After the admission of the document for registration, the Registering Officer shall obtain the signature of the transferor and the transferee, (or their agents or representatives) who agree to the transfer of registry on the application form enter necessary particulars in the space provided and attest them by affixing his signature. Whenever any party does not appear for admission of execution, the fact shall be so recorded on this form.

Note.— Form of application (Form I) can be had from the Registry Office at 15 ps. each.

(iv) A register in Form II shall be maintained in the Registry Office in which the details of applications received for transfer of registry shall be entered giving them consecutive numbers for each calendar year.

²[(v) The application for Transfer of Registry with copies of the connected documents

* Published under Notification No. G. O. (P) 490/66/Rev. dt. 14/09/1966 in K. G. No. 40 dt. 11/10/1966 P. I.

** Date of commencement: 01/10/1967, published as per Notification G.O. (P) No. 158/67/RD. dt. 20/04/1967 in K. G. No. 17 dt. 02/05/1967.

1. Inserted by Notification No. G. O. Rt. 1244/68/Rev. dt. 04/10/1968, published in K. G. No. 43 dt. 24/12/1968 P. I.

2. Substituted by Notification No. G. O. (P) 806/84/RD. dt. 10/08/1984. Prior to the substitution it read as:

"(v) The application for transfer of registry received in a month together with copies of the connected documents shall be forwarded by the Registering Officer to the Tahsildar concerned within seven days after the expiry of the month, with an intimation in Form No. III. The receipt of the application etc., shall be acknowledged by the Tahsildar in the space provided therefor in Form III and the portion of the form containing the acknowledgement shall be returned within 7 days of its receipt to the issuing office, where it shall be duly filed."

shall be given to the applicant by the Registering Officer immediately after registration of the document, so that the applicant may move the Village Officer to effect the transfer of registry. The receipt of the application on presentation by the party shall be acknowledged by the Village Officer indicating the serial number of the application year-wise. ³[A fee of Rs.10 shall be levied from the applicant in each case of transfer of registry on proper receipt].]

- ⁴[(vi) The Registering Officer shall see that the application for transfer of registry are forwarded to the Tahsildar/Village Officer in a complete form. In the villages notified from time to time under the National Land Records Modernisation Programme, the application in Form 1B appended to this Rules should be forwarded online wherever possible for effecting transfer of registry.]
- (vii) When the property involved in a transaction is situated in more than one village, as many copies of documents as there are such villages shall be obtained from the parties along with the applications for transfer of registry ⁵[x x x].
- ⁶[(viii) The application for Transfer of Registry where lands are to be described by reference to Government map or survey according to Rule 25 of the Registration Rules (Kerala) received together with copies of the connected documents shall be forwarded by the Registering Officer to the Village Officer concerned fortnightly with an intimation in Form No. IIIA. The receipt of the application shall be acknowledged by the Village Officer in Form No. IIIA within 7 days of the receipt.]
- (b) **Transfers by decrees of Civil Courts or Revenue sales.**— (i) In respect of decrees or orders of Civil Courts which create any proprietary right over immovable property to the decree holder or revenue sales, when registered under the Registration Act, the Registering Officer shall follow the procedure laid down in Rule 3(a).
- (ii) Certificates filed under Section 89 of the Indian Registration Act, 1908 relating to immovable property whereby the ownership of such property is conveyed or an absolute right over the property is created, shall be prepared in the Registry Office and forwarded to the Revenue authorities concerned for effecting transfer of registry with an explanatory note, after making necessary entries in the Register in Form No. II.
- (c) **Transfers due to succession.**— It shall be the duty of the Village Officer, whenever a pattadar dies, to report the fact to the Tahsildar with the names of the legal heirs so far as can be ascertained. A statement of cases of transfer in which neither party has applied to nor has any application, copy of document etc., been received by the Tahsildar shall also be submitted by the Village Officer to the Tahsildar. When these cases are reported to the Tahsildar, necessary entries shall be made in the register in Form VIA as stated in Rule 7(2) and on receipt back from the Tahsildar they shall be entered in Register No. VIB and the entry in Register VIA closed.

Case Law

National Land Records Modernisation Programme: Stipulation that assignor to obtain an extract of Record of Right from village concerned: Compliance of: Parties cannot be compelled to obtain Record of Right as a pre-condition for registration. For proper implementation of the Programme, Registration Rules have to be amended. *Synudheen v. State of Kerala* — 2013 (1) KHC 437 : 2013 (1) KLT 221 : 2013 (1) KLJ 453.

⁷[4. It is open to any party desiring transfer of registry in cases without sub-division or in

3. Added by Notification No. G. O. (P) 610/91/RD. dt. 29/10/1991.
4. Substitution by Notification No. G. O. (Ms) 227/2011/RD. dt. 16/06/2011 published in K.G. Ext. No. 1227 dt.22/06/2011.
5. Words "and shall be forwarded to the concerned Tahsildars" Omitted by Notification No. G. O. (P) 806/84/RD. dt. 10/08/1984.
6. Added by Notification No. G. O. (Ms.) 200/95/RD. dt. 30/03/1995.
7. Substituted by Notification No. G. O. (Ms.) 19/92/RD. dt. 17/01/1992. Prior to the substitution it read as:
 "4. It is open to any party desiring transfer of Registry under any of the categories mentioned in Rule 3 to apply in writing in Form IA to the Tahsildar or the Revenue Inspector concerned with copies of the documents if any."

any case arising out of succession, which is uncontested, to apply in writing in Form 1A to the Village Officer with attested copies of relevant documents. All other applications for transfer of registry shall be submitted in writing in Form 1A to the Tahsildar with attested copies of relevant documents.]

⁸[5. The T.R. applications received from the Sub Registry office as per Rule 3(a)(viii) above shall be registered in Form VI(C) and Transfer of Registry effected by the Village Officer within 15 days, complying with the rules existing from time to time.

(b) The Village Officer shall communicate the party concerned within the one month, if the T.R. cannot be effected.]

6. The transfer of registry cases shall bear consecutive serial number for each calendar year.

7. ⁹[(1) The Villager Officer shall prepare statement in Form 'A' and forward to the concerned Tahsildar within 15 days of the receipt of application.]

(2) (i) A record of the reports sent to the Tahsildar under Rule 3(c) shall be maintained in the Village in Form VIA. The Transfer of registry cases received for report will be entered in a register in Form VIB. The cases shall be registered in the order of their date of receipt and 'A' form statements prepared in the serial order by the Village Officer. The pending cases at the end of a financial year shall be carried over to the new register. The Revenue Inspector shall check the entries in the new registers and furnish the following certificate on the first page of the first Vol. of the new Register:—

"Certified that all cases in the registers for the previous years pending on 31st March have been brought over to his register".

Signature

Revenue Inspector, Frika

(ii) The Village Officer furnishing the required details shall also certify in the statement in Form 'A' whether the lands involved therein are owned by Scheduled Castes or Scheduled Tribes and whether the transfer of registry is in favour of the same community. It shall also be ascertained and reported whether there is any prohibition in the original document against alienation of the property by the transferor or his predecessor in interest. Village Officers should certify in Form 'A' Statement to the effect that the property is not pledged as security for loans etc., and it has not been attached by Government.

(iii) If the transfer of registry in respect of the case cannot be effected owing to the restriction on alienation laid down in any of the enactments, the fact should be reported and in that case the statement in Form 'A' need not be furnished.

(iv) When the case regarding transfer of registry involves sub-division of the property an entry to that effect shall be made in the column provided for the purpose in Form 'A' and a plotted sketch in triplicate showing the position and the area of sub-division together with sub-division statements in triplicate shall be forwarded along with statement in Form 'A'. For this purpose, the Village Assistant shall measure the new sub-division boundary according to its alignment as seen on the ground, after issue of intimation to the parties. The signature of all the parties involved in the sub-division case in token of their approval of the extent and boundaries of the new sub-division shall as far as possible, be obtained in the sketch and the sub-division statement.

If it is not possible to prepare a plotted sketch on account of the non-availability of proper survey data relating to that field, a location sketch giving the length of the boundary lines of the plot

8. Substituted by Notification No. G. O. (Ms.) 200/95/RD. dt. 30/03/1995. Prior to the substitution it read as:
"5. On receipt of application under Rule 3(a)(v) the Village Officer shall enter them in the Register for Transfer of Registry cases maintained in Form V."

9. Substituted by Notification No. G. O. (P) 806/84/RD. dt. 10/08/1984. Prior to the substitution it read as:
"(1) The Tahsildar shall forward the cases within 15 days to the concerned Villager Officer for preparing the statement in Form 'A'."

