



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE S. SIRI JAGAN

THURSDAY, THE 12TH DAY OF JULY 2012/21ST ASHADHA 1934

WP(C) No. 18650 of 2007 (T)

18782

PETITIONER(S):

P.R. MURALEEDHARAN, AGED 57 YEARS,
S/O. RATNASWAMY, PADMA HOUSE, PEERUMEDU P.O.
IDUKKI DISTRICT.

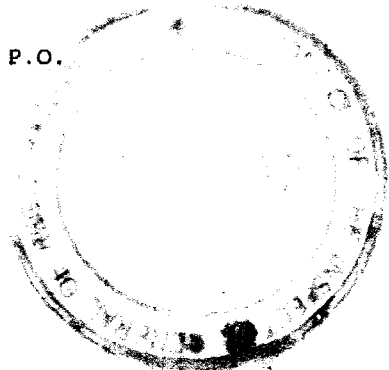
BY ADVS. SRI. T. A. UNNIKRISHNAN
SRI. P. P. BIJU

RESPONDENT(S):

1. THE INSPECTOR GENERAL OF REGISTRATION,
GOVERNMENT OF KERALA, TRIVANDRUM.
2. THE GOVERNMENT OF KERALA,
REP. BY SECRETARY, REGISTRATION DEPARTMENT
TRIVANDRUM.

BY ADV. GOVERNMENT PLEADER SRI. T. R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-07-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



ATTN

R.R. Seat 8 of I/L of Registration
TRV

[Signature]
22/7/12
Secretary, Registration Dept
of A.G. Ernak

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RR4-15102/07

രജിസ്ട്രേഷൻ ഉപതലവൻ ജനറൽ രാമദാസ്
നിന്ദവന അപേക്ഷ. തീയതി. 29.9.2012.

ഭരണ കോടതി വിധിയുടെ പകർപ്പ് അറിയിപ്പിലേക്കും മറ്റേ നിയമസഭയിലേക്കും
പകർപ്പ് ലഭിച്ചു. അനുകൂലമായി പ്രവർത്തിക്കുന്നു.

മറ്റേ രജിസ്ട്രേഷൻ ഉപതലവൻ വി.ന. രാമദാസ്. രജിസ്ട്രേഷൻ ഉപതലവൻ ജനറലിനോട്.

S.SIRI JAGAN,J.

W.P.(C) No. 18650 OF 2007

Dated this the 12th day of July, 2012.

J U D G M E N T

The petitioner is a scribe. He is aggrieved by Rule 30A introduced in the Registration Rules (Kerala) by amendment. According to him that rule stipulates that in the case of sale deeds, the seller of the property should himself personally appear before the Registering Officer for registration of the document. According to the petitioner, Sections 32 and 33 of the Registration Act authorises execution of sale deeds through Powers of Attorney and therefore insistence of the personal appearance of the seller is clearly against the provisions of the Registration Act. The petitioner also submits that the rule is opposed to the provisions of the Registration Act. The petitioner seeks the following reliefs.

"i) declare that the Rule 30(A) introduced in the Registration Rules (Kerala) by way of amendment is null and void.

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ii) issue a writ of mandamus or such other writ order or direction, directing the respondents and Sub Registrars under them not to insist the personal presence of the buyer or seller, at the time of presenting a document for registration and allow the power of attorney's of seller and buyer to do all the acts needful for presentation of a document for registration."

2. A counter affidavit has been filed by the first respondent wherein it is categorically stated that personal appearance of seller of the property is not insisted upon in cases where sale deed is executed by the duly authorised Power of Attorney and that insistence is only for affixure of photographs and thump impressions of the buyers and sellers of the sale deeds, apart from that of the Power of Attorney, if any, who presents the document for registration. It is submitted that this rule has been framed for implementation of the new Section 32A inserted in the Registration Act by the Registration and Other Related Laws (Amendment) Act 2001.

4. I have considered the rival contentions in detail.

5. Rule 30A reads thus.

"30 A (i) The Registering Officer shall not accept any document for registration unless it is affixed with the passport size photograph and impression/impressions of the left thumb or any of the fingers in the absence of left thumb of every person presenting the document at the



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proper registration office, under section 32.

(ii) A document relating to the transfer of ownership of immovable property shall not be accepted for registration unless the Passport size photograph/photographs and impression/impressions of the left thumb or any of the fingers in the absence of left thumb, of each buyer and seller of such property mentioned in the document are affixed in the document.

(iii) Every Passport size photograph and the impression/impressions of the left thumb or any of the fingers in the absence of left thumb, shall be affixed at the top of the first page and on documents bearing stamp prints immediately below the stamp print on the first page leaving sufficient space for affixing seal of the Registering Officer either at the left or the right bottom corner of the photograph and the space around it.

Provided that, this rule shall not apply to documents executed on behalf of or in favour of the Government (State or Central), Constitutional Authorities, Statutory Bodies, Local Bodies, Bodies Corporate, Public Sector Companies, Public Sector Undertakings, Registered Co-operative Societies and also to Government Officers and public functionaries exempted under section 88(1) of the Act, when they are acting in their official capacity"

This rule has been inserted in view of Section 32A of the Registration Act which reads thus.

"Every person presenting any document at the proper registration office under Section 32 shall affix his passport size photograph and finger prints to the documents:

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and finger prints of each buyer and seller of such property mentioned in the document shall also be affixed to the document."

6. I am not satisfied that, rule 30A suffers from any of the

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vices pointed out by the petitioner. In fact, the new rule has been inserted for the protection of bonafide sellers and purchasers in view of large scale bogus transactions of land being presented for registration in this state. As such, it is a necessity of the times. Therefore, I do not find any merit in the contention of the petitioner that the rule is ultra vires the Registration Act. Therefore, there is no merit in this writ petition. Accordingly this writ petition is dismissed.

sd/-

**S. SIRI JAGAN
JUDGE**

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APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1-TRUE COPY OF THE NOTIFICATION NO.RR 4-5448/2003 DATED 4.5.2007
ISSUED BY THE 1ST RESPONDENT.

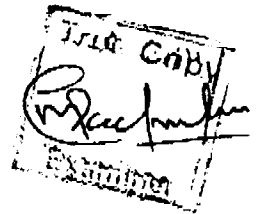
EXT.P2-TRUE COPY OF THE CIRCULAR NO.RR4/5448/2003 DATED 9.5.2007 .
PUBLISHED IN ALL SUB REGISTRAR OFFICES.

RESPONDENT'S EXHIBITS :NIL.

TRUE COPY

P.A. TO JUDGE

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