Registration Department

From

The Inspector General of Registration
O/o the Inspector General of Registration,
100, Santhome High Road,
Chennai – 28.

To

1.All Deputy Inspector Generals of Registration
2.All District Registrars (Admin & Audit),
3.All Sub Registrars.

Letter No.11672/C2/2020 Dated:11.05.2020

Sir/Madam,

Sub: Registration Department – Undivided share of land - Completion Certificate for the building obtained – Super built up area to be registered along with UDS – Issue of clarification - Reg

Ref: 1.The President,CREDAI,Chennai representation Dated:10.03.2020
2. Chief Secretary to the Government, Letter No.3202/J2/2020-1 Dated:18.03.2020

With reference to the above subject, the letter of instructions issued as in the reference 2nd cited which is self-explanatory is circulated for information and further action.

As per the above instructions, the followings points are to be scrupulously followed:

1. If a document is presented for registration of (first) sale of undivided share of land only, the Registering officers are hereby instructed not to demand or insist for inclusion of building in the subject matter of sale document for the sole reason that **completion certificate** has been issued by the competent authority to the project.

2. However, it is also instructed that there is no impediment to register separate construction agreement as envisaged in circular No.16345/C2/2013 dated 28.10.2013.
3. All instructions contained in letter 2nd cited should be followed scrupulously in true spirit without giving any room for complaints.
4. All DIGs are requested to send their acknowledgement immediately to IGR and DIGs shall obtain and file acknowledgment from the District Registrars and Sub Registrars.

Sd/- 11.5.2020

Inspector General of Registration.

/By order/

Additional Inspector General
of Registration (Stamps & Regn.)

11/5/2020

Copy to:
1. The Chief Secretary to Government,
   Government of Tamil Nadu,
   Secretariat,
   Chennai-9.
2. The Chairman,
   CREDAI TAMIL NADU,
   GF3, Century Plaza,
   526, Anna Salai, Teynampet,
   Chennai – 18.

Commercial Taxes and
Registration Department,
Secretariat, Chennai - 9.

Letter No.3202/J2/2020-1, dated 18.03.2020

011672

From
Thiru. K. Shanmugam, I.A.S.,
Chief Secretary to Government.

To
The Inspector General of Registration,
Chennai-28. (w.e)

Madam,

Sub: Registration Department - Undivided share of land - Completion certificate for the building obtained - Super built up area to be registered along with UDS - Issue of Clarification - Regarding.

Ref: From the President, CREDAI, Chennai representation dated 10.03.2019.

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I am directed to enclose a copy of the reference cited, wherein Tvl. CREDAI, Chennai have represented the Government to issue direction to all the District Registrars, Sub-Registrars concerned not to insist upon the registering of the built up area (apartment) along with the UDS of land, where the Completion Certificate has been obtained the gist of which is as follows:-

(i) In respect of development of large building / Apartment complex, the proposed Allottee who envisages to acquire the apartment enters into an Agreement for sale of UDS of land with the title holder (vendor) of the land and a separate Construction Agreement with the Developer / Builder / Contractor for construction of Apartment. Both these Agreements are registered as per relevant provisions of law. The UDS of land conveyed by the title holder who is not having any right or interest over the built up area constructed

(ii) For the building where the completion Certificates have been obtained, the Sub-Registrars are insisting that the Conveyance Deed / Sale deed for UDS in land should also include the sale of built up area. The Completion Certificate has nothing to do with the title of land. It is settled law that what is conveyed only should be taken into account for registration purpose by citing the judgments delivered in the Division Bench of Madras High Court.

(iii) The Construction Agreement is also being registered under the provisions of law with a stamp and registration fee of 2% on the Agreement Value

(iv) The insistence of Sub-Registrar to register the built-up area along with the UDS of land causes great hardship, mental agony besides making the Allottees to incur huge and unnecessary expenses for the registration of the built up area which is not approved by law.

2. In this connection, I am to state that none of the provisions in the Indian Stamp Act, 1899 or the Registration Act, 1908 mandates the registering officers to insist for inclusion of the building in the document. Further, it is suffice that Stamp duty is collected on the property that is conveyed through the document and the registering officers need not go beyond the scope of the document.

3. I am, therefore, directed to request you to issue necessary clarification to the all District Registrars and Sub-Registrars on the above lines and send a compliance report to Government at once.

Yours faithfully,

18/3/2020

for Chief Secretary to Government

18/3/2020