

Office of the Inspector General of Registration,
Chennai-28.

Circular

R.C.No.7154/C1/2015, dated 30.1.2019

Sub: Registration of Power of Attorney –Registration of further documents using the Power of Attorney - certain clarifications–Regarding.

- Ref:**
1. Inspector General of Registration Letter No. 42938/C1/2009 dated 18.12.2009.
 2. Tamil Nadu Amendment Act No.29 of 2012 implemented with effect from 1.12.2012.
 3. Inspector General of Registration Letter No. 7542/C1/2016 dated 25.2.2016.

Vide reference 1st cited, certain clarifications were issued, with respect to registration of Power of Attorney as well as further registration of documents using the Power of Attorney.

Vide reference 2nd cited, the registration of Power of Attorney involving immovable property has been made compulsory. After passing of this Act, certain doubts were raised by the Registering Officers and to clarify the doubts, the following clarifications are issued.

Vide reference 3rd cited certain clarifications with respect to Special Power of Attorney has been issued.

It has come to notice that still certain doubts persist among registering officers regarding matters relating to registration of Power of attorney. Hence following clarifications are issued.

Sl.No.	Doubt	Clarification
1	Whether the registration of Power of Attorney is compulsory?	If one or more individual is/are granting Power of Attorney relating to immovable property (other than those executed outside India) to one or more persons, then the registration becomes compulsory on or after 1.12.2012, as provided in Tamil Nadu Act 29 of 2012. If the Power of Attorney granted is in respect of movable property then the registration is optional. Similarly if the Power of Attorney has been granted in respect of immovable property before 1.12.2012 then the registration is also optional.
2	Whether an unregistered deed of Power of Attorney relating to immovable property executed outside India can be accepted for registration of further documents?	Sec 17(1) (h) of the Registration Act, 1908, mandates compulsory registration of "instruments of Power of Attorney relating to immovable property <u>other than those executed outside India</u> " Thus, any Power of Attorney relating to immovable property executed outside India does not require compulsory registration. Consequently further document presented (based on such unregistered Power of Attorney executed outside India) can be accepted for registration.
3	Whether the General Power of Attorney deed relating to immovable property	Though the amended Section 28 (a) of the Registration Act stipulates that "Power of Attorney shall be presented

