GOVERNMENT OF TAMIL NADU
REGISTRATION DEPARTMENT

O/o. Inspector General of Registration
Chennai 600 028

Circular No. 40791/C1/2004 dated 3-11-2004

Sub: Certified Copy – Issue of certified copy of Power of Attorney involving immovable property – clarifications issued – Reg.

It has been brought to the notice that certified copy of Power of Attorney involving immovable property is not issued by the registering officer even on request from buyers or subsequent buyers of that immovable property. The buyers of the immovable property are also finding it difficult in getting title changed in revenue records, because the revenue authorities insist on production of link document, i.e., the power of attorney. It has also been brought to the notice that the certified copy of power of attorney involving immovable property is not being made available to the prospective buyers.

This issue was examined in detail. The Power of Attorney is registered in Book IV. Sub-section (3) of Section 57 of the Registration Act restricts the issue of certified copies only to the executants or claimants in that Power of Attorney or to their agents/representatives. When the attorney executes a sale deed in favour of a buyer, all the rights relating to that immovable property are conveyed through the sale deed, which also includes authorization to get any record from any office for effecting change in title. Therefore, any buyer will definitely qualify to be an agent for the purpose of this section i.e., Section 57(3) of the Registration Act. It is also felt essential that the prospective buyer should ensure that the Power of Attorney, is a genuine one and in force. With an authorization, either from the Principal or Attorney, he is entitled to get a copy of the Power of Attorney.

Accordingly, the following clarifications are issued:

1. Before execution of any sale deed by a "power of attorney" holder, a certified copy can be issued to the prospective buyer, provided such prospective buyer obtains authorization from the

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power of attorney holder or the principal to that effect. The registering officers are requested to advise such prospective buyers on these lines.

2. After registration of a conveyance deed, any buyer or subsequent buyer will be entitled to get a certified copy of that power of attorney as per the right transferred to him through the conveyance deed. The registering officers should ensure that the certified copy is issued to the subsequent buyers only after proper identification. In case of death of the buyer or subsequent buyers, his/her legal heirs will be entitled to get the certified copy of the power of attorney.

The District Registrars are requested to acknowledge receipt of this circular to the respective Deputy Inspectors General of Registration and communicate this circular to all the Sub Registrars in their district under proper acknowledgment. The Deputy Inspectors General of Registration are requested to acknowledge receipt of this circular to this office.

/ by order /

for Inspector General of Registration

To

All Sub Registrars (thro' DRs)
All District Registrars/
Deputy Inspectors General of Registration

Copy to : All officers & Superintendents
O/o. Inspector General of Registration

Registration Bulletin
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