



**COMMERCIAL TAXES AND
REGISTRATION DEPARTMENT**

**DEMAND NO.11
STAMPS AND REGISTRATION**

**POLICY NOTE
2017-2018**

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**GOVERNMENT OF TAMIL NADU
2017**

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INTRODUCTION

Registration Department started functioning from the year 1864 and at present it is 153 years old and has got the distinction of being one of the department delivering services to the Public over a longer period of time. The major function of the department is to register documents covering the various types of transactions of properties and collecting Stamp Duty and Registration Fee, as provided under the Indian Stamp Act, 1899 and the Registration Act, 1908 respectively. By virtue of this, the department plays a major role in earning

revenue to the Government and it is placed within the first three major departments that earn revenue to the State. Besides registering documents, Registration Department is also responsible for the registration of Marriages, Societies, Chits and Partnership Firms under various statutes. Extracts from the Births and Deaths Registers, which are entrusted with the Registration Department for safe custody, are given to the Public. Due to the multifaceted services rendered by the department to the Public, it is estimated that every year about 1 crore Public visit the various field offices of the Registration Department throughout the State. In the year 2016-17, Registration Department earned a revenue of Rs.7007.74 crore and has registered 20,72,916 documents.

The revenue earned and the documents registered by the department from the year 2010-11 is tabulated below:

Year	Revenue (Rs.in crores)	No. of documents
2010-11	5020.50	3280503
2011-12	6619.98	3518435
2012-13	7455.41	2690351
2013-14	8055.74	2653291
2014-15	8279.64	2573931
2015-16	8562.38	2528561
2016-17	7007.74	2072916

In view of the ban imposed by the High Court for the registration of plots in unapproved layouts on 9.9.2016, there is a downfall in the revenue earned and the documents registered during the year 2016-17. However, the High Court, in its order dated 15.6.2017, has permitted the

subsequent registration of plots in unapproved layouts that were registered prior to 20.10.2016. Consequently, it is expected that there will be a raise in the revenue earned and documents registered.

2. SET UP OF THE REGISTRATION DEPARTMENT

The Registration Act, 1908 provides for formation of various offices of the department and accordingly they have been created.

2.1 OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION

As stipulated in the Registration Act, 1908, the Inspector General of Registration is the administrative head of the department and he is having his office at Chennai. Different Acts administered by the department confers him several statutory

functions and they are (1) Chief Controlling Revenue Authority under the Indian Stamp Act, 1899, (2) Registrar under the Tamil Nadu Societies Registration Act, 1975 and the Chit Funds Act, 1982. In view of his statutory powers, he disposes the appeals, revision petitions filed with him under various Acts.

The following officers in the headquarters, assist the Inspector General of Registration to perform his functions: -

- Additional Inspector General of Registration (Stamps and Registration)
- Additional Inspector General of Registration (Guideline)
- Additional Inspector General of Registration(Intelligence)
- Additional Registrar of Chits (in the cadre of Additional Inspector General of Registration)

- Personal Assistant (General) (in the cadre of Deputy Inspector General of Registration)
- Assistant Inspector General of Registration (Computerisation)
- Assistant Inspector General of Registration (Vigilance Cell)
- Personal Assistant (Chits) (in the cadre of District Registrar)
- District Registrar (Guideline)
- District Registrar (Inspection)
- District Registrar (Computerisation)
- District Registrar (Revenue)
- District Registrar (Legal)
- District Registrar (Disciplinary Proceedings)
- Accounts Officer (on deputation from the Treasuries and Accounts Department)

2.2 ZONAL OFFICES

To have effective administration, the State is divided into 9 Registration Zones with headquarters at Chennai, Vellore, Cuddalore, Salem, Tiruchirappalli, Thanjavur, Coimbatore, Madurai and Tirunelveli and each zone is headed by an officer in the cadre of Deputy Inspector General of Registration. Each zone comprises of several Registration Districts and the Deputy Inspector General of Registration supervises the proper functioning of the offices in the zone. The Registration Districts under the control of each zone is tabulated below: -

Sl. No.	Registration Zone	Registration Districts in the zone
1.	Chennai	Chennai (North), Chennai (South), Chennai (Central), Chengalpattu and Kancheepuram.

2.	Vellore	Vellore, Cheyyar, Arakkonam and Thiruvannamalai.
3.	Cuddalore	Cuddalore, Villupuram, Kallakurichi, Chidambaram, Tindivanam and Virudhachalam.
4.	Salem	Salem (East), Salem (West), Krishnagiri, Namakkal and Dharmapuri.
5.	Tiruchirappalli	Tiruchirappalli, Ariyalur, Karur and Pudukottai.
6.	Thanjavur	Thanjavur, Nagapattinam, Mayiladuthurai, Pattukottai and Kumbakonam.
7.	Coimbatore	Coimbatore, Thiruppur, Uthagamandalam, Erode and Gobichettipalayam.

8.	Madurai	Madurai(North), Madurai(South), Dindigul, Palani, Periyakulam, Ramanathapuram, Sivagangai, Virudhunagar and Karaikudi.
9.	Tirunelveli	Tirunelveli, Palayamkottai, Tenkasi, Thoothukudi, Kanyakumari, Cheranmahadevi and Marthandam.

2.3 REGIONAL OFFICES

Chennai, Coimbatore, Madurai and Tiruchirappalli zones have regional offices, each headed by an Assistant Inspector General of Registration to assist the Deputy Inspector General of Registration in discharging his duties.

2.4 DISTRICT REGISTRAR OFFICES

50 Registration Districts each under the control of a District Registrar (Administration) have been formed in the State as per the provisions of the Registration Act, 1908. The District Registrar (Administration) in the Registration Districts of North Chennai, South Chennai, Central Chennai, Tiruchirappalli, Madurai North, Madurai South, Tirunelveli, Vellore, Coimbatore, Tiruppur, Erode, Salem East and Salem West are in the cadre of Assistant Inspector General of Registration while in the remaining districts they are in the cadre of District Registrars. Apart from being the overall administrative head of the district, the District Registrars exercise several statutory functions under the Indian Stamp Act, 1899 and the Registration Act, 1908. They also act as Registrar of Societies,

Deputy Registrar of Chits, Registrar of Marriages and Registrar of Partnership Firms within their jurisdiction. Licences to Stamp Vendors are also issued by them.

2.5 DISTRICT REGISTRAR (AUDIT) OFFICES

To ensure the proper collection of Stamp Duty and Registration Fee in respect of registered documents, it is imperative that they are thoroughly verified. To accomplish this, 45 District Registrar (Audit) offices are there in the State, each headed by a District Registrar.

2.6 SUB REGISTRAR OFFICES

The Registration Act, 1908 provides for creation of registration sub-districts and accordingly 578 Sub-Registrar Offices, including 3 camp offices at Kulathur, Kolli hills and Padukkapathu have been formed in

the State. The Sub-Registrar Offices are spread throughout the State catering to the needs of the Public. The number of Sub-Registrar Offices in our State is comparatively higher than other States of bigger size and larger population. The primary function of the Sub-Registrar is to register documents relating to property transactions and to collect proper Stamp Duty and Registration Fee on them. He also registers marriages and gives extract from the birth and death registers relating to Village Panchayat and Town Panchayat areas that are preserved by them.

2.7 INTELLIGENCE CELL

In respect of property transactions involving buildings, Stamp Duty and Registration Fee have to be paid on the value of the building also. To ensure their proper

collection, an Intelligence Cell is functioning in the department with the Additional Inspector General of Registration (Intelligence) as its head. Two Assistant Executive Engineers, one each at Chennai and Madurai, conduct inspection of buildings of higher value and special nature to verify whether the buildings are correctly valued and proper Stamp Duty and Registration Fee are paid.

2.8 REGISTRATION TRAINING INSTITUTE

With a view to educate the officials and staff on the various Acts administered by the department, there is a Registration Training Institute at Chennai, which commenced its operations in the year 1996. The Institute also imparts training on the amendments carried out to the Acts then and there and also on the use of Information Technology.

An officer in the cadre of Deputy Inspector General of Registration is the Director of the Institute and there are two lecturers, one in the cadre of Assistant Inspector General of Registration and another in the cadre of District Registrar. Hostel facility is also available for the trainees.

3. ACTS ADMINISTERED BY THE DEPARTMENT

Registration Department is administering the following Acts:

a) Fully administered Acts:

1. The Indian Stamp Act, 1899 (Central Act 2/1899)
2. The Registration Act, 1908 (Central Act 16/1908)
3. The Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27/1975)
4. The Chit Funds Act, 1982 (Central Act 40/1982)

b) Partially administered Acts:

1. Indian Christian Marriage Act, 1872(Central Act, 15/1872)
2. The Births, Deaths and Marriages Act, 1886(Central Act, 6/1886)
3. The Parsi Marriage and Divorce Act, 1932 (Central Act 2/1932)
4. The Indian Partnership Act, 1932 (Central Act 9/1932)
5. The Special Marriage Act, 1954 (Central Act 43/1954)
6. The Hindu Marriage Act, 1955 (Central Act 25/1955)
7. Dowry Prohibition Act, 1961 (Central Act 28/1961)
8. Births and Deaths Act,1969 (Central Act 18/1969)
9. The Tamil Nadu Registration of Marriages Act,2009 (Tamil Nadu Act 21/2009)

4. SOURCES OF REVENUE

The primary source of revenue earned by the department is from Stamp Duty and

Registration Fee. Apart from this, various Fees are collected by the department in respect of Societies, Chits and Partnership Firms and for issuing encumbrance certificates, certified copies of registered documents and extracts from the Birth and Death registers preserved by the department. Further, while registering documents relating to Sale, Gift, Exchange, Mortgage with Possession and Lease in Perpetuity, the department collects Transfer Duty, as a surcharge on Stamp Duty, on behalf of the Local Bodies.

4.1 DISTRICT REVENUE OFFICERS (STAMPS)/ SPECIAL DEPUTY COLLECTORS (STAMPS)

Section 47-A of the Indian Stamp Act, 1899 provides for levy of Stamp Duty on the market value of the property in case of conveyance, exchange, gift, release of

benami right or settlement deed. In the instances where the Registering Officer has reason to believe that the market value of the property has not been truly set forth in the document, after registering the document, he refers it to the 'Collector' for determination of the market value and the proper duty payable thereon. 2 District Revenue Officers (Stamps) and 9 Special Deputy Collectors (Stamps) have been notified as 'Collectors' for the purpose of section 47-A. These 2 District Revenue Officers are having their offices at Chennai and Coimbatore and the nine Special Deputy Collectors are based at Tiruchirapalli, Madurai, Salem, Vellore, Cuddalore, Thanjavur, Tirunelveli, Thoothukudi and Virudhunagar.

In respect of the documents referred to them for determination of market value

under section 47-A of the Indian Stamp Act, 1899, the District Revenue Officer (Stamps)/ Special Deputy Collector (Stamps) conduct field inspection and determine the Market value of the property. Deficit stamp duty, if any, is collected by them accordingly and if the registrant fails to pay the deficit stamp duty within 2 months from the date of notice issued to him, the document is referred for recovery of deficit stamp duty under the Revenue Recovery Act.

Registrants aggrieved over the orders of the District Revenue Officer (Stamps)/ Special Deputy Collector (Stamps) shall prefer an appeal against the same to the Inspector General of Registration under section 47-A(5) of the Indian Stamp Act. There is also a provision to prefer appeal to the High court under Section 47-A(10) of the said Act, if the registrant is not satisfied with

the orders of the Inspector General of Registration. The Inspector General of Registration can also take up "suo-motu" revision of the orders passed by District Revenue Officer(Stamps) / Special Deputy Collector (Stamps) under section 47-A(6) of Indian Stamp Act.

Collection of Stamp Duty under Section 47-A(1) of the Indian Stamp Act for the year 2016-17 is as follows:

Documents referred to SDC (Stamps)	13442
No. of final orders passed by SDC (Stamps) [Including pending documents]	16727
No. of cases in which collection was made	12893
Collected amount	Rs.125.94 crores

5. MARKET VALUE GUIDELINES

As the Indian Stamp Act, 1899 stipulates that the Stamp Duty has to be paid on the market value of the property, it is imperative that the registering officers have a fair idea on the market value of properties. To achieve this, Market Value Guideline Registers, village-wise, are prepared.

The Market Value Guideline for 3.97 Crore survey Numbers and 1.84 lakh streets are available in the department website www.tnreginet.net.

As provided under Section 47-AA of the Indian Stamp Act, 1899, the Government have constituted a 15 Member Valuation Committee under the Chairmanship of the Inspector General of Registration to devise the methodology for arriving at the Market

Value Guidelines. Statutorily, the Valuation Committee is the final authority for the preparation and revision of the Market Value Guidelines. The Market Value Guidelines as approved by the Valuation Committee were implemented with effect from 1.4.2012.

The Valuation Committee undertook consultations with the various Stakeholders and after due deliberations decided to reduce the prevailing Market Value Guidelines by 33% throughout the State and accordingly the same has been implemented from 9.6.2017.

6. AMENDMENTS TO THE REGISTRATION ACT, 1908

Section 22A of the Registration Act, 1908 has been amended by Tamil Nadu Act 2/2009 to provide the Registering Officers

the powers to refuse the registration of the following documents: -

1. Instruments relating to the properties belonging to State Government, the Local Authority, Chennai Metropolitan Development Authority, Tamil Nadu Hindu Religious and Charitable Endowment, Boodan Yagna Board, Wakf Board.
2. Instruments relating to transfer of ownership of lands converted as house sites without the permission from planning authority concerned. This section also provides that if a plot in an unapproved layout has already been registered then subsequent sale of the same can be registered.

3. Instruments relating to cancellation of sale deeds without the consent of the purchasers.

The amendments made to section 22A were brought into force from 20.10.2016. This has safeguarded the interests of the Government and the Public.

6.1 REGISTRATION OF HOUSE SITES IN UNAPPROVED LAYOUTS

The Hon'ble High Court of Madras in its order dated 15.6.2017 has clarified that any unapproved plot shall be registered if the same has been shown to have been already registered as a house site prior to 21.10.2016. Accordingly, the Inspector General of Registration issued the circular dated 21.6.2017 to all the Registering Officers. The above circular coupled with the 33% reduction in Market Value Guidelines

has been overwhelmingly welcomed by the public.

6.2 AMENDMENT TO THE TABLE OF FEES

The Registration Act, 1908 provides for the Government to prepare a Table of Fees, prescribing the fees to be payable while registering the documents and for other activities under the Act.

With a view to offset the revenue loss, if any, consequent to the decision of the Valuation Committee to reduce the prevailing Market Value Guidelines by 33%, the Table of Fees has been amended to provide for payment of fees @ 4% in respect of instruments of Conveyance, Exchange, Gift and Settlement among non-family members with effect from 9.6.2017. The erstwhile

Registration Fee payable in respect of these instruments was 1%.

7. STAMP DUTY AND REGISTRATION FEE EXEMPTION FOR PROPERTIES GIVEN FOR PUBLIC PURPOSE

Earlier, Stamp Duty and Registration Fee exemption has been provided only for instruments of 'Gift' and 'Settlement' through which lands are donated by Citizens to the Government or any local authority for Public Purpose.

Now, orders have been issued extending the Stamp Duty and Registration Fee exemption in respect of any instrument through which properties are given to Government or any Local Authority for public purpose.

8. TRANSFER OF SURCHARGE ON STAMP DUTY TO LOCAL BODIES

The Surcharge on Stamp Duty, collected by the department, in respect of certain instruments, is a main source of revenue to the Local Bodies. Out of the amount collected as surcharge, 3% is retained by the department and balance 97% is transferred to the concerned local bodies. During the year 2016-17, a sum of Rs.1329.74 crore has been collected as Transfer Duty. Out of this, an amount of Rs.1289.85 crore has been transferred to the Local Bodies and the remaining sum of Rs.39.89 crore has been retained by the Government.

9. MODES OF PAYMENT OF STAMP DUTY

According to the Indian Stamp Act, 1899, Stamp Duty has to be paid by means of

Non-Judicial Stamp Papers and adhesive stamps. However, in case of non-availability of Stamp Papers, Section 41 of the Act provides for payment of Stamp Duty by cash. In order to facilitate the Public, the following alternative methods have been prescribed for payment of Stamp Duty:

- Payment by Demand Draft
- Online / Offline payment through banks
- e-Stamping (Corporation areas only)

9.1 PROCUREMENT OF STAMP PAPERS

The Non-Judicial Stamp Papers are printed at the India Security Press, Nasik and at the Security Printing Press, Hyderabad. The Treasuries and Accounts Department places indent with these presses and procure the requisite Stamp Papers. After their procurement, the Stamp Papers are distributed to the Treasuries and Sub-Treasuries throughout the State based

on their requirement. The Licensed Stamp Vendors purchase the Stamp Papers from the Treasury/Sub-Treasury concerned and sell it to the Public.

10. SUPPLEMENTARY FUNCTIONS

10.1 SOCIETIES REGISTRATION

Registration of Societies is done as per the provisions of the Tamil Nadu Societies Registration Act, 1975. Societies have to get their registration with the jurisdictional District Registrar and it is mandatory for them to file their audited annual accounts with him. In cases of delayed filing of returns prescribed under the Act, the District Registrar / Inspector General of Registration / Government have been empowered to condone the delay, depending upon the period of delay. As on 1.04.2017, there are

1,70,688 registered societies functioning in the state.

10.2 CHITS REGISTRATION

Chits conducted by authorized Chit Fund Companies are registered with the District Registrar concerned under the Chit Funds Act, 1982. Registration of Chits ensures that the subscribers receive their prize money without any hassle. There are three Chit Arbitrators, 2 in Chennai and 1 at Coimbatore to hear and pass orders regarding the disputes arising out of Chit groups and their functioning. In the remaining areas, the District Registrar concerned exercise the function of the Chit Arbitrator. Government is the appellate authority against the orders passed by the Chit Arbitrators. As on 01.04.2017, there are 2,590 chit companies functioning in

Tamil Nadu which are running 58,189 chit groups.

10.3 PARTNERSHIP FIRMS REGISTRATION

The Indian Partnership Act, 1932, mandates for the registration of a Partnership Firm with the District Registrar concerned and accordingly they are registered. As on 01.04.2017, there are 6,38,454 registered partnership firms in Tamil Nadu.

10.4 MARRIAGE REGISTRATION

Registration of Marriages is done under various Acts like the Hindu Marriage Act, the Special Marriage Act and the Indian Christian Marriage Act, depending on the religion to which the Bride and the Bridegroom belongs. However, registration of marriages under the above said Acts is only optional. In order to

make the registration of all the marriages held in the State as compulsory, the Tamil Nadu Registration of Marriages Act, 2009 has been enacted. According to the Act, all marriages held in the State have to be compulsorily registered with the jurisdictional Sub-Registrar. During 2016-2017, a total of 79,722 marriages have been registered under the said Act. Similarly, 73,297 marriages have been registered under Hindu Marriage Act and 9,850 marriages have been registered under the Special Marriage Act, 1954. The Department has collected a fee of Rs.1.84 crore on registration of these marriages. In the year 2016, 6,317 applications for issuing certified copies under the Indian Christian Marriages Act, 1872 has been received and issued and an amount of Rs.2.53 lakh as fees has been collected.

11. APPLICATION OF INFORMATION TECHNOLOGY IN THE REGISTRATION PROCESS

11.1 DEVELOPMENT OF WEB BASED SOFTWARE TO INTEGRATE THE VARIOUS ACTIVITIES OF REGISTRATION

In order to completely integrate the end to end registration process, development of a software is under way. Software for Land Registration and its associated Modules has been prepared and it's being streamlined. Development of the Software is closely monitored and instructions have been issued to complete it quickly so as to roll out the software at the earliest.

11.2 IP CAMERA

In order to monitor the functioning of Sub Registrar offices from the Office of the Inspector General of Registration and from

the Office of the Deputy Inspector General of Registration concerned, each Sub Registrar office has been installed with two IP cameras.

11.3 E-PAYMENT THROUGH BANKS

As an alternative method for payment of stamp duty and registration fee, online/offline payment through banks has been implemented with effect from 12.1.2015.

11.4 ONLINE VIEWING OF ENCUMBRANCE DETAILS

With a view to simplify the process of obtaining Encumbrance Certificates, a facility to view the encumbrance details online has been introduced. Public can log on to the department's website and fetch the encumbrance details of a particular survey

number and take print out of the same free of cost.

11.5 e-VISIT

As a part of simplification in the Registration process, an Online Appointment System for fixing appointment with the Registering officer has been introduced.

11.6 e-STAMPING

e-Stamping is another mode available for payment of Stamp Duty. M/s Stock Holding Corporation of India Limited, an agency selected by the Government of India, is authorised to generate e-Stamp Certificates. At present, e-Stamping is available in all the Sub-Registrar Offices in Chennai Zone. The e-Stamping collection details for the past five years are as follows: -

Year	e-Stamp certificates generated	Amount (Rs. in crores)
2012-13	11924	180.90
2013-14	32121	253.90
2014-15	67062	236.94
2015-16	82384	347.78
2016-17	100587	246.02

Orders have been issued to extend the e-Stamping for a further period of five years and to spread this in all the Corporation areas of the State. Facility of payment of Stamp Duty by e-Stamping in these Corporation areas will be provided shortly.

11.7 USAGE OF WEB CAMERA AND BIO METRIC DEVICE FOR CAPTURING THE IMAGE AND FINGERPRINTS OF THE REGISTRANTS

Registration Act, 1908 emphasises the affixing of photographs and fingerprints of

the registrants in the documents. In order to facilitate this, Web camera is used to capture the image and bio-metric device is used to take the fingerprints of the registrants. These images are stored and scanned as part of the registered document. This ensures an higher level of security.

12. CONSTRUCTION OF BUILDINGS

As a large number of offices of the department were housed in private buildings and some of the offices in Government buildings were in a dilapidated condition, it has been decided to construct new Government buildings to all these offices. Accordingly, 52 Sub-Registrar Offices were constructed at a cost of Rs.26.00 crore in the year 2011-2012 and 17 integrated Registration complexes, housing 29 Sub-Registrar Offices and 48 Stand alone

Sub-Registrar Offices were built in the year 2012-2013 at a cost of Rs.48.90 crore. For the year 2013-2014, construction of 4 integrated registration complexes, housing 11 Sub-Registrar Offices and 35 Sub-Registrar Offices at a cost of Rs.30.00 crore has been sanctioned. During 2014-2015, construction of 4 integrated registration complexes, housing 10 Sub-Registrar Offices and 25 Sub-Registrar Offices at a cost of Rs.21.62 crore has been sanctioned and work is under progress. During the year 2015-2016, construction of 2 Sub-Registrar Offices at a cost of Rs.1.10 crore has been sanctioned. As announced in the Legislative Assembly, for the year 2016-17, construction of new Government buildings for 5 Sub-Registrar Offices at Thondamuthur, Padappai, Guduvanchery,

Uraiyur and Thiruchengodu at a cost of Rs.3.96 crore has been sanctioned.

Hon'ble Chief Minister has recently opened the new buildings that have been constructed at Cheyyar, Thandarampattu, Chinnasalem, Vadaponparappi, Uthukottai, Perambakkam, Pethanayakkanpalayam, Suramangalam, Marandahalli, Pochampalli, Mayiladuthurai, Velayudhampalayam, Krishnarayapuram, Sendurai, Chettikulam, Elumalai, Karungalakudi, Chekkanoorani, Andipatti, Keeranoor, Ayyampalayam, Kannivadi, Singampunari, Rajasingamangalam, Sayalkudi, Thiruvadanaï, Thoivalai, Karungal, Kadayam, Pettai, Kalakkadu, Ooty, Sendurai, Kalaiyarkovil, Kallidaikurichi, Kulachal, Kancheepuram, Pammal and Vikramangalam.

13. RIGHT TO INFORMATION ACT, 2005

Registration Department is one of the departments with higher Public interaction and it is essential to provide a transparent administration. Right to Information Act, 2005 plays a vital role in this regard and the information available with the department are shared with the Public whenever they are sought for. During the calendar year 2016, i.e. from 1.1.2016 to 31.12.2016, the department received 14,791 applications under the Act and the requested information was provided.

K.C. VEERAMANI
MINISTER FOR COMMERCIAL TAXES



SUB-REGISTRAR OFFICE - KALLIDAIKURICHI



SUB-REGISTRAR OFFICE - SENDURAI