

OFFICE OF THE DIVISIONAL COMMISSIONER: DELHI
GOVERNMENT N.C. T. OF DELHI
STAMP BRANCH (HQ)
5, SHAM NATH MARG, DELHI-54

No. F.1(92)/Regn. Br./Div.Com./2012/298 Dated: 27/4/2012

CIRCULAR


Attention of all the Registrar/Sub Registrar of Revenue Department, Govt. of NCT of Delhi is invited towards the judgment delivered by Hon'ble Supreme Court of India vide order dated 11.10.2011 in the SLP no. 13917 of 2009, the operational part of which is reproduced as below :-

"16. We therefore reiterate that immovable property can be legally and lawfully transferred/conveyed only by a registered deed of conveyance of the nature of 'GPA sales' of 'SA/GPA/Will transfer' do not convey title and do not amount to transfer, nor can they be recognized or valid mode of transfer of immovable property. The courts will not treat such transactions as completed or concluded transfers or as conveyances as they neither convey title nor create any interest in an immovable property. **They cannot be recognized as deeds of title, except to the limited extent of section 53A of the transfer of Property Act, such transaction cannot be relied upon or made the basis for mutation in Municipal or Revenue Records.** What is stated above will apply not only to deeds of conveyance in regard to freehold property but also to transfer of leasehold Property. A lease can be validly transferred only under a registered Assignment of Lease. It is time that an end is put to the pernicious practice of SA/GPA/WILL transactions known as GPA sales.

Attention is also invited to the section 54 and 55 of the Transfer of Property Act 1882, accordingly to which any contract of sale i.e. agreement to sale will not confer any title not transfer any interest in an immovable property except to the limited right granted under section 53A of transfer of property Act 1882.

Therefore, it is again clarified to all the Registrar/ Sub Registrars, that on the basis of a GPA ,a will, and agreement to sell, collectively or separately in respect of an immovable property, a conveyance can not be executed i.e. no transfer of property will take effect until unless a clear sale deed is executed and duly registered by the executants in the office of the Registration/ Sub- Registrar.

Therefore, it is advised that all the Registration/Sub Registrar shall follow these instructions while discharging their function under the Registration Act 1908.


(VIJAY DEV)
DIVISIONAL COMMISSIONER :DELHI/IG(R)

Copy to:

1. All The Registrar/DCs,
2. All ADMs.
3. All SDMs
4. All Sub-Registrars.
5. Office order/Guard file

Copy for information:

6. The Commissioner, MCD
7. The V.C. DDA
8. The Chairman NDMC.
9. Spl. IG (Registration)

10. System Analyst, Revenue Department with the request to kindly upload this circular on the departmental website
by sh 27/4
Supt (S&R)