

The Madurai City Municipal Corporation (Duty on Transfer of Property) Rules, 1988

TAMILNADU

India

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Rule

THE-MADURAI-CITY-MUNICIPAL-CORPORATION-DUTY-ON-TRANSFER OF 1988

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The Madurai City Municipal Corporation (Duty on Transfer of Property) Rules, 1988Published vide Notification G.O. Ms. No. 233, Municipal Administration and Water Supply, dated 11th March 1988No. SRO A-83/88. - In exercise of the powers conferred by section 166 and 431 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), and in supersession of the rules published with the erstwhile Local Administration Department Notification No. 1534, dated the 10th August 1948, the Governor of Tamil Nadu hereby makes the following rules for regulating the collection of duty on certain transfers of property levied under section 164 of the said Act, for the payment thereof to the Municipal Corporation of Madurai and for the deduction of expenses incurred by the Government of Tamil Nadu in the collection thereof.

1. Short title.

- These rules may be called the Madurai City Municipal Corporation (Duty on Transfer of Property) Rules, 1988.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(i)"Government" means the Government of Tamil Nadu;(ii)"instrument" means an instrument of sale, exchange, gift, mortgage with possession within Madurai City or lease in perpetuity of immovable property on which transfer duty is leviable under section 16-4 of the Madurai City Municipal Act, 1971 (Tamil Nadu Act 15 of 1971);(iii)"local authority" means the City Municipal Corporation of

Madurai;(iv)"Stamp Act" means the Indian Stamp Act, 1899 (Central Act II of 1899) as in force in the State of Tamil Nadu;(v)"transfer duty" means the duty on transfer of property leviable under section 164 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971); and(vi)all words and expressions not defined in these rules shall have the meaning respectively assigned to them by the Stamp Act and the rules made thereunder.

3. Provisions of the Stamp Act to apply to transfer duty.

(1)All the provisions of the Stamp Act and the rules made thereunder shall, so far as may be, apply in relation to the transfer duty as may be applied in relation to the duty chargeable under that Act.(2)Where the transfer duty or any portion thereof is less than a rupee, such duty shall not be collected.

4. Duties of registering officers in regard to particulars to be set forth in instruments.

(1)Whenever an instrument is presented for registration to any registering officer, he shall see whether the particulars referred to in section 27 of the Stamp Act are set forth in the instruments separately as required by the said section 27 read with section 165 (a) of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) and shall also ensure that the local authority within whose jurisdiction the property concerned is situated, is set forth clearly in the instrument.(2)If the said particulars be not so separately set forth in the instrument, the Registering Officer shall keep the instrument, pending for want of those particulars instead of impounding it. Such particulars may be obtained subsequently and the instrument be impounded if deficiently stamped and forwarded to the District Collector calling his attention to section 64 of the Stamp Act read with section 165 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971).(3)The duty leviable on an instrument of exchange shall be regulated as follows:-(a)if the values of the properties exchanged are unequal, the duty shall be levied on the value of the property of the greater value; and(b)if the values of the properties exchanged are equal, the duty shall be levied on the value of anyone of the properties.

5. Maintenance and consolidation of accounts in respect of transfer duty.

(1)(a)The Registering Officer having jurisdiction within the Corporation limits of Madurai shall alone account the credit directly under the head "Madurai City Municipal Corporation". All other officers shall show the collection under outside the sub-district and send separate intimation to the registering officers concerned to allocate surcharge duty to the Corporation of Madurai;(b)the duty levied on an instrument of exchange shall be distributed among local authorities concerned in proportion to the amount of duty leviable on the properties in the' respective local areas;(c)the said account shall be consolidated quarterly for each such local authorities by the District Registrar at the head quarters of the revenue district concerned;(d)the Inspector-General of Registration may issue executive instructions regarding the maintenance of accounts by registering officers in this behalf and the form in which the consolidated accounts for each quarter are to be forwarded to the

Accountant-General, Tamil Nadu, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).].(2)In the case of instruments which do not come into the hands of Registering Officers owing to the fact that they are not compulsorily registrable under section 17 of the [Indian Registration Act, 1908 (Central Act XVI of 1908)] [Now, short title changed as the Registration Act, 1908 (Central Act XVI of 1908).], the District Collector before whom any such instrument is produced under section 31 or 41 of the Stamp Act or who impounds any such instrument is produced under section 33 of the said Act, or receives a certificate of the duty and penalty paid in respect of any such instrument or the original of any such instrument under section 38 of the Act, shall keep an account of the duty paid in respect of each such instrument showing separately the duty imposed by the Stamp Act and the transfer duty and forward to the District Registrar of Assurances concerned within a period of one month after the close of each quarter, a quarterly consolidated account with the particulars in the case of each such instrument regarding the names of the executant and claimant, the date of execution, the nature of the transaction, the amount of consideration, the value of the property, or the amount secured by the mortgage, as the case may be, and description of the property situated within the limits of the City of Madurai.(3)If in any case it is impossible to recover the full duty payable on any instrument, then, only such portion of the duty realised on such instrument as in excess of the duty imposed by the Stamp Act shall be treated in the accounts referred to in this rule as transfer duty.

6. Collector to forward quarterly statement of refunds of transfer duty to the District Registrar concerned.

- Every District Collector who sanctions a refund of the transfer duty paid on any instrument shall forward to the District Registrar of Assurances concerned within a period of the month after the close of each quarter, a statement of instruments in respect of which such refunds were sanctioned during the quarter noting therein the amount of the transfer duty refunded and the particulars referred to in sub-rule (2) of rule 5 in respect of each such instrument.

7. District Registrar to send intimation to Collector in respect of the amount payable to local authorities quarterly.

(1)Intimation regarding the amount payable quarterly to the Madurai City Municipal Corporation in respect of the instrument referred to in sub-rules (1) and (2) of rule 5 shall be sent by the District Registrar of Madurai to the Collector of Madurai and the Inspector-General of Registration, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] within one month after the close of each quarter.(2)Intimation regarding the amount of deduction on account of the collection of the transfer duty to be credited to the Government shall, at the same time, be sent by the District Registrar, Madurai to the Inspector-General of Registration, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).]. The intimation sent by the District Registrar shall contain the particulars of the amount payable to each local authority and that to be adjusted to the Registration Department distinctly and separately.(3)The amount payable to the local authority concerned shall represent the transfer duty paid less a deduction of ten per cent

thereon account of the charges for the collection of transfer duty and the amount of refunds referred to in rule 6, if any.(4)In calculating the net amount payable to each local authority, the net amount should be rounded to the nearest rupee.

8. Payment to local authorities by Collectors.

(1)The Inspector-General of Registration shall check the arithmetic accuracy of the figures sent by the District Registrar, Madurai with reference to rule 7 and prepare a consolidated bill with full details as to the amount due to the Corporation of Madurai as transfer duty as furnished by the District Registrar and send it to the Treasury Officer for issue of a cheque in favour of the Commissioner, Corporation of Madurai. The Inspector-General of Registration shall obtain the cheque from the Treasury Officer and send it to the Commissioner, Corporation of Madurai, for being credited to the Corporation funds. The Inspector-General of Registration shall also send an intimation to the Commissioner, Corporation of Madurai about the full details of the amount due to the Corporation of Madurai as paid by means of Treasury Cheque issued by the Treasury Officer, Madurai.(2)The Treasury Officer concerned shall send an intimation to the Inspector-General of Registration of such adjustment of the amount payable.(3)The District Registrar of Madurai shall like-wise prepare a consolidated bill for the amount of collection charges forming ten per cent of the gross collection as arrived at by him with reference to the rule 7 to be credited to the Government and send to the Treasury Officer who shall credit the amount to the head of Registration Department that may be specified-from time to time.