

MEGHALAYA ACT 3 OF 1986

THE MEGHALAYA (BENAMI TRANSACTIONS PROHIBITION)
(AMENDMENT) ACT, 1985

(As passed by the Assembly)

[Received the assent of the President of India on the 29th January, 1986]
(Published in the Gazette of Meghalaya, Extraordinary, dated 1st
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An**Act****to amend the Meghalaya (Benami Transactions Prohibition)
Act, 1980**

Be it enacted by the Legislature of Meghalaya in the Thirty-sixth
Year of the Republic of India as follows:—

Short title, extend and commencement. 1. (1) This Act may be called the Meghalaya (Benami Transactions Prohibition) (Amendment) Act, 1985.

(2) It extends to the whole of the State of Meghalaya.

(3) It shall come into force at once.

Insertion of new section 4A in Act 24 of 1980. 2. In the Meghalaya (Benami Transactions Prohibition) Act, 1980, after the existing Section 4, the following new section shall be inserted as section 4A, namely:—

“Restriction on registration and suit against order of refusal to register document. 4A (1) Notwithstanding anything contained in the Registration Act, 1908 or in any other law in force, no Registering Officer appointed under the said Act or law shall register any document or instrument relating to benami transaction or transaction in benami: Central Act XVI of 1988.

Provided that the Registering Officer may, for the purpose of this sub-section, seek the opinion or recommendation of the person, committee or authority notified under Section 4(a) of this Act,

(2) Any Registering Officer refusing to register a document or instrument under the preceding subsection (1), shall make an order of refusal in writing recording reasons thereof in Book No. 2 maintained by him under the Registration Act, 1908 and shall also endorse the same on the document or instrument and the position shall be reported by him, giving particulars of the transaction thereof, to the person, committee or authority notified under Section 4(a) of this Act, and, on application made by any person executing or claiming under the document or instrument, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(3) No. Registering Officer shall accept for registration a deed, document or instrument so enclosed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

(4) Where a document or instrument is refused registration under this Section, any person claiming under such document or instrument or his representative, assign or agent, may, within 30 days after the making of the order of refusal or within such further period as may be allowed by court for sufficient cause shown, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document or instrument is sought to be registered, a suit for a decree directing the document or instrument to be registered in such office if it be duly presented for registration within 30 days after the passing of such decree.

(5) If the document or instrument is duly presented for registration within 30 days after the passing of such decree, the Registering Officer shall obey the same and make necessary registration and such registration shall take effect as if the document or instrument has been registered when it was first duly presented for registration.

(6) For purpose of jurisdiction by court and for court fee a suit under this section shall be deemed as it is a suit under Section 77 of the Registration Act, 1908.

(7) Notwithstanding anything contained in the Evidence Act, 1872 or in any other law in force the onus of proving that the transaction is not in benami shall lie upon the person who assert it. ^{Central Act 1 of 1872.}