

Date: 08.03.2020

To

The Member Secretary,
Puducherry Planning Authority,
Jawaharlal Nagar,
Puducherry.

With your reference letter dated 04.03.2021, No.6352/PPA/Z-SB(NCP)(Layout-JTP(AS)/2020 legal opinion in respect of application submitted by **1. Murali Prasad, 2. Mangal Prasad** rep.by Power agent Nizar Ahamed seeking approval for the proposed residential layout name and style of "**Sri Vishnu Mithiran Nagar**" at **R.S.No.66/1, 67/5,** at Karikkalampakkam Revenue Village, Puducherry.

List of Documents

1. 26.05.51 Photocopy of Sale deed R.V.No.186, No.22
2. 10.08.64 Photocopy of Sale deed R.V.No.323, No.4
3. 14.08.74 Photocopy of Sale deed Doc.No.2293/74
4. 02.12.24 Photocopy of Sale deed R.V.No.33, No.57
5. 26.02.37 Photocopy of Sale deed R.V.No.189, No.59
6. 21.01.55 Photocopy of Sale deed R.V.No.503, No.41
7. 09.11.55 Photocopy of Sale deed R.V.No.514, No.94
8. 19.02.76 Photocopy of Will Doc.No.19/76
9. 30.08.90 Photocopy of Will Doc.No.211/90
10. 11.01.21 Photocopy of Death certificate
11. 30.12.09 Photocopy of Death certificate
12. 05.07.10 Photocopy of Judgment in O.S.No.459/10
13. 29.09.20 Photocopy of Partition deed, Doc.No.17953/20
14. 29.09.20 Photocopy of Special Power of attorney deed
Doc.No.824/20
15. 16.09.20 Photocopy of Settlement extracts No.2
16. 16.09.20 Photocopy of Encumbrance certificates Nos.2

Schedule of properties

1. Puducherry R.D, Bahour Sub R.D, Karikkalampakkam Revenue Village, Village No.65, Cad.No.520, 521, **R.S.No.66/1** measuring to an extent **55 Ares** only.

Boundaries East by R.S.No.66/2, West by R.S.No.67/5, North by Karikkampakkam to Embalam main Road, South by R.S.No.66/2.

2. Puducherry R.D, Bahour Sub R.D, Karikkalampakkam Revenue Village, Village No.65, Cad.No.522, **R.S.No.67/5** measuring to an extent **40 Ares** only. Boundaries East by R.S.No.66/1 and 66/2, West by R.S.No.67/4C and 67/6, North by Karikkampakkam to Embalam main Road, South by R.S.No.67/7 and 66/3.

ORIGIN OF THE TITLE

1. I have pursued photocopy of French Notarial sale deed dated 26.05.1951, R.V.No.186, No.22 with Tamil translation copy. As per the sale deed the aforementioned schedule 1st property was purchased by **Valliammai**, W/o Appu from Manickam, S/o Ponnapan. The sale deed has been duly executed and registered.

2. I have pursued photocopy of French Notarial legal hires certificate deed dated 10.08.1964 R.V.No.323, No.4 with Tamil translation copy. As per the legal hires certificate the aforesaid **Valliammai**, W/o Appu died intestate leaving behind **Kamalammal**, W/o Vairakannu is the legal hires of the aforementioned schedule of property 1st item.

3. I have perused photocopy of registered sale deed dated 14.08.1974, Doc.No.2293/1974. As per the sale deed the above said **Kamalammal**, W/o Vairakannu has sold the above mentioned schedule 1st item to and infavour of **Athivaraga Kothandaraman**, S/o Athivaragan. The sale deed been duly executed and registered.

4. I have pursued photocopy of French Notarial sale deed dated 02.12.1924, R.V.No.33, No.57 with Tamil translation copy. As per the sale deed the aforementioned schedule 2nd item property to an extent 42 Ares was purchased by **Ramasamy**, S/o Vaithilingam from Sinnasamy,

S/o Kumarappa Reddiar. Thereafter after his death his son **Batcha Reddiar**, S/o Ramasamy has sold the property to and infavour of **Muthaia Chettiar @ Vaithilingam**, S/o Varadarajalu by virtue of Notarial sale deed dated 26.02.1937, R.V.No.189, No.59. I have perused photocopy of the Sale deed. The sale deeds are duly executed and registered.

5. I have pursued photocopy of French Notarial sale deed dated 21.01.1955, R.V.No.503, No.41 with Tamil translation copy. As per the sale deed the above said **Muthaia Chettiar @ Vaithilingam**, S/o Varadarajalu has sold the 2nd item property to and infavour of **Batcha Reddiar**, S/o Ramasamy. The sale deed has been duly executed and registered.

6. I have pursued photocopy of French Notarial sale deed dated 09.11.1955, R.V.No.514, No.94 with Tamil translation copy. As per the sale deed the above said **Batcha Reddiar**, S/o Ramasamy has sold the aforementioned schedule 2nd property to and infavour of **Athivaraga Kothandaraman**, S/o Athivaragan. The sale deed has been duly executed and registered.

7. I have perused photocopy of registered Will dated 19.02.1976, Doc.No.19/1976. The will executed by the aforesaid **Athivaraga Kothandaraman**, S/o Athivaragan to and infavour of his wife **Susila**. As per the Will the said **Susila**, W/o Kothandaraman having absolute rights of the aforementioned schedule of properties item No.1 & 2. The Testator of the Will Susila died on 04.09.1990 for proof I have perused her death certificate dated 11.01.2021. Hence the will becomes duly acted upon.

8. I have perused photocopy of registered Will dated 30.08.1990, Doc.No.211/1990. The will executed by the aforesaid **Susila**, W/o

Kothandaraman to and infavour of his daughter **1. Leelabai** and her grandchildren's **2. Muraliprasad** and **3. Magal Prasad**. The aforementioned schedule of property 1st and 2nd item is covered the Will in "C" schedule item No.24 & 11 which was allotted to **Leelabai**, D/o Athivaraga Kothandaraman. The Testator of the Will Leela died on 29.12.2009 for proof I have perused photocopy of judgement dated 05.07.2010 passed by the Principal District Munsif at Puducherry. As per the judgement he said Leela died leaving behind her husband **1. Anandan**, and her children's **2. Murali Prasad**, **3. Mangal Prasad** are the legal hires. Hence they are inherited above mentioned schedule of properties.

9. I have perused photocopy of registered Partition deed dated 29.09.2020, Doc.No.17953/2020. The Partition deed made between the above said **1. Anandan**, S/o Soundrarajan and his sons **2. Murali Prasad**, **3. Mangal Prasad** were duly Partitioned. The aforementioned schedule 1st item property is covered this partition deed in "C" schedule which was allotted to **Murali Prasad**, S/o Anandan and the 2nd item property is covered in "B" schedule which was allotted to **Mangal Prasad**, S/o Anandan. The partition deed has been duly executed and registered.

10. I have perused photocopy of register Special Power of attorney deed dated 29.09.2020, Doc.No.824/1990. As per the power of attorney deed the above said **1. Murali Prasad**, **2. Mangal Prasad** sons of Ananda were duly appointed **Nizar Ahamed**, S/o Shaik Ibrahim as their Power agent. As per the power of attorney deed the power agent having power to seeking permission of the aforementioned schedule of property on behalf of their Principals. The power of attorney is duly executed and registered.

11. I have perused photocopy of settlement extract dated 16.09.2020 issued by Tahsildar, Puducherry. As per the records Karikkalampakkam Revenue Village, Village No.65, **R.S.No.66/1**, Patta No.55, to an extent **00-55-00** and **R.S.No.67/5**, to an extent **00-40-00** HAC stands in the name of previous owner Leela Anandan, W/o Anandan. .

12. I have perused the photocopy of the Encumbrance certificates nos.2 dated 16.09.2020 issued by Sub-Registrar, Bahour, Puducherry. The certificate covered above mentioned schedule of properties item No.1 and 2 for period of 55 years from 01.01.1970 to 15.09.2020. The certificates I have not found any entries. For that periods the properties are free from encumbrances.

OPINION: On perusals of the above said documents I am of the opinion:

1. **Mangal Prasad**, S/o Anandan having valid title of the above mentioned schedule 1st item property as per the registered Partition deed dated 29.09.2020, Doc.No.17953/2020 in "C" schedule item No.1 to an extent **55 Ares** only in **R.S.No.66/1**.
2. **Murali Prasad**, S/o Anandan having valid title of the above mentioned schedule 2nd item property as per the registered Partition deed dated 29.09.2020, Doc.No.17953/2020 in "B" schedule to an extent **40 Ares** only in **R.S.No.67/5**.
3. As per the Special Power of attorney deed dated 29.09.2020, Doc.No.824/2020 the Power agent **Nizar Ahamed**, S/o Shaik Ibrahim having power to seeking permission of the aforementioned schedule of properties item No.1 & 2 on behalf of his Principals **Mangal Prasad**, S/o Anandan and **Murali Prasad**, S/o Anandan.

PALACE: PUDUCHERRY

ADVOCATE

DATE : 08.03.2021