

A. THIRUMAL VALAVAN, B.A., LL.B.,
ADVOCATE & MEDIATOR

Plot No. 01, Harshatithu Villa,
Sastha Nagar, Kovilpathu,
Thalatheru Post,
KARAIKAL - 609 605
04368 - 227610; Post Box No. 50

Date: 05-04-2022

LEGAL OPINION

To

The Puducherry Real Estate Regulatory Authority,
Office of the Town and Country Planning Department,
Puducherry.

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**PART-I**

1. Name and address of the Present Owners:

- (01) **Mr. AR. Muthaiya,**  
S/o Arunachalam,  
Plot No.118, Arun Nivas,  
KK Nagar, Madurai Town -625 020  
State of Tamilnadu.
- (02) **Mrs. M .Devaki,**  
W/o Munisamy,  
Plot No.118, Arun Nivas,  
KK Nagar, Madurai Town -625 020  
State of Tamilnadu.
- (03) **Mrs. D.Lakshmi,**  
W/o S.Devarasu.  
No.32, Yamunai Street,  
Vasanth Nagar, Muthiyalpet,  
Puducherry.
- (04) **Mr. Govindan,**  
W/o Munusamy,  
No.23, East Street,  
Narambai,  
Bahour,  
Puducherry.



All of them are represented by their  
General power of attorney

**R. Karunamoorthy,**  
S/o Ramu,  
No.47, Vallalar Nagar,  
Kamarajar Salai,  
Karaikal.

**PART-II**  
**Particulars of property**

1. Location : In the Pondicherry Registration District,  
Thirunallar Sub-Registry, No 20, Pettai  
(Neivacherry) Revenue Village,  
“**Indraprasatha Estate Layout (IP  
Estate)” Block - 02**  
with plot Nos. 01, 02, 03, 04, 05, 06,  
07, 08, 09, 09A, 10, 10A, 11, 12, 13, 14,  
15, 16, 17, 18, 19, 20, 21, 22, 23, 24,  
25, 26, 27, 27A, 28, 28A, 29, 30, 31,  
32, 33, 34, 35, 35A, 36, 36A, 37, 38,  
39, 40, 41, 42, 43, 44, 45, 46, 47, 48,  
49, 50, 51, 52, 53, 54, 55, 56, 57, 58,  
59, 60, 61, 61A, 62, 62A, 63, 64, 65,  
66, 67, 68, 69, 70, 71, 72, 73, 74, 75,  
76, 77, 78, 79, 79A, 80, 81, 82, 83, 84,  
85, 86, 87, 88, 89, 90, 91, 92, 93, 94,  
95, 96, 97, 98, R1, R2, R3 and R4.
2. Survey Numbers : (01) R.S. No. 78pt, O.S. No. 168 and  
Patta No.200.  
(02) R.S. No.79/02pt, O.S. No 166/06  
and Patta No.218.
3. Extent : (01) 02H-57A-50Ca or 19 Mah 24.  
81/64 Kuzhies in which extent covered  
in the layout is **01H-72A-54Ca.**  
: (02) 01H-79A-00Ca or 13 Mah 38  
08/64 Kuzhies in which extent covered  
in the layout is **00H-74A-57Ca.**
4. Nature : Nanja Land



### PART-III

#### Title Particulars

##### 1. Title particulars of present owners.

###### Title Regarding R.S. No. 78pt

The Nanja property viz., the 01<sup>st</sup> item of Opinion mentioned property was owned by Thiru. Appavu chettiar who gifted the property in favour of his son Mr. Sugumar through a Notarized Gift Deed dated 18-05-1963 and registered as R.V.277 No.21 at Registrar Office, Karaikal. In Virtue of the above Notarial gift, Mr. Sugumar had owned possessed and enjoyed the above property.

Mr. Sugumar, S/o Appavu chettiar has sold the nanja property of 02H-57A-50Ca comprised in R.S.No.78 to and in favour of one Mr. Vimmal Chand, S/o Misrilal Jain through a Sale Deed dated 01-12-2003 as Doc. No.906/03 in the Office of the Sub Register of Thirunallar. In virtue of the above sale, Mr. Vimmal Chand has owned, possessed and was enjoying the above property, which is the 03<sup>rd</sup> item in the Said Sale deed.

Mr. Vimmal Chand, S/o Misrilal Jain in turn sold the above property to and in favour of one Mr. Muthaiya, S/o Arunachalam and one Mrs. Devagi, W/o Munusamy through a sale deed dated 10-03-2010 as Doc.No.467/10 in the Office of the Sub Register of Thirunallar. In virtue of above sale, Mr. Muthaiya and Mrs. Devagi have owned possessed and were enjoying the above nanja property of 02H-57A-50Ca, which is the 02<sup>nd</sup> item in the Sale deed.

Thereafter, Mr. Muthaiya and Mrs. Devaki have divided the property according to their investment share through registered affidavit vide.No.2456/B1/2011 dated 21-10-2011. In virtue of above registered affidavit Mr. Muthaiya is holding 80% of share and Mrs. Devaki was holding 20% of share over the property respectively.

Thereafter, they have converted the part of nanja land property comprising of R.S.No.78pt into housing plots in the name and style of "Indira Prastha Estate Block - 02" and sold plots to the various persons.



Then, Mrs. Devaki had executed power of attorney to her husband Mr. Munusamy to sale her remaining share area in the property vide Document no 239/2012 dated 28-8-2012.

Thereafter Mr. Muthaiya and Mrs. Munusamy have sold the plots to various persons. In turn Mrs. Devaki, cancelled the above said power of attorney given to her husband through cancellation Deed No. 392/2012 dated 17-12-2012 and given power of attorney to one Mr. R. Karunamoorthy through a Power Deed No.393/2012 dated 17-12-2012 to sell the property.

Similarly, Mr. Muthaiya has given a general power of attorney to Mr. R. Karunamoorthy on 10-09-2012 as Power Deed Doc.No.387/2012 to sell the property.

Thereafter, R. Karunamoorthy, as a power of attorney of Mrs. Devagi sold the entire remaining area 20% share of Mrs. Devaki in the mentioned property to one Mrs. Lakshmi, W/o S. Devarasu through various documents. Of these Doc No.98/2014 dated 30-07-2014 are concerned with unsold plots of No.30, 31, 32, 33, 34, 52 and Doc No.164/2014 dated 29-01-2014 are concerned with unsold plots of No 35A, 36A, 61A, 62A, 79A, 79 to 98. (It is the item 01& 02 in the sale deed). The Power Deed No. 393/2012 dated 17-12-2012 is concerned with Plot No. 72. The above named Lakshmi had executed a General Power of Attorney in favour of one Karunamoorthy, S/o Ramu of Vallalar Nagar, Karaikal with specific power to sell away the subject matter of property vide Document No. 452/2022 dated 23-03-2022.

Pursuant to the above sales **Mr. Muthaiya, Mrs. D.Lakshmi and M.Devaki** have owned, possessed and been enjoying the existing un sold property.

Indraprastha Estate Layout (IP Estate)" Block 02 in the mentioned property consists of 78 plots. Out of which 43 plots (Plot Nos. 28, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 75, 76, 77, 78, R1 & R2) have been sold to different persons in different period. The total number of sold plots is 45 numbers and remaining UN sold plot are 33 numbers (Plot Nos. 29, 30, 31, 32, 33, 34, 35A, 36A, 52, 61A, 62A, 72, 79A, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98).



Title Regarding R.S No. 79/02pt

The Nanja property viz., the 02<sup>nd</sup> item of the Opinion mentioned property was owned by Thiru. M. Ramalingam, S/o Manicka Chettiyar through Partition Deed dated 25-03-1963 and registered as R.V.275 No.21 at Registrar Office, Karaikal and Exchange Deed dated 08-06-1981 and Registered as Document No. 256/1981. In Virtue of the above deeds Thiru. M. Ramalingam had owned possessed and enjoy the above property.

Thiru. M. Ramalingam, S/o Manicka Chettiyar has sold the Nanja property of 01H-79Ar-00Ca comprised in R.S.No.79/2 to and in favour of one Mr. Vimal Chand, S/o Misrilal Jain through a Sale Deed dated 03-12-2003 as Doc.No.907/2003 in the Office of the Sub Register of Thirunallar. In virtue of the above sale, Mr. Vimal Chand has owned, possessed and was enjoying the above property and he had settled the same to his son Mr. V. Lalith Kumar, S/o Vimal Chand of No. 10, Vellazhar Street, Thirunallar, Karaikal through a registered Settlement Deed bearing No. 1930/2009 dated 14-09-2009.

Thereafter, he had appointed one V. Nirmal Bai, W/o Vimal Chand as his General Power of Attorney vides a Document No. 175/2009 dated 14-09-2009 on the files of Sub Registrar of Thirunallar in respect of the Opinion mentioned property including the other properties.

Thereafter, the above named V. Lalith Kumar through his Power Agent V. Nirmal Bai to sell the Opinion mentioned property to one Govindan, W/o Munusamy of No. 23, East Street, Narambai, Bahour, Puducherry vide a registered Sale Deed No. 477/2010 dated 10-03-2010.

Subsequently, the possession and enjoyment in respect of the 02<sup>nd</sup> item of the mentioned property was duly handed over to the 04<sup>th</sup> present owner. The 04<sup>th</sup> present owners took the possession and enjoyment of the 02<sup>nd</sup> item of the mentioned property and become the absolute owner thereof pursuant to the execution of the above said Sale Deed. Since then the present owner has been exercising his absolute right over the 02<sup>nd</sup> item of the mentioned property.

Thereafter, the 04<sup>th</sup> present owner Mr. Govindan had converted the nanja land property into housing plots in the name and style of "Indira Prastha Estate Block -02" and sold plots to the various persons.



Subsequently Mr. Govindan had appointed one R. Karunamoorthy, S/o Ramu of No. 47, Vallalar Nagar, Karaikal vide a registered Power Deed No. 308/2012 dated 09-10-2012 with specific powers to sell away the mentioned property to any third parties. As per the above power deed Mr. Karunamoorthy sold some plots to various persons.

Due to some personal reason, the 04<sup>th</sup> present owner Mr. Govindan cancelled the above power given to Mr. Karunamoorthy through Cancellation Deed No. 2418/2015 dated 07-09-2015 and subsequently the present owner Mr. Govindan has executed a general power of attorney in favour of Mr. R. Karunamoorthy Power Deed No. 2420/2015 dated 07-09-2015 to sell the remaining plots and reserve area in the mentioned property.

Pursuant to the above sale deed vide No. 477/2010 dated 10-03-2010, **Mr. Govindan** has owned, possessed and been enjoying the existing UN sold property.

Indraprastha Estate Layout (IP Estate)" Block 02 in the mentioned property consists of 33 plots. Out of which 25 Plots (Plot Nos. 01, 02, 03, 04, 05, 06, 07, 08, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 have been sold to different persons in different period. The total number of sold plots are 25 Nos. and remaining UN sold plot are 08 Nos. (Plot Nos. 9, 9A, 10, 10A, 27A, 28A, R3 & R4).

#### PART-III-A

Now the opinion is sought in respect of the Plot Nos. 29, 30, 31, 32, 33, 34, 35A, 36A, 52, 61A, 62A, 72, 79, 79A, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97 and 98 in R.S.No.78pt; and 09, 09A, 10, 10A, 27A, 28A, R3 and R4 in R.S.No.79/2pt by your Authority Concern under the scheme of Regularization of unapproved layout.

There is no Minor's interest or litigation pending or prevailing in respect of the opinion referred property.

The Present Owners had acquired valid title and ownership in respect of the opinion mentioned property.

The Present Owner Mr. AR. Muthaiya and Mrs. D. Laksmi are having saleable right over the remaining Plot Nos. 29, 30, 31, 32, 33, 34, 35A, 36A, 52, 61A, 62A, 72, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97 and 98.

The Present Owner viz. Mr. Govindan is having saleable right over the remaining Plot Nos. 09, 09A, 10, 10A, 27A, 28A; R3 and R4.



PART-IV

Revenue record particulars

Present pattatharars name as per Revenue Records:-

The Patta for the opinion mentioned property stands in the name of the present Owners viz., Mr. AR. Muthaiya; Mrs.M.Devaki and Mr. Govindan under Patta No. 200 and 218 respectively.

PART - V

Encumbrance Particulars: -

There is no encumbrance is found over the opinion mentioned property as per the E.C. No. 1613/2015 for the period from 01-01-1985 to 19-11-2015; E.C. No. 2232/2018 dated 20-12-2018 (period from 01/01/2015 to 18 /12/2018); and E.C. No. 611/2022 dated 04-04-2022 (Period from 01-01-2018 to 01-04-2022) for the 01<sup>st</sup> item of opinion mentioned property (R.S.No.78) and E.C. No. 1217/2015 for the period from 01-01-2011 to 02-08-2015; EC No. 2232/2018 dated 20-12-2018 (period from 01-01-2015 to 18-12-2018); and E.C. No. 616/2022 dated 04-04-2022 (period from 01-01-2018 to 30-03-2022) for the 02<sup>nd</sup> item of opinion mentioned property (R.S.No.79/02) and only entry regarding the sold plots alone appears in EC.

PART -VI

Documents Verified

Document Particulars:

For R.S.No:78pt

1. Copy of Notarized **Gift Deed** No. R.V. 277 No. 21 dated 18-05-1963 (Between Appavou chettiar and Sugumar)
2. Copy of **Sale Deed** No. 906/2003 dated 01-12-2003. (Between Sugumar and Vimal Chand)
3. Copy of **Sale Deed** No. 467/2010 dated 10-03-2010 (Between Vimal Chand and Muthaiya, Devaki)
4. Copy of **Affidavit** No. 2456/2011 dated 21-10-2011.
5. Copy of **Power Deed** No. 239/2012 dated 28-08-2012 (Between Devaki and Munusamy)
6. Copy of **Cancellation of Power Deed** No. 391/2012 dated 17-12-2012. (Between Devaki and Munusamy)
7. Copy of **Power Deed** No. 387/2012 dated 12-12-2012 (Between R. Karunamoorthy and Muthaiya)



8. Copy of **Power Deed** No. 393/2012 Dated 17-12-2012 (Between R. Karunamoorthy and Devaki)
9. Copy of **Sale Deed** No. 164/2014 dated 29-01-2014. (Between R. Karunamoorthy and Lakshmi)
10. Copy of **Sale Deed** No. 98/2014 dated 30-07-2014. (Between R. Karunamoorthy and Lakshmi)
11. Copy of **Patta** No. 200
12. Copy of **Survey Sketch** bearing R.S.No.78
13. Copy of **EC** No. 1613/2015 dated 23-11-2015(period from 01-01-1985 to 19-11-2015)- for property of R.S No.78.
14. Copy of **EC** No. 2232/2018 dated 20-12-2018 (period from 01-01-2015 to 18-12-2018) - for property of R.S No.78.
15. Copy of **Power Deed** No. 452/2022 dated 23-03-2022.
16. Copy of **E.C.** No. 611/2022 dated 04-04-2022 (period from 01-01-2018 to 01-04-2022).

**For R.S.No:79/2pt**

1. Copy of **Partition Deed** dated 25-03-1963 and registered as R.V.275 No.21
2. Copy of **Exchange Deed** Document No. 256/1981 dated 08-06-1981
3. Copy of **Sale Deed** Doc.No.907/2003dated 03-12-2003(Between M.Ramalingam and Mr.Vimal Chand )
4. Copy of **Settlement Deed** No. 1930/2009 dated 14-09-2009.(Between Mr.Vimal Chand and Mr. V.Lalith Kumar )
5. Copy of **Power deed** Document No. 175/2009 dated 14-09-2009 (Between Mr. V.Lalith Kumar and V. Nirmal Bai )
6. Copy of **Sale Deed** No. 477/2010 dated 10-03-2010. (Between V. Nirmal Bai and M.Govindan)
7. Copy of **Power Deed** No. 308/2012 dated 09-10-2012 (Between M Govindan and R.Karunamoorthy)
8. Copy of **Power Cancelled Deed** No. 2418/2015 dated 07-09-2015 (Between M.Govindan and R.Karunamoorthy)
9. Copy of **Power deed no.** 2420/2015 dated 07-09-2015 (Between M.Govindan and R.Karunamoorthy)
10. Copy of **Patta** No. 218.
11. Copy of **Survey Sketch** for R.S.No:79/2 .
12. Copy of **EC** No. 1217 /2018 dated 02-09-2015 (period from 01-01-2011 to 02-08-2015) - for R.S No.79/2
13. Copy of **EC** No. 2233/2018 dated 20-12-2018 (period from 01-01-2015 to 18-12-2018) - for R.S No.79/2.
14. Copy of **E.C.** No. 616/2022 dated 04-04-2022 (period from 01-01-2018 to 30-03-2022).

