

M.VINAYAGAMORTHY B.A., B.L

ADVOCATE

NOTARY PUBLIC

Off & Res: No 124, Veerampattinam Road, Ariyankuppam, Puducherry – 605007.

Cell: 94434-13882

Date...5/10/2019.....

To

The Member Secretary,

Puducherry Planning Authority,

Jawahar Nagar,

Puducherry.

Sir,

Sub: Puducherry Planning Authority -
Regularization of Unapproved layouts situated at
outside the Comprehensive Development Plan area of
Puducherry – Legal opinion of the property – Reg.

Ref: Your letter No. 890/PPA/Z (VCP/LAYOUT)
RUL/2019/488 dated 22.7.2019.

LAYOUT NAME: SRI RAMANA GARDEN

I have received the above reference mentioned letter
from your good self on 22.7.2019. The applicant, Thiru.

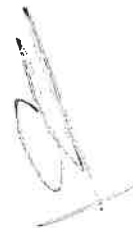


Murugadass residing at No. 47, Sengunthar Street, Kanuvapet, Villianur Post, Puducherry 605 110 has produced the complete set of document along with required encumbrance certificate on 30.9.2019. After careful scrutiny of all the documents listed in the list of documents, I hereby deliver my opinion as follows:

The property mentioned in the schedule hereunder is situated at Puducherry R.D., Villinaur Sub-R.D., Villianur Commune Panchayat, Village No. 47, Thirukanchi Revenue Village, R.S. No. 30/3, Cadastre No. 29, having an extent of 01.14.00 H.A.C. The applicant Thiru. Murugadoss residing at No. 47, Sengunthar Street, Kanuvapet, Villianur Post, Puducherry, has claimed title over the property more fully described in the schedule in following manner.

The property found in the schedule hereunder and some more properties were originally owned and possessed by one Thiyagarajan alias Devarajalu Chettiar, son of Appu.

Chettiar. The said Thiyagarajan alias Devarajalu Chettiar executed a will on 15.6.1979 and registered the same before the office of the Sub-Registrar, Puducherry on 15.6.1979 vide document No. 87/1979. I have perused the photocopy of certified copy of the Will 87/1979. The Will reveals that, the testator Thiyagarajan alias Devarajalu Chettiar bequeathed his properties to and in favour of his wife 1. Sarojini and his own brother (brother's name is Savarirajalu Naidu as per Will 87/1979) sons namely 2) Ramaiyan 3) Selvaraj 4) Ramanan and his daughter born through his first wife Vaidooriam namely 5) Radha. As per the above said Will 87/1979 the testator bequeathed the property mentioned in the schedule hereunder some more property to and in favor of his brother's son namely Ramanan, which is found in the 'D' schedule of the said Will. Further the testator specifically given only life estate to above said Ramanan in respect of the D-schedule of the Will property and given absolute right to and in favor of Ramanan's male legal heirs.



Further the applicant produced a photocopy of the death certificate of Devarajalu Chettiar for my perusal. The death of Devarajalu Chettiar was duly registered before the Cuddalore Municipality vide Reg. No. 59/1982, and it reflects that Devarajalu Chettiar died on 9.9.1982. Therefore, after the death of said Devarajalu Chettiar, the Will came into force. I have perused the death certificate of Devarajalu Chettiar.

Further the above said Ramanan died on 12.11.2011, the death of said Ramanan was duly registered before the Villianur Commune Panchayat vide Reg. No. 2211/100174 dated 22.11.2011. Further after the death of Ramanan the legal heirs have filed a suit for declaration of legal heirs vide O.S. 1799/2014 before the Honorable II Additional District Munsif, Puducherry and got a decree and judgment in their favor on 10.3.2014. I have perused the decree passed in O.S. 1799/2014. Through which 1)

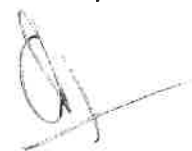




Lalida (wife) 2. Santhy (daughter) 3. Anadalle (daughter) 4. Indira (daughter) 5) Mourougadasse 6) Thiagaradja Sarma (sons) were declared as the legal heirs of deceased Ramanan son of late Savarirajalu.

It is significant to mention here that in the death certificate bearing No. 2211/100174 and the decree passed in O.S. 1799/2014 the above said Ramanan's name has been mentioned as Ramanan @ Ravanappan.

Further I have perused a photocopy of a Release Deed which executed on 9.9.2015 before the Sub-Registrar, Villianur, vide Release Deed No. 18219/2015. The Release deed reveals that the legal heirs of deceased Ramanan alias Ravanappan namely 1. Lalida 2. Santhy 3. Indira 4. Mourougadasse have executed the release deed in favor of another one legal heir namely Thiyagaradja Sarma by releasing the entire right over the property mentioned in the schedule hereunder. According to the Will No: 87/1979



executed by Thiagaradjan @ Devarajalu Chettiar, only the male legal heirs of Ramanan entitled for the property, even though the female legal heirs of Ramanan also executed the Release deed No. 18219/2015 by way of abundant caution and as such the said Thiagaradja Sarma had become the absolute owner of the property mentioned in the schedule hereunder.

Further I have perused a photocopy of a settlement deed bearing No. 18338/2015 registered on 9.9.2015 before the Sub-Registrar, Villianur. The Deed reveals that the above said Thiagaradja Sarma settled the property mentioned in the schedule to and in favor of his brother Mourougadass. As such the said Mourougadasse has become the absolute owner of the property mentioned in the schedule hereunder.

Further I have perused a photocopy of the Patta for the property issued by the Tahsildar, Villianur dated



4.5.2013. As per the Patta No. 255, an extent of 01.45.50 H.A.C. in R.S. No. 30/3 Village No. 47, Thirukanchi, Villianur Commune stands registered in the name of Ramanan @ Ravanappan, son of Savarirajalu Naidu.

Further the applicant produced the following encumbrance Certificate in respect of the property mentioned in the schedule hereunder for my perusal. The detail of the encumbrance certificate is as follows:

Sl.	E.C. No.	Date	Period	Entries	Remarks
1.	5141/2015	1.10.2015	1.1.1985-30.9.2015	Two	Relevant
2.	6690/2019	26.9.2019	1.1.2015-12.9.2019	50	Relevant Sold plots

I have perused the encumbrance certificate and it contains only the relevant documents discussed above,

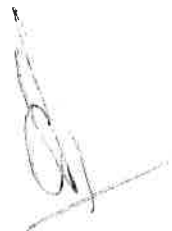




and the sold plots. Other than that, I do not find any encumbrance in it.

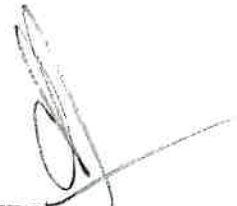
CLARIFICATION

On scrutiny of all the documents discussed above, it was observed that, by the way of Will No. 87/1979 executed by Thiayaradjan @ Devaajalu Chettiar has bequeathed the property in favor of his brother's son namely Ramanan. In the death certificate of Ramanan his name has been mentioned as Ramanan Naidu alias Ravanappan son of Sowrirajalu Naidu, here it is worth to mention that, the testator Thiagaradjan @ Devarajalu Chettiar himself mentioned his brother's name as Savarirajalu Naidu in the first page of the Will. Therefore, there is no any ambiguity arises to me regarding the above discussed name and it does not stand as a hurdle for delivering my opinion.



CONCLUSION

In view of the discussion made supra, I am of the opinion that the applicant Thiru. Mourougadasse, son of Ramanan @ Ravanappan, son of Sowrirajalu Naidu residing at No. 47, Sengunthar Street, Kanuvapet, Villianur Post, Puducherry 605 110, has got perfect valid and marketable title over the property mentioned in the schedule hereunder, and he can entitle to form the Layout in the name and style of **SRI RAMANA GARDEN** at the property mentioned in the schedule hereunder. Therefore, the application submitted by the applicant Mourougadasse may be considered in his favor in accordance with the existing terms of the Puducherry Planning Authority. The document produced by the applicant for my opinion is returned along with my opinion.



(M. VINAYAGAMORTHY)

Advocate & Notary.

SCHEDULE OF PROPERTY

Puducherry R.D., Villianur Sub-R.D., Villianur
Commune Panchayat, Village No. 47, Thirukanchi Revenue
Village, Resurvey No. 30/3, Cadastre No.29, Patta No. 255,
Extent: As per document 2 Kani, as per Settlement
01.14.50 H.A.C. or 2 Kani 13 Kuzhi 14 ½ Veeram.

Boundaries: East to land in R.S. no. 30/2, West to land in
R.S. No. 22 and 29, North to land in R.S. No. 29 & 30/4,
South to the land in R.S. No. 21 and 20.



(M.VINAYAGAMORTHY)

Advocate & Notary.

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LIST OF DOCUMENTS

Sl.	Date	Description of documents
1.	15.6.1979	Will No. 87/1979.
2.	9.9.1982	Death Certificate of Devarajalu Chettiar.
3.	22.8.2014	Death Certificate of Ramanan Naidu @ Ravanappan
4.	10.3.2014	Decree and Judgment in O.S. 1799/2014.
5.	9.9.2015	Release deed No. 18219/2015.
6.	9.9.2015	Settlement deed No. 18338/2015. <
7.	6.10.2015	Patta copy No. 255.
8.	1.10.2015	Encumbrance Certificate No. 5141/2015.
9.	26.9.2019	Encumbrance certificate No. 6690/2019. <
10.		Copy of the layout.

(M.VINAYAGAMORTHY)

Advocate & Notary.