

A. Raymond

Advocate

*on the State Rolls of
Bar Council of Tamilnadu & Puducherry,
Enrollment No.18/1996, dated 10.01.1996*

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Date: 16.06.2023

To

The Member Secretary,
Puducherry Planning Authority,
Puducherry.

Sir,

Sub: Legal Opinion on the title to the property comprised in R.S No.217/4 pt, of Manapet Revenue Village, Bahour Commune Panchayat, Puducherry, in respect of Application submitted by Tvl. A.K.Ramamourthy and Ramaraj, Power Agents of Tmt. Sagunthala and 6 others for Regularization of unapproved residential Layout in the name and style "Vinayaga Nagar", Bahour, Puducherry - Reg.

Ref: File No.7077/PPA/Z(BCP/SB/LAYOUT) RUL/2019/1488, dated 09.05.2023.

LEGAL OPINION

I. DESCRIPTION OF PROPERTY:

In Puducherry R.D. Bahour Sub-R.D., within the limits of Bahour Commune Panchayat, Village No.81, Manapet Revenue Village, the northern portion of land in the east-west direction to an extent of 80 Kuzhies comprised in Re-Survey No.217/4, Cadastre No.579 pt, Patta No.156, in which a residential layout in the name and style "Sri Vinayaga Nagar" is formed at Manapet Village, Bahour Commune, Puducherry.

Boundaries (as per Layout): To the East of existing road, to the West of R.S Nos. 217/5A, 5B & 5C, to the South of R.S No.217/2, to the North of Mayakrishnan's land comprised in R.S No.217/4 pt.

II. LIST OF DOCUMENTS FURNISHED:

- (1) Copy of French Sale deed transcribed on 4.11.1949 in R.V 414, No.53 at the then Registrar's Office (Conservation des Hypotheques), Puducherry.



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R. S. Srinivasan

- (2) Copy of Translation in English of the above French Sale deed by Notary Public Puducherry, dated on 01.06.2023.
- (3) Copy of Judgment and Decree dated 25.01.2006 delivered in O.S No.880 of 2005 by the Hon'ble Court of II Additional District Munsif, Puducherry.
- (4) Copy of Partition deed dated 12.06.2006, registered as Document No.2195 of 2006 at the Bahour Sub-Registrar's Office, Puducherry.
- (5) Copy of Deed of General Power of Attorney dated 02.11.2011, registered as Document No.372 of 2011 at the Bahour Sub-Registrar's Office, Puducherry.
- (6) Copy of Declaration deed dated 29.05.2023, registered as Document No.16817 of 2023 at the Bahour Sub-Registrar's Office, Puducherry.
- (7) Copy of Encumbrance Certificate No.2278 of 2011, dated 05.08.2011 for the period from 01.01.1980 to 31.07.2011 (32 years) in respect of the property described above.
- (8) Copy of Encumbrance Certificate No.1419 of 2019, dated 25.03.2019 for the period from 01.01.1990 to 21.03.2019 (30 years) in respect of the property described above.
- (9) Copy of Encumbrance Certificate No.3082 of 2020, dated 23.09.2020 for the period from 21.08.2019 to 21.09.2020 (02 years) in respect of the property described above.
- (10) Copy of Encumbrance Certificate No.20232100021 of 2023, dated 14.03.2023 for the period from 22.09.2020 to 13.03.2023 (02 years) in respect of the property described above.
- (11) Copy of Encumbrance Certificate No.20232108158 of 2023, dated 31.05.2023 for the period from 01.01.2023 to 30.05.2023 in respect of the property described above.
- (12) Online Copy of Extract of Settlement Register dated 15.05.2023 relating to the property described above.
- (13) Online Copy of FMB relating to the property described above.
- (14) Copy of Layout formed in the above property with plot area and road portion details.

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The Deed of General Power of Attorney dated 02.11.2011 (**Doc. No.5**) shows that all the heirs of deceased Codandabany have appointed Thiru. A.K.Ramamourthy and Thiru. R.Ramaraj as per power agent conferring upon them power to manage, sell, etc in respect of the said 80 Kuzhies of land with an undertaking all acts and things carried out by the power agents shall be deemed to be that of the principals. Although one of the heir Tmt. Devika is not a signatory to the Partition deed, she has executed the said power of attorney along with other heirs and thus, valid authorization has been given to the power agents to deal with her share of property.

As per the Declaration deed dated 29.05.2023 (**Doc. No.6**), the said Power Agents have declared that the land comprised in Cadastre No.579 at Manapet Village as allotted under C-Schedule of property of the Partition deed in which the present layout is formed, originally belonged to the deceased Thangavelou as per the French Sale deed transcribed on 04.11.1949, in R.V 414, No.53 (**Doc. No.1**), apart from the three French title deeds mentioned therein. Hence, the linkage of documents from the French Sale deed dated 04.11.1949 to that of Partition deed and Deed of General Power of Attorney with respect to title and extent of the land in which the present layout is formed is correct and proper.

The Encumbrance Certificates (**Doc. Nos. 7 to 11**) for the period from 01.01.1980 to 30.05.2023 (44 years) show the entries of the above Partition and Declaration deeds pertaining to R.S No.217/4 and further, the sale of 15 plots (i.e. Plot Nos. 3,4,9,10,11,17,18, 21 to 25, 30 to 32) out of the total number 32 plots in "Sri Vinayaga Nagar Layout" and no other adverse entry is found therein.

As far as the Settlement Extract (**Doc. No.12**) is concerned, although a larger extent of land of 01 Hectare 36.40 Ares (or) 02 Kanys 44 Kuzhies 14 Veesam had been purchased jointly by Thiru. Tangavelou and Thiru. Vadivelou as per the French Sale deed dated 04.11.1949, Thiru. Thangavelou is the Registered Holder of the land to an extent of 95.00 Ares (or) 01 Kany 77 Kuzhies comprised in Cadastre No.579 pt, R.S No.217/4 of Manapet Revenue Village, with Patta No.156 on the division of the said larger extent of land to the separate possession and enjoyment of Thiru. Thangavelou.

A. Rajmouli

The boundaries of F.M.B (Doc. No.13) relating to the land in R.S No.217/4 on the east, west and south directions tallies with the Layout sketch (Doc. No. 14) and the measurement of 92.0 meters east-west direction on the northern side as found in the FMB tallies with the same measurement in the Layout sketch. The details of sold out plots as mentioned in the Layout sketch tallies with the entries of Encumbrance certificate (Doc. No.8). The other details such as total extent of 80 Kuzhies, number of plots, road areas, etc of the layout can be ascertained through field inspection.

CONCLUSION :

Therefore, on careful consideration of the above documents, I am of the opinion that the above said Tvl. 1. Sagunthala, 2. Ramakrishnan, 3. Govindarasu, 4. Krishnan, 5. Murugan, 6. Anjaladevi and 7. Devika, represented by their power agents Thiru. A.K.Ramamourthy and Thiru. R.Ramaraj, have acquired clear, valid, absolute and marketable title over the property described above which is converted into a Layout in the name and style "Sri Vinayaga Nagar" at Manapet Village, Bahour Commune, Puducherry, by virtue of the Partition deed dated 12.06.2006 and Deed of General Power of Attorney dated 02.11.2011 (Doc. Nos. 4 & 5) and other documents discussed above.



A. Raymond
(A.RAYMOND) 16/6/2023

Advocate

A. K. Ramamourthy
R. Ramaraj