

Property Law including Transfer of Property Act and Easement Act

Objectives

This course is designed to make students conversant with certain fundamental legal principles regarding law of property transfers. The Syllabus underlines and emphasizes the structural arrangement of provisions relating to the prominent types of Transfers of Properties in India and their relevance in the context of development of Property Jurisprudence.

Units

1) Jurisprudence and Preliminary Rules

(12)

1.1 Concept and scope

- 1.1.1 Kinds of Properties
- 1.1.2 Transferable Property, Principle and Accessory Rights
- 1.1.3 Written and Oral Transfers
- 1.1.4 Restraints on alienation, perpetuities
- 1.1.5 Transfer to a class, Doctrine of Acceleration
- 1.1.6 Vested and Contingent Remainders, Conditional transfers

1.2 Conflict of Right between parties

- 1.2.1 Priority of Rights and Notice
- 1.2.2 Transfer by Limited Owners
- 1.2.3 Ostensible Ownership
- 1.2.4 Ownership By estoppel, Lis Pendens
- 1.2.5 Meaning of Pendency - Conditions for the rule to apply

1.3 The doctrine of Part Performance

- 1.3.1 English Law and conditions
- 1.3.2 Indian Law before the Amendment
- 1.3.3 Sec 53A, Summary of the present Law

2) Mortgages and Leases

(12)

2.1 Mortgages, General Characteristics and requisites

- 2.1.1 Types of mortgages in India
- 2.1.2 Principles that apply to mortgages
- 2.1.3 Definition and Transfer of an Interest,
- 2.1.4 Mortgagor's Rights - Subrogation, marshaling and Contribution

2.2 Leases, Different Kinds of Tenancies

2.3 Rights and Liabilities of Lessor and Lessee

2.4 Duties of Lessor and Lessee

2.5 Determination of Lease

3) Sales, Exchange, Gifts and Actionable Claims (12)

3.1 Of Sales generally and Rights and Liabilities of Buyer and Seller

3.1.1 Definition of Sale

3.1.2 Parties to Sale, Passing of ownership

3.1.3 Disclosures, Title Deeds

3.1.4 Discharge of encumbrances, Payment of Price

3.1.5 Remedies before and after Conveyance

3.1.6 Unpaid Vendor's Charge, encumbrances and Court Sales

3.2 Of Gifts, Exchange and Actionable Claims

3.2.1 Definition of Gift and Kinds (Conditional Gift, Onerous Gift)

3.2.2 Concept of Exchange

3.2.3 Definition of Actionable Claims

4) Concept of Easement and Indian Easement Act (12)

4.1 Nature of Easements, Creation of Easements

4.2 Characteristics and Extinction

4.3 Licenses and related Sections of Indian Easements Act

Tutorials (02)

Total (50)

Suggested Readings:

Bharuka G.C., Mulla's Transfer of Property Act 1882, Lexis Nexis Butterworths, Edition 10 (2006)

Sarathi, Vepa. P., Transfer of Property, Eastern Book Publication, (2005)

Subbarao, Transfer of Property, (1997), Eastern Book Publication

Note: Students are expected to read latest journals, periodicals, reports and articles to keep abreast with the recent trends and developments in this area of Law.

