

BA.LLB (HONS) – VI-SEMESTER

LAW OF PROPERTY

COURSE CODE:

Course Objective: Property is an important jurisprudential concept which has various facades. The object of this subject is to explore into those various concepts by dealing various principles laid down in Transfer of Property Act, 1882 with a contemporary analysis. The subject would also deal with several other laws concerned with Real Estate, Trusts, Easements, Land Acquisition.

Course Outcomes:

1. To analyse the basic principles of property law through jurisprudential theories
2. To explain about the basic principles and doctrines of Transfer of Property Act, 1882.
3. To understand the various modes of transferring a property and get accustomed to the drafting of various deed such as sale deed, mortgage deed,
4. To demonstrate and Understand the essentials of lease, gift, actionable claims and draft deeds
5. To recognise contemporary legal developments in areas like real estates, land acquisitions etc.

UNIT-I: Introduction to the Concept and definition of Property; Theories of property-Natural law theory, Labour theory, Metaphysical theory, historical theory, Psychological theory, sociological theory, theory that property is the creation of the state; Classification of Property; Constitutional perspectives of Property; Crimes against property

UNIT-II: Introduction and History of Transfer of Property Act, 1882; Definitions of Property - movable and immovable property; Transfers of Property by Act of Parties, What property may be transferred, *spec successionis*; Condition restraining alienation and enjoyment; transfer to unborn person, rule against perpetuity; vested and contingent interest; conditional transfers; doctrine of election; Apportionment; ostensible ownership; feeding the grant by estoppel; Joint transfer; Improvements to the property; Doctrine of *Lis Pendens*; Fraudulent transfers; Doctrine of Part-performance

UNIT-III: Specific modes of Transfer; Sale- Rights and duties of seller and buyer, Marshalling; Mortgage-types of mortgage, Rights and liabilities of mortgagor, Rights and liabilities of Mortgagee, Priority, Marshalling and contribution, Foreclosure and redemption; Charge on the Property

UNIT-IV: Leases of Immoveable Property, Rights and liabilities of lessor and lessee, determination of lease; Exchange of property; Gifts-Gift of existing and future property, revocation, Onerous gifts, Universal done, donations mortis causa; Transfers of Actionable Claims

UNIT-V: Overview of Other important laws relating to Property-Indian Trust Act 1882; Indian Easements Act, 1882; Real Estate (Regulation & Development) Act, 2016, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, The Benami Transactions (Prohibition) Act, 1988

Text Books:

1. Mulla, Transfer of Property Act, Lexis Nexis, Nagpur, 2013.
2. V.P. Sarathi's Law of Transfer of Property, EBC, Lucknow, 2017
3. Poonam Pradhan Saxena, Property Law, Lexis Nexis, Nagpur, 2011.