

TITLES AND REGISTRATION OF TRANSACTIONS

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WHAT IS TITLE

- A title is the foundation of property ownership.
- It is the owner's right to
 - possess
 - use and transfer property rights.
- Land is permanent - can have many owners over the years, as well as rights to use the property.
- to transfer clear title to land -the rights outstanding on the property be determined through a title search
- Title search - detailed examination of records related to the property -deeds, mortgages, court records, encumbrances, Khata, taxes and other documents.
- Search is to verify the property owner's right to sell or mortgage the property - to discover any claims or defects to the property.

REGISTRATION OF LAND TRANSFER OF TITLE

- Registered sale deed does not confer title ownership
- It is merely a record of sales transaction.
- It only confers presumptive ownership, which is liable to be disputed.
- Land registration is “guaranteed title certification”.
- Title is established through a chain of historical transfer documents that originate from the first owner.
- Before they purchase land, buyers have to examine all the link documents that establish the title from its original owner.

GIST OF COMPREHENSIVE JUDGEMENT ON TITLE BY THE HON'BLE HIGH COURT

- Comprehensive Judgement was issued by the Hon'ble High Court in W.P Nos 15438/2012 and batch, dated 28.04.2014 on Title over the land .
- The Title is as per the following.
 - A patta granted under **BSO-27** confers absolute title.--- Extract of 10(1) Account.
 - An assignment made under BSO-15 prior to 18-6-1954 in Andhra Area confer absolute title with right to transfer the land. **--contd**

- In case of Laoni pattas granted on **collection of market value**, the pattadar is entitled to sell the land without any restrictions.

- In respect of estate and inam lands, **ryotwari pattas/occupancy rights certificates** constitute title.

- In the absence of patta, revenue **records form** basis for determining title.
 - ❖ A-Register/Diglot, Ledger/Chitta in Andhra Area, the basic settlement record which provide basis for subsequent entries
 - ❖ in the Village Accounts. Before integration of revenue record, No.1(month wise cultivation) , No.2 Account , No.3 Account(mutation), No.10 Account and Register of Holdings in Andhra Area

- ❖ Accounts for determination of title. After **integration of the Village Accounts** under the 1971 Act, -ROR Act (i) Printed Diglot or A-Register, (ii) Village Account No.1, (iii) Village Account No.2, (iv) No.3 Register and (v) Village Account No.4 – Register of Holdings constitute relevant record.
- ❖ Between two **rival claimants** relying upon the entries in revenue record, the person whose name is recorded in the basic records such as A-Register and Record of Holdings and their successors-in-interest will be considered as the rightful owners.
- ❖ In deciding such disputes, the revenue authorities and the courts need to **carefully weigh the evidence relied upon by the rival parties** with reference to the record referred to hereinbefore.

- ❖ Even in cases of **disputes between the Government** and private persons, the above referred record constitute material evidence in determination of title.
- ❖ While there is a **presumption** that all porambokes and lands reserved for communal purposes vest in the Government, no such presumption arises in respect of waste lands, assessed or unassessed.
- ❖ A person in possession of land for 12 years or more without title can claim transfer of registry in his favour as envisaged by **para-7 of BSO-31**.
- ❖ **Long possession supported by multiple registered sale transactions** give rise to presumption of title. Such presumption is however rebuttable.

- ❖ RSR is not a stand alone document. It is one of the relevant records in determination of ownership.
- ❖ Description of Government land in RSR only means that it is not an inam land. It can include patta lands also.
- ❖ Dots or blank in pattadar column does not necessarily mean that the land is vested in or it belongs to the Government.
- ❖ Despite such blanks or dots, a private person can claim ownership based on entries in revenue record prepared both prior to and after the commencement of the 1971 Act, besides registered sale transactions. If the Government disputes such entries, it needs to get its right declared by instituting proceedings before the competent court of law.

- ❖ The entries in TSLR do not constitute conclusive proof of title.
- ❖ Where there is a bonafide dispute regarding title of a person in possession of the lands other than public roads, streets, bridges or the bed of the sea or the like, summary proceedings under the 1905 Act cannot be initiated. In all such cases, the Government which claims title shall approach the competent Civil Court for declaration of its title.

The End