

CHANAKYA NATIONAL LAW UNIVERSITY, PATNA

SEMESTER – 3rd

Session 2022-23

B.A., LL.B. (Hons.) & B.B.A., LL.B. (Hons.)

Name of Faculty: Dr. Vijay Kumar Vimal

LECTURE PLAN: PROPERTY LAW

The economic order of a country dominates the social order in the country. Economic order is said to be totally dependent upon concept of property. To describe the economic order, understanding of concept of property is a must. Property finds every important place in all legal systems. At the same time, it is also considered as the root of all social evils. Therefore, the study of laws relating to property assumes greater significance in any legal system. Initially, the Indian Constitution considered property right as a Fundamental Right but subsequently converted the same to a constitutional Right. It is now argued that right to property is more secure than earlier. Besides concept of property this course mainly focuses over transfer of immovable property between living persons. The concept of Property and nature of property rights are basis to the understanding of Law relating to Property.

This course will study the concept in particular, its contemporary emphasis on user, the evolution of the right to transfer property and the limitations operating thereon as laid down in the Transfer of Property Act 1882. Necessary references will be to the English Law as well as to the doctrines of equity which have been responsible for crystallization of the basic principles of property law. The general principles relating to transfer of property will be studied in the backdrop of the Law of contract to which it owes considerable allegiance as property regimes changes through voluntary and involuntary procedures. The Law of Trusts and Law of Easements will also form a part of the course in which easementary rights appertaining to property will be studied.

Sl. No.	Name of Act/ Topic	Approximate Number of Lectures
<u>UNIT-1</u>	<u>INTRODUCTION (GENERAL PRINCIPLES OF TRANSFER)</u> General Meaning and Kinds of Property, General introduction of Transfer of property Act 1882 Historical perspective, Scope and Object and Definitions under Section 3 of the Act- Immovable Property, Instrument; Attestation, Partition, Relinquishment, Actionable Claim and Notice	07-09
<u>UNIT –II</u>	<u>GENERAL PRINCIPLES OF TRANSFER OF PROPERTY ACT</u> Transfer of Property, whether Movable or Immovable, Illegal Restrictions on certain alienations, Transfer for benefit of unborn persons, Rule against perpetuity	12-14

	<p>Vested and Contingent Interest, Conditional Transfers, Doctrine of Election, Election when necessary Mode of Election Transfer by person other than full owner, Transfer by Co-Owners and Joint Transfers, Priority of Rights created by Transfer Bona fide holders under Defective Title, Doctrine of Lis Pendens, Fraudulent Transfers, Part – Performance</p>	
<u>UNIT –III</u>	<u>SALE OF IMMOVABLE PROPERTY</u> <p>Definition of Sale, Contract for Sale, Hire -purchase Agreement Essentials of a Valid Sale Sale how effected Rights and Liabilities Buyer and seller Marshalling by Subsequent Purchaser</p>	7-09
<u>UNIT –IV</u>	<u>MORTGAGES OF IMMOVABLE PROPERTY AND CHARGES</u> <p>Definition of Mortgage, Kinds of Mortgage, Rights and Liabilities of the Mortgagor, Rights and Liabilities of the Mortgagee, Renewal of mortgaged lease Right to foreclosure Provisions as to Priority of Securities, Marshalling and Contribution, Definition of charge and Doctrine of Merger</p>	12-14
<u>UNIT-V</u>	<u>LEASES OF IMMOVABLE PROPERTY</u> <p>Definition of Lease, Duration and Termination of Lease, Waiver of forfeiture Rights and Liabilities of Lessor, Rights and Liabilities of Lessee, Determination of Lease and Kinds of Lease</p>	07-09
<u>UNIT – VI</u>	<u>EXCHANGES AND GIFTS</u> <p>Definition of Exchange Exchange how effected, Rights of Deprived Party Rights and Liabilities of Parties and Exchange of Money Definition of Gift,</p>	06-08

	Validity of Gift Mode and Kinds of Gifts Revocation and Suspension of Gifts	
<u>UNIT – VII</u>	<u>LAW OF EASEMENT</u> Meaning and Definition of Easement Creation and Features of Easement Acquisition and Extinction of Easement Termination of Easement License – Acquisition, Revocation and difference between lease and license	03-05
<u>Unit- VIII</u>	<u>Law of Trusts</u> Importance and Applicability of the Indian Trusts Act Definition of Trust, Benefits of Creating a trust, Trustee and Beneficiary Creation, Disability of Trustee, Rights and liabilities of Trustee and Beneficiary	03-05

Important Case Laws:

1. Jayaram Mudaliar v. Ayyaswamy, AIR 1973 SC 569 : (1972) 2 SCC 200
2. Sri Jagannath Mahaprabhu v. Pravat Chandra Chatterjee, AIR 1992 Ori. 47
3. Dalip Kaur v. Jeewan Ram, AIR 1996 P & H 158
4. Ganga Dhar v. Shankar Lal, AIR 1958 SC 770
5. Shivdev Singh v. Sucha Singh, AIR 2000 SC 1935 : (2000) 4 SCC 326
6. Sangar Gagu Dhula v. Shah Laxmiben Tejshi, AIR 2001 Guj. 329
7. Tila Bewa v. Mana Bewa, AIR 1962 Ori. 130
8. Kartari v. Kewal Krishan, AIR 1972 HP 117

Note: Above all case laws and provisions of Laws related to Property are not exhaustive. Students must keep watch on day-to-day development of Law of Property.

References (Student Edition)

- Transfer of Property Act by Mulla
- Law of Transfer of property by G.C.V. Subba Rao
- The Transfer of Property Act by R.K. Sinha
- The Transfer of Property Act by S.N. Shukla
 - The portion for the mid-semester examination will be the topics covered till then from beginning.
 - The portion for the end semester examination will be entire syllabus i.e. the topics covered from beginning till then.

FACULTY

Dr. Vijay Kumar Vimal