

PROPERTY  
MANAGEMENT  
MANAGEMENT



# Introduction

- ❖ God is the owner of properties we are stewards of properties
- ❖ Missionaries acquired properties at their own cost with much struggles.
- ❖ After bifurcation of dioceses, acquired properties are very less but we dispose properties
- ❖ There is no proper maintenance with required documents...
- ❖ The communalists state that the Catholic Church owns more land next to government
- ❖ The High court has given direction to constitute Board to maintain church properties like HR&CE and Wakf board...

# Canon Law

- ❖ The Heads of the Church are all the custodians and Trustees of the properties which have been entrusted to our care. Code of Canon Law: Book V, from Canon 1259 to 1310, deals with the Temporal Goods of the Church.
- ❖ Title I: The Acquisition of Goods (Can. 1259 - 1272)
- ❖ Title II: The Administration of Goods (Can. 1273 - 1289)
- ❖ Title III: Contracts And Especially Alienation (Can. 1290 - 1298) Title IV: Pious Wills In General And Pious Foundations (Can. 1299 - 1310)

# Civil Laws Governing The Land And Buildings

1. Land Laws
2. Land Reforms Laws
3. Building Rules
4. Tenancy Laws
5. Registration Laws

# Land Laws

1. Transfer of Property Act, 1882
2. Tamil Nadu Cultivating Tenant Protection Act, 1955
3. Tamil Nadu Cultivating Tenant Protection Rules, 1956
4. Tamil Nadu Agricultural Lands Records of Tenancy Act, 1969
5. Tamil Nadu Agricultural Lands Records of Tenancy Rules, 1969
6. Tamil Nadu City Tenants Protection Act and Rules
7. Tamil Nadu Survey and Boundaries Act, 1923
8. Tamil Nadu Patta Pass Book Act, 1983

## **Land Reforms Laws**

**1. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act,  
1961**

**2. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Rules,  
1962 ( w.e.f. 1.3.1972)**

## **Building Rules**

- 1. Tamil Nadu Combined Development and Buildings Rules, 2019 ( w.e.f. 4.2 2019)**
- 2. Tamil Nadu Urban Local Bodies Act 1998**
- 3. Tamil Nadu Urban Local Bodies Rules 2023 ( w.e.f 13.4.2023)**
- 4. Town and Country Planning Act, 1972**
- 5. Master Plan Rules**
- 6. Tamil Nadu Public Buildings (Licensing) Act, 1965**
- 7. Tamil Nadu Public Buildings (Licensing) Rules, 1966**

# **Tenancy Laws**

- 1. Tamil Nadu Regulation of Rights and Responsibilities of the Landlords and Tenants Act, 2017**
- 2. Tamil Nadu Regulation of Rights and Responsibilities of the Landlords and Tenants Rules, 2019 ( w.e.f. 22.2.2019)**

# **Registration Laws**

**1. The Registration Act, 1908**

**2. The Tamil Nadu Registration Rules**

# Land And Building

## Definition of Land

“Land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

## Definition Of Building

Tamil Nadu Combined Development and Buildings Rules, 2019 ( w.e.f. 4.2 2019), defines as follows:

“BUILDING” means any structure for whatsoever purpose and of whatsoever materials constructed and every part thereof whether used as human habitation or not and includes foundation, plinth, walls, floors, roofs, chimneys, plumbing and building services, fixed platforms, verandah, balcony, cornice or projection, part of a building or anything affixed thereto or any wall enclosing or intended to enclose any land or space and signs and outdoor display structures.

Tents, shamianahs, pandals, tarpaulin shelters and the like erected for temporary and ceremonial occasions shall not be considered as building;

**“ASSEMBLY BUILDING” means any building or part of a building, where 50 persons or more congregate or gather for amusement, recreation, social, religious, patriotic, civil, travel or other purposes and includes theatres, motion picture houses, assembly halls, Kalyanamandapams, convention centers, auditoria, exhibition halls, museums, skating rinks, large gymnasiums, places of worship, dance halls, club rooms, passenger stations, stadia and terminals of air, surface and marine, public transportation services.**

**Tamil Nadu Urban Local Bodies Act 1998 ( W.e.f 13.4.2023),  
defines as follows:**

**“BUILDING” includes**

- a) a house, out-house, stable, latrine, godown, shed, hut, wall and any other structure whether of masonry, bricks, mud, wood, metal or any other materials whatsoever;**
- b) a structure on wheels or simply resting on the ground without foundations and**
- c) a ship, vessel, boat, tent, van and any other structure used for human habitation or used for keeping or storing any article or goods**

## **Mode Of Acquisition Of Land**

- **Sale Deed**
- **Gift Deed**
- **Settlement Deed**
- **Exchange Deed**
- **Transfer Deed**
- **Will**
- **Assignment**

## **Sale Agreement**

- It is a contract between the parties in writing and protected by the Law called “Specific Relief Act”.
- If it is a purchase, legal opinion from a competent advocate is to be obtained.
- It is always advisable to go for the execution and registration of the Sale Agreement before the sale and purchase of the property.
- The sale agreement has to be engrossed on a Rs. 200/- Stamp Paper.
- Registration Fee chargeable is 1% on the sum advanced and if possession is handed over, Fee is 1% on the total consideration.
- Resolution is to be passed in the society AGBM/ EGBM, authorizing the President/ Secretary to enter into an agreement to sell the property.
- No resolution is required while buying the property

## Basic Ingredients In The Title Deeds

- The Document Number and the Year, the Date of Registration, Name of the Seller/ Donor/ Transferor and the Name of the Buyer/ Donee/ Transferee.
- Legal Entity or Non-Legal Entity: Any Society/ Trust/ Company, created and registered under the laws, is a legal entity and others will fall under the category of Non- Legal Entity.
- Recital about the parent document, easement rights, including right of way and the pre-emption Clause.
- Schedule of the property.

# Will

- ❖ A Will is a legal document that comes into effect only after the death of testator.
- ❖ The last Will prevails over
- ❖ The registration of the Will under the Registration Act is optional and not mandatory.
- ❖ Two attesting witnesses are required to attest the signature of the Testator.
- ❖ Each of the three should sign in each other's presence.
- ❖ The Provisions of the Will are governed under the Indian Succession Act, 1925.

## Loss of Original Title Deeds

**“55A of the Registration Rules notified on September 5, 2022, Prescribes the procedure to follow:**

- ❖ **The registering officer, before whom a document relating to immovable property is presented for registration, shall not register the same, unless the executant produces the previous original deed by which the executant acquired right over the subject property and an Encumbrance Certificate pertaining to the property obtained within ten days from the date of presentation.**
- ❖ **Provided that in case an encumbrance as to mortgage, orders on attachment of property, sale agreement or lease agreement exists over the property, the registering officer shall not register such document, if the time limit for filing of suit is not lapsed or No Objection Certificate is not granted by the appropriate authority or raising of the attachment is not done, as the case may be.**

- ❖ **Provided further that in case the previous original deed is not available, as the property being an ancestral one, the registering officer shall not register such document, unless the presentant produce any revenue record evidencing the executant's right over the subject property, such as patta copy issued by Revenue Department or tax receipt.**
- ❖ **Provided also that if the previous original deed is lost, the registering officer shall register such document only on production of non-traceable Certificate issued by the Police department along with the advertisement published in the local Newspaper as to the notice of loss of the previous original deed**

## **Revenue Records**

### **Chitta**

Chitta is a land revenue document maintained by the Village Administration Officer. It outlines information on the area, size, and ownership of a particular piece of property. Furthermore, this record also specifies if the terrain is dry or wetland.

# **Patta**

A Patta is an official document issued by the government that proves your ownership of a piece of land. This record, also known as the Record of Rights (ROR), contains essential information such as the district and taluk it belongs to, the name of the owner, survey number and subdivision details, wetland/dryland classification, size of land, and tax payment particulars.

## **Kinds of Patta**

- a. Natham Patta
- b. Assignment Patta
- c. Condition Patta
- d. UDR ( Updating Data Registry)
- e. Manual Patta
- f. Thoraya Patta

## **Town Survey Land Record ( TSLR)**

It is the Revenue Record pertaining to Municipalities and Corporations, evidencing the Title Holder, Survey Number, Extent and the Rate of Assessment. Now it is made available online.

## **FMB Sketch**

It is plan as found in the Field Measurement Book, maintained at the office of the Taluk Survey Section with the Survey Number, Measurement and the Extent.

## **Combined FMB Sketch**

It is the combination of all the plans under the Parent Survey Number.

## **TOPO Skecth**

**It is a Plan / map showing the Survey Fields surrounding the lands owned by an entity/ individual at the distance of 1000 mtrs. and 500 mtrs. radius.**

## **Adangal**

**It is the Revenue Record showing the crops and the buildings standing thereon, including the graveyard and it is the record maintained at the office of the Village Administrative Officer, prepared by him twice in every Fasli Year. Fasli year means the period of 12 months from July to June.**

## **“A” Register**

It is a revenue record of a piece of land in rural areas of Tamil Nadu. It is issued by the government that includes survey number, sub-division number, patta number, area of land, tax details, soil type and quality, land type, water resource and owner name.

## **Kist Receipt/ Land Tax**

It is the tax paid for the agricultural lands and the receipt is issued by the Revenue Department.

## **B Memo**

It is the penalty levied on the occupier of the land for his use and occupation of Poromboke Lands as per Board Standing Order of the Revenue Department. It is a proof which will evidence the possession of the land. The Revenue Department has stopped collecting it now.

## **Free- Hold Lands**

- ❖ **Ryotwari Patta was granted for the lands un-assessed to land revenue under The Tamil Nadu Levy of Ryotwari Assessment on Free Hold Lands Act, 1972. District Revenue Officer ( DRO) in each revenue district had been designated as the Settlement Officer under the above Act.**
- ❖ **The Act has been repealed on 04.05.2023 and now the powers are vested with the Commissioner of Land Administration, Chennai (CLA)**

## **Inclusion Of Names In Chitta/ TSLR**

### **Required Documents:**

- 1. Original Sale Deed**
- 2. Manual Chitta**
- 3. Encumbrance Certificate**
- 4. Aadhaar Card of the Representative**

## **Approval For The Building**

**Approval for the Residential Buildings is issued by the Local Body and the submission of application for the layout, building plan has been made online through single window system from 01.08.2023. The Commercial Buildings are approved by the DTCP.**

## Open Space Reserve (OSR)

Rule 41 Of The Tamil Nadu Combined Development And Buildings Rules, 2019 ( W.e.f. 4.2 2019):

Reservation of land for community recreational purposes in certain developments. The reservation of land for community recreational purposes such as park or play ground shall be as given below at ground level in a shape and location abutting a public road to be specified by the competent authority:

- ❖ For the first 3,000 square metres - Nil
- ❖ Between 3,000 square metres and 10,000 square metres - 10% of the area excluding roads or in the alternative, he shall pay the Guideline value of the equivalent land excluding the first 3000 sq.m. as per the valuation of the Registration Department.
- ❖ Above 10,000 square metres - Ten per cent of the area excluding road with the dimension in the ratio of 1:5 and such area to be reserved shall not be less than 500 square meters and this space shall be transferred to the local body designated by it, free of cost, through a gift deed. It is obligatory to reserve and hand over the space and no charge in lieu can be accepted in case of new developments or re-developments.

## **Construction Of Religious Buildings**

**As per Tamil Nadu Combined Development and Building Rules, 2019, Annexure - XVII, Rule (6) Construction of religious buildings - The competent authority shall not entertain any building application for construction of buildings in relation to any religious institution, unless such application is accompanied by a No - Objection Certificate obtained from the District Collector concerned.**

# **Classification of Zone under Town and Country Planning Act**

- 1. Residential Zone**
- 2. Commercial Zone**
- 3. Industrial Zone**
- 4. Educational/ Institutional Use Zone**
- 5. Public / Semi Public Zone**
- 6. Agricultural Zone**

**FSI ( Floor Space Index) = Total Built-up Area / Plot Area**

This ratio determines how much total floor area can be constructed on a given plot of land. For example, if the FSI is 2.0 and the plot area is 1000 square metres, the total allowable built-up area is 2000 square metres.

## **Commercial Building**

**Tamil Nadu Public Buildings (Licensing) Act, 1965**

**As per the above said Act, the Commercial Buildings have to be assessed to commercial Property Tax and Form D License has to be obtained from the Tahsildar, who is having the competent jurisdiction. Form A, B and C certificates have to be obtained from the Panel Engineer. Approved plan is the essential document for the Form D License.**

# **Lease Of Buildings**

## **Tenancy Laws**

- ❖ **Tamil Nadu Regulation of Rights and Responsibilities of the Landlords and Tenants Act, 2017**
- ❖ **Tamil Nadu Regulation of Rights and Responsibilities of the Landlords and Tenants Rules, 2019 ( w.e.f. 22.2.2019)**

# Tamil Nadu Regulation of Rights and Responsibilities of the Landlords and Tenants Act, 2017

## The important ingredients of the New Act:

- Tamil Nadu Buildings Lease and Rent Control Act 1960 is repealed.
- Oral tenancy under the New Act is done away with.
- Tenancy shall be reduced in writing.
- Sec. 3(c) granting exemption for the Building owned by religious and charitable institution is not yet notified. Registration before Rent Authority/ Registering Authority is mandatory under the Act.
- It is applicable throughout the State.
- The Stamp Duty for the Agreement had been hiked to Rs. 200/- from 3.5.2024.
- The Society/ Trust can approach the Rent Court for the eviction of the Tenants.

# **Sec. 15 of Tamil Nadu Regulation of Rights and Responsibilities of the Landlords and Tenants Act, 2017**

## **Part A : Responsibilities Of The Landlord**

- 1. Structural repairs except those necessitated by damage caused by the tenant.**
- 2. Whitewashing of walls and painting of doors and windows.**
- 3. Changing and plumbing pipes when necessary.**
- 4. Internal and external electrical wiring and related maintenance when necessary.**

## **Part B: Periodic Repairs To Be Done By The Tenant**

- 1. Changing of tap washers and taps.**
- 2. Drain cleaning**
- 3. Water closet repairs**
- 4. Wash Basin repairs**
- 5. Bath tub repairs.**
- 6. Geyser repairs, etc.**

# **Agricultural Lands**

## **Agricultural Lease**

**The important ingredients of the New Act:**

- ❖ Agreements have to be entered in writing.**
- ❖ Periodic renewal and enhancement of rent are to be done. The schedule of the property, including the boundaries has to be mentioned in the agreement.**
- ❖ Change of the nature of land shall not be permitted.**
- ❖ The Society / Trust can approach the Civil Court for eviction of the Tenant**

# Land Ceiling Act

The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 Prescribes land ceiling as follows:

## Person or family

- Family consisting of not more than 5 members - 15 standard acres
- For each additional member - 5 standard acres
- Overall ceiling area - 30 standard acres

## Additionally Stridhana Land

- Female members holding land on the date of commencement of the Act - 10 Standard Acres

## Public Trust

Religious - Exempted

Charitable - 5 standard acres

Hospital - As per norms

Educational - As per norms

THANK YOU