

No SV. 755 of 1940
Poona, 27th September 1940

S.L.R.N.C.

Reference : Your No. CTS. 115, dt. 11.9.1940 (copy enclosed)

Subject : Right of Storey holders, Entry regarding the... In the P.R.

If the right over the land remains common in partition cases of the nature cited by you The brothers holding the upper floors will have a joint interest in the land and therefore their names will have to be shown as joint holders in column 3 of the P R with the consent of the parties concerned and the rights and titles of the respective brothers holding the lower and the upper floors will have to be shown in column 12 of the P R it is not necessary to revise the entries made so far in the light of the remarks made above in order to maintain uniform practice When occasion arises, steps should be taken to supply the omissions and correct the mistakes with the consent of all the parties concerned

As regards the entries to be made hereafter the Superintendent of Land Records should direct the Maintenance Surveyors to follow instruction No 10 given on page 52 of the City Survey Manual Scrupulously and where the land is jointly held by all the brothers, their, names should appear in column 3 of the P R as co-shares and their rights and titles should be shown in column 12, with the consent of all the joint owners

Sd/-xxx
Settlement Commissioner and
Director of Land Records

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Subject : Other Right under R. of R. Note of.... In the P.R.

I have the honour to state that during my inspection of Ahmedabad City Survey, it has come to my members of the same family by storeys The ground floor goes to the share of one and its storey or storeys to the share of the other Inc cases of this kind some maintenance Surveyors enter the right of storey of the person concerned in column 12 of the P R's as 'other rights' without mention of his name in column 3, while the others enter it besides showing his name in bracket in column 3 of the P R as co-sharer of the person holding the ground floor according to instructions in para 10 on page 52 of the C.T.S manual, Thus the practice is not uniform and instructions are not clear in the matter. Besides the person getting right of staying on the upper floor holds further natural rights of passage, use of chowk on good or bad occasions, use of latrine with water pipe etc , on the ground floor. I am therefore, of opinion that in partition of this nature the parties do not divide the land on which the house itself stands but only the suerstructure and that the right over the land remains common, as

otherwise the borhter who stays on the upper floor will lose all the rights in the property if the supersturcture falla down which is bound to happen some time which is nvere intended These cases are not on par with houses built on bridge or projections, over streets etc , in which the owner of the building has no right over the land referred to in para 10 the remarks on page 52

In these circumstances, I suggest that the name of the brother holding the upper floor should be shown in column 3 of the Property Register as a co-sharer of the land while entering his right of storey in the Superstructure in column 12 of the P.R The point being, however, not free from doubt, is referred to you for orders so that uniformity may be secured

No SV 175 of 1941
Poona, 17th December, 1941

D.I.L.Rs. Poona/ Ahemdagar/ Kolaba.

Subject : Noting of Bandh maps on the P.T. map in N.A. cases.

It has come to the notice of the S.L.R. that in many K.J.P case relating to conversion of land to N.A. use, the Bandh-maps of the N.A area are not noted on the PT sheet as required by Director of Land Records, Circular No SV 175, dt 5th May 1937 In future the actual bandh maps of the N.A plots as taken in the field should invariably be shown on the PT plan

Sd/-
Superintendent of Land Records
Central Circle

No CTS/ Inspection/ Navalgund
Poons, 18th April 1942

S.L.R.S.C.

Reference : Your No CTS/ Inspn / Navalgund dt 18 3 1942

III Property Register page 6 : The cycle of rewev of all properties in the City Survey is generally completed once in three years, whereas the cycle of inspection of Government plots completed every year in the No of properties reviewed, will result, at the close of the cycle in showing an excess No of properties reviewed over the actual No in the City Survey which is anomalous Govt plots inspected by the Maintenance Surveyor should be allosed for the purpose of calculating scale of work. But the No inspected in the years other than the first year should not be included in the total No of properties reviewed

Sd/ B.K. Patel
Settlement Commissioner &
Director of Land Records
