

### **Key Points for Verification of Title of Property**

Buyers should keep in mind the guidelines below for verifying the title while purchasing residential property. These guidelines are merely indicative, and may vary from case to case depending on the location of the property and the local laws that may apply:

- **Original title deeds** - The title search should always begin with verifying or reviewing the present owner's original title deeds. Subsequently, the prior title deeds should be investigated. It shall be the duty of the seller to show the originals of the title deeds to the buyer and provide a copy of the title deeds and other related documents.
- **Search for property documents** - A search should be conducted in the relevant sub-registrar's office or the concerned Municipal Corporation/ Revenue Office to review all the documents related to the property, and to ensure that the name of the seller/ builder is reflected as the owner of the said property in government records.
- **Time period** - Typically, it is recommended to check the title deeds as well as the relevant revenue records which includes, but not limited to mutation, cultivation records, etc., depending on the Indian state in which the property is located for the last 30 years.
- **Registration & Stamp Duty** - Buyer should check whether the previous sale deeds/ title deeds are sufficiently stamped and registered with the relevant authorities.
- **Title report** - The history of that property, the status of encumbrances over the property including any mortgage, charge, hypothecation or any other encumbrance or third party rights created on the land and the buildings thereon, or any other entries indicating that the property cannot be used for residential purposes.
- **Title chain** - In case the property has changed hands multiple times or has passed upon the current seller due to the property being ancestral property or due to the current seller being a legal heir, in such a case (i) the entire family tree should be verified, (ii) if there are multiple legal heirs that are entitled to the property, appropriate release deeds (duly stamped and registered) in favour of the current seller should be verified, unless all the legal heirs are the sellers, (iii) appropriate legal heir certificates should be verified, and (iv) revenue records/ mutations should be verified to check if the change of hands/ transfers have been reflected.
- **Title of builder** - In case of purchase of a property/ flat directly from a builder, the title of the builder to the land on which the building/ township has been constructed should be verified.
- **Zoning** - It should also be checked if the housing plot/ buildings/ township falls in a residential zone as per appropriate notifications issued by the relevant department of the Government, and is not allocated or assigned to any other purpose such as for agricultural purposes, or to a zone or area, like a forest area, or a historical site.
- **Adjoining parcels** - The buyer should also check if there are any reservations on the land, or any other parcel of land adjoining, or in the vicinity of the property proposed to be purchased which may have an impact on the buyer's usage.
- **Public notice** - It is helpful for a buyer to give a public notice of his intention to purchase the property in the newspapers in circulation (including in the vernacular language newspapers) in the city in which the property is situated, seeking objections/ claims, if any, in respect of the property.
- **Land related disputes** - Any disputes with respect to the property including any family disputes

pertaining to the property, disputes with Government authorities, or any other private bodies/ organisations, should also be verified with the District Sub-Registrar and the concerned courts/ judicial/ quasi-judicial bodies.

- **Approvals** - All approvals related to development/ construction of the property, i.e. building sanction plans, occupancy certificate, completion certificate, change of land use permission, environmental approvals/ sanctions, licenses etc. should be verified.
- **Measurements** - A measurement of the property/ flat/ plot should also be undertaken to ensure that the property/ flat/ plot measurements are accurate, and as per the representation of the seller.

**DISCLAIMER:**

**These legal guidelines/documents are for reference only. Any agreement that you enter into, should be in consultation with a Solicitor or an Advocate. Proptiger.com will not be responsible for any claim arising out of the use of any of the formats.**