

provisions of this Act; (viii) charges the service availed of by a person to the account of another person by tampering with or manipulating any computer, computer system or computer network, he shall be liable to pay damages up to "Ten Lakhs" rupees to the person to so effected.

If any person has secured access to any electronic record, book register, correspondence, information, document or other material without consent of the person concerned and discloses the same to any other person then he shall be punished with imprisonment up to two years, or with fine up to one lakh rupees, or with both.

The Cyber Regulations Appellate Tribunal (procedure for investigation of misbehaviour or incapacity of Presiding Officer) Rules, 2003.

In exercises of the powers conferred by clause (s) of sub-section (2) of Section 87, read with sub-section (3) of Section 54 of the Information Technology Rules 2000 (21 of 2000), in Central Government hereby makes the following rules, 1. Short title and

commencement 2. Definitional, 3. Committee for investigation of complaints. 4. Judge to conduct inquiry. 5. Application of the department enquiries (Enforcement of witness and production of documents) Act, 1972 to enquiries under these rules. 6. Powers of Judge; 7. Suspension of Presiding Officer.; 8. Subsistence allowance and 9. Inquiry report.

The Information Technology (other powers of Civil Court vested in Cyber Appellate Tribunal, Rules, 2003. In exercise of the powers conferred by clause (g) of sub-section (2) of Section 58 or Section 87 of the Information Technology Act, 2000 (2) of 2000). The Central Government hereby makes the following Rules 2003.

The Information Technology (other standards) Rules, 2003 in exercise of the powers by clause (g) of sub-section (2) of Section 87, read with sub-section (2) of Section 20 of the Information Technology Act, 2000 (2) of 2000). The Central Government hereby makes same following rules is and commencement, definitions and standards to be observed by the controller.

WHAT ARE THE PLACES NOW COVERED BY SECTION 58(f) OF THE TRANSFER OF PROPERTY ACT, 1882, FOR CREATING MORTGAGES BY DEPOSIT OF TITLE DEEDS

By

—A.S. RAMACHANDRA MURTHY,
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[1] Originally when the Transfer of Property Act 1882 was enacted, the benefit under the above provision was extended to the three places Calcutta, Madras and Bombay. The section says that it would apply to other places which the State Governments may notify in the Official Gazettes.

[2] In course of time when trade and commerce have become very important and

began rapidly growing, this provision is extended to various places in India. By now, it is extended to almost all Municipal areas. One can get a comprehensive list of all these places in India from the latest Edition of Transfer of Property Act 6th (2001) Edition published by The All India Reporter Ltd., Nagpur at Pages 400 to 410 of the 2nd volume and also from the list contained in the Book Banking Laws and Practice in India by Tannan.

[3] After the advent of Nationalisation of Banks and liberal advances of loans, the Government felt the need to extend this section to various other places because the branches of the various Banks are established in rural areas also. For this purpose, the Government of Andhra Pradesh issued G.Os from time to time mentioning such places. The lists contained in the two books mentioned above do not fully cover the G.Os issued by The State of Andhra Pradesh or the places to which the Section 58(f) is extended and made applicable.

[4] When banks are advancing loans or when private creditors from such areas are lending moneys, a doubt is arising very frequently whether a particular place is a place where the mortgage by deposit of title deeds could be created. When clients are consulting lawyers about this, lawyers are also feeling doubts. That is why I am publishing this article as it would be of use to the practitioners and banks.

[5] In spite of many places being brought under this section, still, the need is not fulfilled. Therefore the Government of Andhra Pradesh finally issued a comprehensive G.O. in 1999 relating to this aspect to cover almost all places. The said G.O. is also given at the end.

[6] This Section 58(f) is extended by The Pondicherry Government by notification dated 6-2-1969 to Karikal and Pondicherry. Later, by another notification dated 10-6-1976, the section is extended to the remaining two places of Pondicherry State, *i.e.*, Yanam and Mahe by publishing in Pondicherry Gazette.

[7] So, now the facility under Section 58(f) of the Transfer of Property Act is available almost at all places.

[8] However, there is one risk now-a-days which is often noticed and which has become rampant. Unscrupulous persons misrepresent that their original documents are lost and that therefore they are depositing extracts of documents. Instances of document

copies taken on colour Xerox machines or documents with fake registration details are also utilized and the banks or creditors are being duped. If the original documents are not really lost and if the originals are deposited elsewhere, person having custody of the originals will get priority right irrespective of any registered transaction. (*vide* proviso to Section 48 of the Indian Registration Act). Therefore Banks as well as private lenders shall be very careful in dealing with persons intending to avail this facility and should take extreme care not to land themselves into traps that may be laid. Extra careful enquiries from Registrar's Offices by making private searches or by giving paper publications about the intending transaction may help to protect the interests of the creditors. Now that we have computer facility, it is also desirable to maintain registers of equitable mortgages in the Registrars' Offices and make entry of such mortgage transaction compulsory on same nominal charges with further facility to provide copies of the entries from those registers on charge basis like encumbrance certificates.

LIST OF CITIES AND TOWNS

I. G.O.Ms. No.31, Law Department, dated 11-8-1969, Section 58(f) of the Transfer of Property Act was extended to the following 22 Towns. The Notification was published at Page 1349 of Part-I of A.P. Gazette No.25, dated 28-8-1969.

Sl.	Name of the Town	Name of the District
1.	Anantapur	Anantapur
2.	Chittoor	Chittoor
3.	Cuddapah	Cuddapah
4.	Srikakulam	Srikakulam
5.	Adilabad	Adilabad
6.	Karimnagar	Karimnagar
7.	Khammam	Khammam
8.	Mahabubnagar	Mahabubnagar
9.	Sanga Reddy	Medak
10.	Nalgonda	Nalgonda
11.	Nizamabad	Nizamabad
12.	Proddatur	Cuddapah
13.	Tenali	Guntur

14. Kothagudem	Khammam
15. Vijayapuri	Nalgonda
16. Guntakal	Anantapur
17. Tirupati	Chittoor
18. Chirala	Guntur
19. Gudivada	Krishna
20. Nandyala	Kurnool
21. Anakapalli	Visakhapatnam
22. Bhimavaram	West Godavari District

HYDERABAD: Section 58(f) of Transfer of Property Act was extended to Hyderabad in Notification of the Government of Hyderabad in G.Jud. AD.170/53, dated 20-10-1953 published at Rt.ID. PP.1160/1161 of the Hyderabad Gazette dated 29-10-1953.

SECUNDERABAD: Section 58(f) of Transfer of Property Act was extended to Secunderabad in G.O.Ms. No.4, Law Department, dated 10-1-1958.

II. In G.O.Ms. No.25, Law Department, dated 8-6-1970. Section 58(f) of the Transfer of Property Act was extended to the following 169 Towns. The Notification to that effect was published in the A.P. Gazette - Part-I No.29, dated 16-7-1970.

DISTRICT	TOWN
1. Anantapur District	1. Dharmavaram
	2. Gooty
	3. Hindupur
	4. Kadiri
	5. Kalyan Durg
	6. Madakasira
	7. Penukonda
	8. Rayadurg
	9. Tadipatri
	10. Uravakonda
2. Chittoor District	11. Bangarupalem
	12. Chandragiri
	13. Srikalahasti
	14. Kuppam
	15. Madanapalli
	16. Palamaneru
	17. Puttoor

3. Cuddapah District	18. Satyaveedu
	19. Vayalpadu
	21. Badwel
	22. Jammalamadugu
	23. Kamalapuram
	24. Pulivendula
	25. Rajampet
	26. Rayachoti
	27. Siddout
4. East Godavari District	28. Amalapuram
	29. Kothapeta
	30. Peddapuram
	31. Pithapuram
	32. Prathipadu
	33. Ramachandrapuram
	34. Rampachodavaram
	35. Razole
	36. Tuni
	37. Yellavaram
	38. Samarlakota
5. Guntur District	39. Bapatla
	40. Narsaraopeta
	41. Gurazala
	42. Repalle
	43. Sattenapalli
	44. Vinukonda
	45. Chilakaluripeta
	46. Mangalagiri
	47. Ponnur - Nidubrolu
6. Krishna District	48. Avanigadda
	49. Gannavaram
	50. Jaggayyapeta
	51. Kaikalur
	52. Nandigama
	53. Nuzvid
	54. Tiruvuru
7. Kurnool District	55. Allagadda
	56. Alur
	57. Atmakur
	58. Banaganapalli
	59. Dhone

	60. Koilkuntla		101. Narsapur
	61. Nandikotkur		102. Polavaram (Plains)
	62. Pattikonda		103. Tadepalligudem
	63. Yemmiganur		104. Tanuku
8. Nellore District	64. Atmakur		105. Palakole
	65. Gudur	13. Adilabad District	106. Asifabad
	66. Kavali		107. Boath
	67. Kovur		108. Chinnur
	68. Rapur		109. Khanapur
	69. Sullurpet		110. Laksettipet
	70. Udayagiri		111. Mudhole
	71. Venkatagiri		112. Nirmal
9. Prakasam District	72. Markapur		113. Sirpur
	73. Giddaluru		114. Utnur
	74. Kandukur		115. Bellampalli
	75. Podili		116. Kagaznagar
	76. Kanigiri	14. Hyderabad District	117. Chevella
	77. Darsi		118. Ibrahimpatnam
	78. Ongole		119. Medchal
	79. Addanki		120. Pargi
10. Srikakulam District	80. Bobbili		121. Tandur
	81. Cheepurupalli		122. Vikarabad
	82. Ichapuram	15. Karimnagar District	123. Huzurabad
	83. Narasannapeta		124. Jagtial
	84. Palakonda		125. Manthani
	85. Parvatipuram		126. Metpalli
	86. Patapatnam		127. Sircilla
	87. Salur		128. Sultanabad
	88. Sompet	16. Khammam District	129. Bhadrachalam
	89. Tekkali		130. Burgampad
11. Visakhapatnam District	90. Bheemunipatnam		131. Madhira
	91. Chintapalli		132. Venkatapuram
	92. Chodavaram		133. Nagur
	93. Narsipatnam		134. Yellandu
	94. Paderu		135. Kothagudem
	95. Srungavarapukota	17. Mahaboobnagar District	136. Atchampeta
	96. Yellamanchili		137. Alampur
	97. Malakapuram		138. Atmakur
	98. Gajapatinagaram		139. Gadwal
12. West Godavari District	99. Chintalapudi		140. Kalvakurti
	100. Kovvur		141. Kodangal/Gadangal

	142. Kollapur		157. Huzsurnagar
	143. Makthal		158. Miryalguda
	144. Nagarkurnool		159. Ramannapet
	145. F a r l o k n a g a r		160. Suryapet
(Shadnagar)			161. Vijayapuri
	146. Wanaparti	20. Nizamabad District	162. Armoor
	147. Narayanpet		163. Banswada
18. Medak District	148. Andhole (Jogipet)		164. Bodhan
	149. Gajwel		165. Kamareddy
	150. Narsapur		166. Madnur
	151. Narayankhed		167. Yellareddy
	152. Siddipet	21. Warangal District	168. Jangaon
	153. Zahirabad		169. Mahabubabad
	154. Siddipet		170. Mulgu
19. Nalgonda District	155. Bhongir		171. Narsampet
	156. Devarakonda		172. Parkal

LIST OF PLACES WHERE AN EQUITABLE MORTGAGE BY DEPOSIT OF TITLE
DEEDS CAN BE CREATED

G.O.Ms. No.81, Law, dated 31.3.1986:

Brahmanapalli	Chakarayapeta	Atlur	Brahmamgarimatta
Chinnamandam	Chinnakommadinee	Chilmakur	Chinnaguruvaluru
Ganugupental	Itukalapadu	Dhodiya	Galivedu
Kanagudur	Kondapuram	Kalasapadu	Kallur
Mydukur	Mylavaram	Korrapadu	Lingala
Nandalur	Nallapureddipalli	Nagaripadu	Narasapuram
Pedapasugula	Pendlimaru	Obulavaripalli	Peddammudiyam
Rayavaram	Sambapalli	Pondulur	Ramannapalli
Tundur	Upparapalli	Siddavatam	Tangutur
Veerapunayanipalli	Vempalli	Vallur	Veeraballi
Nandimandalam	Yerraguntla	Vemula	Cheennur
Sunnipenta	Balapanur	Duvvur	Mydukur
Ontimitta	Kazipet	Chitved	Madavaram
T. Sundarapalli	Vallur	Simhadripuram	Pullampeta
Gopavaram	B.Kandu(Billamudium)	Ramapuram	Obulavaripalli
		Rajupalem	Chapad

EAST GODAVARI

<u>G.O.Ms.No.1434, dated 26.4.1935,</u>	Kakinada
<u>G.O.Ms.No.137, Legal, dated 24.5.1950</u>	Rajahmundry
<u>G.O.Ms.No.25, Law, dated 8.6.1970</u>	
Gopavaram	B.Kandu(Billamudium)
	Ramapuram

Obulavaripalli

Peddapuram	Pithapuram	Amalapuram	Kothapeta
Rampachodavaram	Razole	Tuni	Ramachandrapuram
		Yellavaram	Samalkot

G.O.Ms.No.80, Law, dated 15.11.1980

P. Gannavaram	Alamuru	Tallarevu	Mummidivaram
Kapileswarapuram	Rajanagaram	Rayavaram	Korukonda
Shankavaram	Addateegala	Rajavommangi	Rangampeta

G.O.Ms.No.89, Law, dated 8.7.1985

G.O.Ms.No.81, Law, dated 31.3.1986

Penumarthi	Tekisettipalem	Chelluru	Hukumpeta
Yeditha	Appanapalli	Gollalamamidada	Vetlapalem
Relangi	Gollapalem	Ambajipeta	Munipalle
Bandarulanka	Komaragiriapatnam	Samanasa	Mukteswaram
Atreyapuram	Ravulapalem	G. Peddapudi	Delta Gannavaram
Jaggannapeta	Lakkavaram	Sakhinetipalli	Anaparthi
Draksharama	Pandalapaka		Dhanwaipeta
Sitanagaram	Jaggampeta	Kotananduru	Annavaram
Angara	Mandapeta	Gangavaram	Yerlagadda Ramavaram
Indukurpeta	Kesanakurru	Machavaram	Uttara Kanchi
Bandarulanka	Uppalaguptam	Ambajipeta	Ravulapalem
Ravulapalem (CB)	Pulidindi	Ryali	Katmillona
Vadisaleru	Nallipuri	Anaparthi	Annavaram
Bikkavole	Dangeru	B. Polavaram	Dwarapudi
Gollaprolu	Dowlaiswaram	Injaram	Kirlampudi
Mallam	Muchergapudi	Pamaru	Sampara
Teki	Uppada Kothapalli	Velangi	Kattamuru
Konkuduru	Komalipalem	Mamidikuduru	I.Polavaram
<u>G.O.Ms.No.303, Law dated 3.12.1992</u>	Kottam	Vedureswaram	Thorredu

GUNTUR

G.O.Ms.No.146, dated 12.8.1949

Guntur

G.O.Ms.No.31, Law, dated 11.8.1969

Tenali

PUBLISHED IN A.P. GAZETTE PART - I,
(EXT) DATED 24.5.1999 (GAZ.NO.196)

EXTENSION OF ALL THE
HEADQUARTERS OF PRIMARY
AGRICULTURAL CENTRES IN THE STATE

(G.O.Ms.No.75, Law (J), 19th May 1999)

“In exercise of the powers conferred by Section 58(f) of the Transfer of Property Act, 1882 (Central Act 4 of 1882) the Governor of Andhra Pradesh hereby specify all the headquarters of the Primary Agricultural

Credit Societies in the State as towns to which the provisions of the said section shall apply”.

x x x

PUBLISHED IN A.P. GAZETTE PART - I,
(EXT) DATED 24.5.1999 (GAZ.NO.197)

EXTENSION OF CERTAIN CENTRES IN
THE KARIMNAGAR AND RANGAREDDY
DISTRICTS

(G.O.Ms.No.76, Law (J), 19th May, 1999)

“In exercise of the powers conferred by Section 58(f) of the Transfer of Property

Act, 1882 (Central Act 4 of 1882) the Governor of Andhra Pradesh hereby specifies the following centers in the Rangareddy District and Karimnagar District to which the provisions of the said section shall apply.”

S.No.	Name of the Centre	District
1.	Sanathnagar	Rangareddy District

2.	Balanagar	Rangareddy District
3.	Kukatpally	Rangareddy District
4.	Begumpet	Rangareddy District
5.	L.B.Nagar	Rangareddy District
6.	Vanasthalipuram	Rangareddy District
7.	Gunjapadu	Karimnagar District
8.	Tandrial	Karimnagar District

ACQUISITION OF PROPERTY AND ROLL OF REFORMS - ARTICLE 19(1)(f), 300-A, ARTICLE 31-A, 31-B, 31-C AND NINTH SCHEDULE AND ARTICLE 39(B), 39(C)

By

—V.J. VASUNDARA, M.Com., LL.M.

The term “PROPERTY” is the right of ownership. Ownership and Property are inter-dependent. In its widest sense, property includes all a person’s legal rights, of whatever description. A man’s property is all that is his in law.

KINDS OF PROPERTY

They are of two kinds. (1) Corporal property, (2) Incorporeal property.

CORPORAL PROPERTY:—It is also known as tangible property. It is seen to the people. They are material things. Example: Land, Building, Chattels. Corporal property again can be divided into two kinds.

(1) Moveable :— Example : CHATTELS

(2) Immovable :— Example : LAND, BUILDINGS.

INCORPORAL PROPERTY :— Incorporeal Property is intangible property. It is also known as “INTELLECTUAL OR CONVENTIONAL PROPERTY”. Incorporeal property is any other Property Right in Rem. It is of two kinds. (1) IMMATERIAL THINGS. Example: Patents, Copyrights,

Trade-Marks, *etc.* and (2) JURA IN RE PROPRIA (RIGHT OVER THE PROPERTY) Example: Leases, Servitudes, Securities, *etc.* These are known as ‘ENCUMBRANCES’. The covenants and encumbrances restrict the owner to certain extent with regard to his own property. These important encumbrances are leases, servitudes, securities, trusts, *etc.*

MODES OF ACQUISITION OF PROPERTY

There are four modes of acquisition of property. They are:

- (1) Possession
- (2) Prescription
- (3) Agreement
- (4) Inheritance.

POSSESSION :— The possession of a material object is a title to the ownership of it. If the property belongs to no one. The first possessor of it acquires a valid and good title against all the world. Example : Fish in the pond, Animal in the forest, A book written by writer.

PRESCRIPTION :— Prescription is the combination of possession and ownership.