

THE
LAW OF PROPERTY

(ENGLISH AND INDIAN)

A COMPARATIVE AND HISTORICAL STUDY OF THE
ENGLISH LAW OF REAL PROPERTY AND THE
INDIAN LAW OF IMMOVABLE PROPERTY

BY

G. G. VENKATA SUBBARAO, B.SC., M.L.

*Sometime Lecturer, Andhra University College of Law ; Sir V. Bhashyam Ayyangar
Gold Medalist ; Sir T. Muthuswami Ayyar Memorial Law Scholar
Advocate, High Court, Madras*

WITH A FOREWORD

BY

THE HON'BLE MR. JUSTICE V. GOVINDARAJACHARI

Judge, High Court, Madras

(SECOND EDITION)

(All rights reserved by the author)

THE MADRAS LAW JOURNAL OFF
MYLAPORE, MADRAS

1948

FOREWORD TO THE SECOND EDITION

BY

THE HON'BLE MR. JUSTICE V. GOVINDARAJACHARI,
Judge, High Court of Judicature, Madras.

Mr. Venkata Subba Rao's "Law of Property", particularly in its present revised and enlarged edition, is a comprehensive and ambitious publication. One wonders as one reads through it, whether there is any topic relating to the Law of Property which is worth knowing by an Indian Lawyer and which in proportion to its greater or lesser importance has not been dealt with and dealt with properly and adequately in this remarkable treatise.

The arrangement of the subject is scientific and the analysis is such as should satisfy the most critical of jurisprudential purists.

From fundamental concepts as regards property, we go on to corporeal and incorporeal interests and slide naturally into easements. The holding of property and its transfer are then dealt with; the transfer of property generally and mortgages, sales, exchanges, gifts and leases being successively the subjects of treatment. Under each heading again, the arrangement and classification of topics is equally analytical.

In regard to each topic, Mr. Venkata Subba Rao deals first with English Law on which, as is well known, our Law of Property is largely based and then with greater elaboration with Indian Law. The references to Statutes and the commentaries are full and accurate, and, wherever appropriate, the author gives apt quotations from leading cases so that the propositions themselves are often presented in the very language used by eminent Judges. The treatment of the subject is historical with the result that not only has the reader a clear conspectus of what the law is but also how it came to be what it is.

A distinction has very often been made between a text book and a practitioner's book of reference. Mr. Venkata Subba Rao has shown that it is possible to transcend that distinction by combining in this work a neat, readable and precise statement of law and legal principles with copious references to decisions of Courts, including the most recent ones.

The book does great credit to the legal acumen and powers of analysis of the author who deserves to be congratulated on his scholarly and erudite production which is useful alike to the student of law and to those engaged in the administration of justice.

Madras,
22nd July, 1948.

V. GOVINDARAJACHARI.