

Transfer of Property Act, 1882, Section 8, 10 – Once the conveyance deed is executed, transfer of the property which is subject matter of the same is complete in all respects – Provision states that on transfer of property, the transferor passes all the interest in the property which he is capable of passing to transferee unless a different intention is expressed or necessarily implied – A perusal of the conveyance deed shows that no different intention is expressed or implied therein except that the transferee shall seek prior permission which may be granted subject to conditions – Further, Section 10 TPA declares conditions restraining alienation to be void – Thus, in law, even if the conveyance deed contained a condition restraining transfer, the same would be void – The terms of allotment and the terms of brochure inviting applications, will apply only till the entire consideration has been paid and conveyance deed has been executed – On execution of the conveyance deed, a fresh [contract](#) comes into being and the parties shall then be governed only by the terms thereof – On execution of conveyance deed, the parties are governed only by the terms thereof and terms of allotment letter cease to apply – Thus, reliance upon terms of the allotment letter and brochure seeking applications, is illegal – A condition being part of the terms of the allotment or not is irrelevant after a conveyance deed has been executed – There is no condition in the conveyance deed absolutely restraining transfer – The only requirement is of seeking permission before a transfer is made so that the transferee is also bound by the condition of no change of user of the plot – In any case, as has been stated hereinabove in view of Section 10 TPA, the condition barring transfer absolutely would be void – The approach of the concerned authority is pedantic and unusually bureaucratic – It shows that he is not open to reason despite being goaded by this Court – Such administrators can only harm public interest rather than promoting the same.

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