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Impact of Right of Way Easement on the Residential Property Values in Urban Areas of India

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This study looks into the legislation concerning the right-of-way easement in the context of urban India and its impact on the value of residential real estate. Property rights, infrastructure development, and planning in the context of urban Indian cities have become increasingly entwined and complicated as the cities grow. This paper attempts to discuss the practical implication of the application of easement laws in large urban settlements and how this is reflected in the property's worth. Based on an extensive literature review, we examine the ostensible and actual purpose-and-use-related aspects of road and other rights of way borne by property rights in 22 states. The results indicate that there are wide inconsistencies across states in how easement provisions are interpreted and enforced and this consequently impacts the property rights and values across Indian cities.

The research outlines the most significant legal issues that influence property values including the nature and period of easements, the payment of owners whose properties have been affected, and any legal issues that mediate public concerns with private property. Similarly, we show how the perception of easements has evolved with the changing context of urbanization and the role of courts in it. This exploration adds to the current discussion on property law within the increasing demand for urbanization in the Indian context. It addresses the intellectual needs of lawyers, regulators, and landowners on the issues related to easement rights. The results stress the necessity for the use of uniformity of approach to the general principles of law governing easements for the efficient utilization of the city and upkeep of property.

Keywords: *property law, urban India, property valuation, infrastructure development, legal implications.*

INTRODUCTION

India has experienced rapid urbanization in the last few decades, which has posed unique problems for urban planners, builders, and landowners. It is within these issues, that policy implications of road easements on residential property rates have been vexing yet scantily covered. With the growth and development of cities, the installation of new facilities is in most instances at odds with the existing property rights, which is a factor that encumbers property values and development trends in the urban systems. Right-of-way easement accommodates access or usage of private land for public purpose utilities, roads, or other infrastructure, they are important for expansion within the urban context. However, its application and definition does not go in hand with the multifarious legal administrative structure in the Indian context. This difference produces a patchwork of the productive and unproductive trends in the property markets along particular directions on the urban landscape.

In India's legal landscape of property rights, easements sit on crucial grounds, predominantly due to the density of urban settlements with a land scarcity problem. Of all these varieties of easements, a right-of-way easement has particular legal and economic importance. It allows a third party to access or use a part of a property for a specific purpose, almost always to facilitate infrastructure development it be a road, pipeline, or public utility. Though these easements are needed for town planning and development and providing public services, they could severely impact the home value and quicken disputes among the homeowners. The article brings into focus the legal arrangements for right-of-way easements in India and their implications for residential property values within urban settings.¹

The Indian Legal Code recognizes easements within frameworks set out by Britain's Indian Easements Act of 1882². Though this act is the primary source of such rights, the geographical

¹ Albert N Allen, 'The Appraisal of Easements' (*International Right of Way Association*, 02 September 2002) <<https://eweb.irwaonline.org/eweb/upload/1101c.pdf>> accessed 13 December 2024

² Indian Easements Act 1882

aspects in which it has been applied in contemporary society have experienced a lot of additions, changes, and jurisdictional applications. This is evident in the following: – The Transfer of Property Act 1882³, and the Land Acquisition Act 1894⁴ (Land Acquisition Act, 2013⁵ respectively) – property rights. Geographic zoning committees and their decisions about property easements, particularly about commercial areas, have led to increasing legal disputes. The resulting court decisions have had widespread effects: they've impacted both individual homeowners and their contracts, while also influencing urban development regulations and property values in the market.

RESEARCH OBJECTIVES

This study aims to examine the complex interplay between community law involving right-of-way easements and residential property values in urban India. By examining statute law, case law, and property sale data from major metropolitan areas, we set out to:

- Determine the key elements of the law that are understood to play a critical role in influencing how easements impact property values.
- Analyze the differences in interpretation and enforcement of easement statutes from state to state and their economic effect across their respective jurisdictions.
- Assess the utility currently accorded to the statutory scheme of compensation available to affected landowners.
- Observe how recent decisions have altered the geographical interpretation of easement laws in urban settings.

Understanding this legal dynamic is critical for property owners and investors, in addition to being of significance to policymakers and planners. The more rapid the process of urbanization in India continues to spiral, the better one understands the effects on property values of easement laws that will help provide more just and efficient models of urban development.

³ The Transfer of Property Act 1882

⁴ Land Acquisition Act 1894

⁵ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013

LEGAL FRAMEWORK GOVERNING RIGHT-OF-WAY EASEMENTS

The legal framework regulating right-of-way easements in India is multifaceted, involving various statutes that outline the rights and responsibilities of property owners, as well as the processes for land acquisition and compensation.

The Indian Easements Act, of 1882⁶ Provides the basic building blocks for such rights in India. The Act defines easements as the rights of a person who, as an owner or occupier of a piece of land, enjoys the use of another person's land for specified purposes. This legislation provides for various kinds of easements, notably the right of way, which is especially significant in urban infrastructure development. The main provisions of the Act include the creation of easements by express grant, necessity, or prescription and the resultant obligations that are created on both the dominant tenement and servient tenement.

As a supplement to the Indian Easements Act of 1882⁷ the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act)⁸ presents a detailed framework for land acquisition with the purpose of public welfare. The Law further requires fair compensation to have been paid to landowners whose lands are acquired for public utility projects that must require Right of Way easements. Under the LARR Act⁹, property owners are to be compensated according to current market value, taking into account some accidental losses in property value due to the imposition of easements. The definition of 'public purpose' provided therein is broad enough to embrace infrastructure projects on their own, especially when dealing with the resettlement and rehabilitation provisions for affected landowners.

The Indian Stamp Act 1899¹⁰ Provides a fittingly important legal script, controlling the payment of stamp duty over broad-ranging legal documents, including those concerning easements. Where easement rights are created or transferred through a legal instrument, payment of stamp

⁶ Indian Easements Act 1882

⁷ *Ibid*

⁸ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013

⁹ *Ibid*

¹⁰ The Indian Stamp Act 1899

duty is mandatory. The Act mandates that any creation or transfer of an easement shall be subject to stamp duty payable, which varies from state to state, in addition to the requirement that agreements concerning easements be registered under the Registration Act of 1908¹¹, for enforceability purposes.

In the Maharashtra state, the Maharashtra Land Revenue Code, 1966¹² Regulates land revenue and land management and empowers the government to acquire lands for public purposes, making provisions for establishing right-of-way easements. This code provides powers to the state government to acquire lands for public utilities so that affected landowners are duly compensated. It further enhances their efficiency in land use by incorporating easement provisions into urban planning frameworks.

The Uttar Pradesh Urban Planning and Development Act, 1973¹³ Governs urban planning and land development in Uttar Pradesh, where it has provided for land use and acquisition purposes to further urban infrastructure, by considering right-of-way easements in urban development planning. Compensation mechanisms for landowners affected by easements imposed for public infrastructure were also included.

In Karnataka, the Karnataka Land Revenue Act, 1964¹⁴ Does more or less parallel duty to regulate land use and revenue management. This Act thereby provides for the acquisition of land for public purposes where right-of-way easements are concerned and also requires appropriate compensation for affected landowners.

The Land Acquisition (Tamil Nadu Amendment) Act, 1948¹⁵ Is another piece of legislation that possesses supplementary powers for the government of Tamil Nadu in maintaining certain rights under the previous Land Acquisition Act of 1894.¹⁶ The Act appears to be structured with the process of acquisition for public goodwill, including easements. The Act provides

¹¹ The Registration Act 1908

¹² The Maharashtra Land Revenue Code 1966

¹³ The Uttar Pradesh Urban Planning And Development Act 1973

¹⁴ The Karnataka Land Revenue Act 1964

¹⁵ The Land Acquisition ([Tamil Nadu] Amendment) Act 1948

¹⁶ Land Acquisition Act 1894

compensation for the owners of such properties, for the depreciation affected by easements over their properties.

Delhi Development Act (1957)¹⁷ Regulates the growth of urban occupation and development in the National Capital Territory of Delhi. This Act makes provision for the Delhi Development Authority (DDA) to compel the acquisition of land for public purposes, which often involves maintaining right-of-way easements. It confers functional power on the DDA to take off land for public utility projects, ensuring reasonable compensation for affected landholders in terms of potential depreciation of property value caused by easements in approved cases.

POSITIVE IMPACTS OF RIGHT OF WAY EASEMENTS ON RESIDENTIAL PROPERTY VALUES

Easements of right of way positively affect property values, especially in urban settings. These benefits improve the utility and attractiveness of properties and therefore make them a little more appealing to both a potential buyer and an investor.

Enhanced Accessibility: Perhaps the most important aspect of a right-of-way easement is that it provides for greater accessibility. An easement permits property owners to reach public roads, pathways, or utilities that otherwise might be difficult to enter near the property. Especially important is this improved access in urban settings where properties may be otherwise landlocked or set back from main thoroughfares. Directly connecting a property to various essential services and transportation networks does boost its market value considerably. Thus, when a property has good accessibility traits, more buyers go for it, simply because movement within urban territories becomes more convenient and easier.¹⁸

Increased Utility Provision: Easements of right of way further ensure the provision and maintenance of basic utilities such as electricity, water, and sewage systems. These easements are the tools utility companies utilize to execute placement for power lines and water pipes, thereby ensuring that services remain available to the right-of-way easement area. Potential

¹⁷ The Delhi Development Act 1957

¹⁸ John A Kilpatrick et. al., 'The Impact of Transit Corridors on Residential Property Values' (2007) 29(3) Journal of Real Estate Research <<http://dx.doi.org/10.1080/10835547.2007.12091201>> accessed 13 December 2024

homeowners consider the availability of reliable utility services as a key factor. A home provided with a utility easement for installations has a high demand, for it assures access to necessary services, which directly increases property values.¹⁹

Legal Protection and Reduced Disputes: The third good aspect is the legal protection of properties afforded by the right-of-way easements. Rights and obligations that are clearly outlined concerning land use would prevent conflicts arising out of this. With that assurance, the homeowners will feel free to invest in renovations or improvements without fear of a legal tussle with the neighbour over some technicalities regarding land use in that area. It is thus true to say that properties that are maintained well and free of disputes command higher market values.

Preservation of Property Rights: Easements of this kind can also preserve property rights by effectively allowing landowners good use of their properties without too much interference by neighbouring lands. This is especially important in urban settings, where land use must regularly be maintained amidst emotional outbursts. Easements are good for property values since they provide a fair assurance that property owners will be able to exercise their entitlements without obstruction by others.

Market Appeal: In closing, an effective candidate lease has typical advantages in terms of marketability. Buyers would usually not just want a home that meets their immediate needs, but a home that will provide good long-term value. Property value-adding for established right-of-way easement is generally held in higher market esteem compared to other properties; the presence of defined access rights/utility easements means that the property in the extreme will be very easy to sell.²⁰

¹⁹ Hans R.A. Koster and Jan Rouwendal, 'The Impact Of Mixed Land Use On Residential Property Values' (2012) 52(5) *Journal of Regional Science* <<https://doi.org/10.1111/j.1467-9787.2012.00776.x>> accessed 13 December 2024

²⁰ John Loomis et. al., 'A hedonic model of public market transactions for open space protection' (2004) 47(1) *Journal of Environmental Planning and Management* <<https://doi.org/10.1080/0964056042000189817>> accessed 13 December 2024

NEGATIVE IMPACTS OF RIGHT OF WAY EASEMENTS ON RESIDENTIAL PROPERTY VALUES

Despite being beneficial, the right of way has an array of disadvantages to property ownership, which ultimately leads to a decline in property values. These detrimental effects could impact property usability, aesthetic value, and marketability thereby causing decreases in property value.²¹

Limitations Imposed on Property Owners: Another major disadvantage of the right-of-way easements is the restriction on the type of development permitted by the landowner on their property. Usually, after the easement has been established, this kind of easement may restrict the landowner from erecting any structure or finding it reasonable to modify the easement area. For example, if a company has established an easement on a property where some power lines go through it, the landowner may find it unreasonable to erect any buildings within that area or develop the land in such a manner as to make fences. Such restrictions tend to limit the usability of the land and unfortunately hamper the owner's chances of development or landscaping, thus largely reducing market value.

Aesthetic Considerations: Easements can further buttress aesthetic concerns that subtract from property values. Utility easements may include overhead power lines or silent infrastructures that detract value from a property. In urban settings where curb appeal is an important criterion in assessing real estate value, such easements make their properties less appealing to buyers. The perception of unappealing landscapes may postulate less competitive pricing and diminish the chances of attracting prospective buyers.

Market Perception and Buyer Sentiment: Market perception is one of the most vital factors affecting the valuation of residential properties. Those with substantial right-of-way easements may work against the interests of prospective buyers due to the inconveniences or restrictions perceived before the purchase of such properties. For example, should one property be subject

²¹ B. Beula Jayarani, 'An Empirical Study On The Rights Of Easement Holder And Their Challenges With Special References To Chennai' (2023) 5(6) International Journal For Multidisciplinary Research <<https://www.ijfmr.com/papers/2023/6/8941.pdf>> accessed 13 December 2024

to an extensive right-of-way agreement affecting its use or appearance, the absence of similar restrictions on a neighbouring property will influence buyers to opt for the latter, even if it were only slightly more expensive. This differential development is likely to create a lower demand and, consequently, lower selling prices for properties encumbered by overly imposed easements.

Maintenance Responsibilities: Although, in some cases, the owners may be obliged to perform maintenance work required by right-of-way easements. Usually, if it is a case inevitable by the easement documents, the landowners treat the portion lying within the easement as their rightful property which needs constant attention; this, however, comes at a cost apart from the costs involved in any disturbance on their land. An example of this is a property that is submerged into the extension of the drainage line, where a stormwater easement allows for water runoff onto that property. This could force the property owner to spend some more money on drainage solutions to manage the water flow. This unanticipated expense may further decrease the financial viability of owning such property.

Complicated Sales Process: The presence of right-of-way easements does make the sale of a home more complex. On this basis, potential buyers may be put off properties encumbered with easements for fear of restrictions on land use and future disputes that may arise over such restrictions. The seller should disclose all existing easements in its sale process, and this forthcomingness could either deter prospective buyers or make them reduce their offers. Resistance on the part of buyers to accept such limitations then would make it hard for sellers to find appropriate offers, leading to protracted time on the market and a cessation of the seller's financial performance.

CASE STUDIES: REAL-WORLD IMPLICATIONS

Case Study 1: Bangalore's Urban Expansion: Bangalore has witnessed rapid urban expansion over the past few decades due to its status as India's Silicon Valley. As new tech parks emerged on the outskirts, many residential areas experienced changes in property values influenced by newly established right-of-way easements for roads and utilities. In certain neighbourhoods where access improved significantly due to new roadways created through these easements,

property values surged as demand increased among tech professionals seeking proximity to workplaces while enjoying suburban living conditions. Conversely, some older neighbourhoods faced challenges when new utility lines were laid down without adequate planning regarding aesthetics or environmental considerations leading to decreased desirability among potential buyers who prioritized visual appeal alongside accessibility.²²

Case Study 2: Mumbai's Infrastructure Development: Mumbai's ongoing infrastructure projects have also highlighted how right-of-way easements impact residential property values. In preparation for new metro lines designed to alleviate traffic congestion across this densely populated city, numerous properties have been affected by required easement agreements allowing construction teams access through private lands. While some homeowners have benefited from increased accessibility once these projects are completed leading to higher demand, the initial disruption caused during construction phases often resulted in temporary declines in nearby property values due to noise pollution and reduced liveability during ongoing work periods.²³

HOW DO EASEMENTS IMPACT PROPERTY VALUE?

Easements play a very big role in determining the price of properties, especially within the city where the use of properties is well controlled. The nature of easements in law means they limit the use of a property and hence determine the market value of the properties in question. One of the best-case studies that show such impact is *Manilal Jugaldas v Banubai Framji Commissariat*²⁴ in the year 1920, which stated that an easement can bring a cut in the value of a property by a very large percentage. The case shows that whenever the easement hinders an owner's right to use the property in a maximum way, whether it is the right of passing across another's property or otherwise the property is considered less attractive, and therefore its market value would decrease. The degree of this diminution is normally proportional to the

²² *Ibid*

²³ Mahesh Thakur, 'Urban Infrastructure Project Feasibility and Increased Revenue to State- A Case Study of Eastern Freeway, Mumbai' (2015) IOSR Journal of Business and Management <<https://www.iosrjournals.org/iosr-jbm/papers/ies-mcrc-icscm/Part%202/13.pdf>> accessed 13 December 2024

²⁴ *Manilal Jugaldas v Banubai Framji Commissariat* (1921) 23 BOMLR 374

character and the intensity of the easement since more comprehensive easements are likely to amount to a greater degree of value loss. Furthermore, the case confirms the idea that property owners claiming damages for the invasion of their rights under easement are correct since legal encumbrances do not come cheap.

Another significant case *Bishnu Prosad Chunder v Binoy Krishna Rahatgi*²⁵ reported (1944) rests the principle firmly that easements invariably lower the assessable value of properties greatly. The ruling also pointed out that where easements include broad or serious restrictions, their effect on market value is more dramatic. Tenements charged with such covenants are usually sold at lower prices than similar tenements that are not affected by such covenants. However, property owners suffering these limitations loss may fight for compensation on grounds of market devaluation of their properties with easements hence emphasizing the bad perception of property with easements.

In *Simpson and General Finance Co. Ltd. v Deputy Commissioner of Wealth- Tax* (1992),²⁶ The court gave examples of how easements cause a significant decline in value due to restrictions on the use or enjoyment of the land. According to the case, restrictive covenants expressed by an easement mean a cut in market value by a wide margin. It also ascertained that these properties with easement liability might have a poor market outlook to prospective buyers because they suffer the worst of it in terms of asset degradation. The case of *Raja Shyam Chunder Mardraj and Ors. v The Secretary of State for India in the Council* of 1908²⁷ Also states how easements are connected with the assessment of properties. This case concern related to the acquisition of fishery rights over a foreshore area whereas ate issue was whether fishery rights could be acquired severally from the land over which it states appurtenant. The court held that such rights can only be contemplated about the laws on the acquisition of land reiterating the court's position that easements imprint significantly on the value of properties and they must be acquired legally.²⁸

²⁵ *Bishnu Prosad Chunder v Binoy Krishna Rahatgi And Anr* (1944) Appl No 109/1943

²⁶ *Simpson And General Finance Co. Ltd. v Deputy Commissioner Of Wealth-Tax* (1993) 44 ITD 648 (Mad)

²⁷ *Raja Shyam Chunder Mardraj and Ors. v The Secretary of State for India in Council* (1908) MANU/WB/0246/1908

²⁸ *The Project Director, Project Implementation Unit v P.V. Krishnamoorthy and Ors* (2020) AIRONLINE SC 911

In *Project Director, Project Implementation Unit v P.V. Krishnamoorthy* (2020),²¹ the court discussed how the national highway legislation could bring easements that affect property value subthreshold. The ruling emphasised the relevance of environmental regulations in the course of land acquisition, particularly pointing to the fact that the violation of those rules results in decreased property value because of the limitations on the sphere of land use. Not only do domestic practices create evidence for easements; but international examples also describe similar tendencies. For example, in the case of *The Owners v John Anthony Arcidiacono*,²⁹ An easement was shown to be necessary for the efficient use of lands, at the same time it was observed that the value of servient lands reduces with the existence of an easement.

Compensation for Value Loss: In addition to this, the *Simpson And General Finance Co. Ltd. v Deputy Commissioner Of Wealth-Tax* case, 1992³⁰ Talks of property owners as having a right to seek compensation for any losses they may have been subjected to, under easements. This compensation is important to address the financial impacts that result from the decrease in property market value as a result of these legal covenants. Properties that contain easements are perceived by the market in a very negative way as potential buyers will not consider such property to be desirable hence the continuous decline in value.

Urban Context in India: Thus, the effects of right-of-way easements may be more profound in the metro cities of India where land is a scarce resource. The actions of the Government regarding infrastructure development involve the creation of easements that limit the utilization of the land through its *Project Director, Project Implementation Unit v P.V. Krishnamoorthy* case (2020).³¹ The court bothered to uphold environmentalism and pointed out that people need to follow the laws on this subject, suggesting that if they don't, property depreciation will continue its drop as land use becomes progressively more restricted.

Ease of access and Marketability: Easements are also central determinants of both access and utility, both of which are critical factors to any prospective purchaser. In the case of *Rajendra*

²⁹ *The Owners v John Anthony Arcidiacono* [2018] NSWSC 1260

³⁰ *Simpson And General Finance Co. Ltd. v Deputy Commissioner of Wealth-Tax* (1993) 44 ITD 648 (Mad)

³¹ *The Project Director, Project Implementation Unit v P.V. Krishnamoorthy and Ors* AIRONLINE 2020 SC 911

Laxmanbhai Makwana v Income Tax Officer³², the easement rights were considered as making the property more valuable by making or keeping the lines of necessary services and commodity facilities open. This means that as the restrictions that easements imply may lower value, then some increased value through facilitating accessibility.

STRATEGIES FOR PROPERTY OWNERS - UNDERSTANDING YOUR RIGHTS

Therefore, it was concluded that managing the right-of-way easements requires proactivity and must be done with relevant information. Different measures can be taken to avoid conflicts that arise due to these types of easements so that the property owners protect their interests. Here are some key strategies:

1. Keep Thorough Records: Among the most important assets of owners dealing with easement matters is the significance of well-kept and easily retrievable records. This involves the basic contracts written, altered, and any other documentation as could be in between. As all parties understand the terms of the easement, documentation is vital to have a clear picture in case of a disagreement. In the same regard, property owners should prepare maps that may depict the area of the easement to ease communication on the subject and its dimensions.

2. Engage Legal Counsel: Outside professionals experienced in property law should be sought when creating or addressing easements or making changes to them. They know rights and responsibilities and might have information on the legalities of the country. They can also help in the formulation of clear and good easement agreements that would help in the protection of the various stakeholder's wishes and desires.

3. Engage the Services of Professionals Surveyors: Qualifying surveyors, who will be of help in the right measurement and demarcation of the details regarding easements, is another good approach. Professional surveys eliminate cases where one party may develop misunderstandings or disputes from vague descriptions as the other party to the easement has a clear understanding of what is required.

³² *Rajendra Laxmanbhai Makwana and Ors. v Income Tax Officer, Ward-7(2)(4) and Ors* (2022) MANU/IB/0157/2022

4. Plan Property Developments in Detail: As can be seen before any construction or modification of properties of any kind, it is necessary to first check on the easements. Anyone proposing development on an easement should make certain that proposed work does not interfere with the rights conferred by the easement and they are advised to seek legal advice if they are in any doubt. This foresight can save a host of legal concerns and conflicts from arising in the future at a very expensive rate.

5. Free and flowing communication with neighbours: Proactive communication with neighbours and all other parties with an interest in or bearing upon the easement is a recommended way of preventing such issues. Disputes arise when a homeowner uses a commons area in a manner that another homeowner finds objectionable. A courteous conversation about the usage and availability of common space will normally result in a proper usage of the space that is acceptable to all and strong interpersonal relationships within the community.

6. Buy-Out of an Easement: Sometimes property owners would prefer to terminate an existing easement that is unfavourable to their property. It can be done equally by a process of consultation with the easement holder or by obtaining the easement's title from the holder. Although this may prove costly in the long run, it ends up availing the property value by eradicating all the unnecessary constraints.

7. Prevent Violation of the Terms Provided in Easement: It is crucial to the beneficiaries of an easement that they have frequent checks of how individuals and businesses are holding to the agreements of an easement. This can include, for example, an easement holder straying into the easement area more than was agreed during the creation of the easement; we recommend that any property owner who finds themselves in such a situation photograph such incidences and consult their lawyers about the best way to proceed.

CONCLUSION

While exploring the effect of right-of-way easements on the values of the residential house in the urban regions of India the following aspects of legal and pragmatic importance become

apparent. Right-of-way easements are fundamental tools that help ensure accessibility and utility supply: they hold properties' desirability and sale ability factors. However, they also place different restrictions that may affect the use of the land and may hinder the appearance causing property values to be pulled down. From a legal point of view, property owners/occupiers in India need to acquaint themselves with the basic provisions of the Indian Easements Act, of 1882. This legislation assists in merging tools of duties of creating, enforcing, and even discharging easements to ensure that both the land owner and easement holder appreciate the rights and duties they have. This legal framework would make an obvious feature where some confusion might arise and at the same time boost the level of property safety.

However, property owners need to begin developing measures to address the existing right-of-way easement implications that are consecrated in law. This involves record keeping, seeking legal advice from lawyers and attorneys on compliance issues as well as compliance and easement boundaries surveys by professional surveyors. Talking with neighbours and stakeholders independently might also help in reaching a compromise in case of some possible conflict situations. Summing up, it is established that the establishment of right-of-way easements to improve accessibility and utility provision can increase house and residential property value and demand – still, those easements also involve recognized risks that may reduce demand for homes. To ensure their ambitions run smoothly and most importantly to protect their best interests, owners have to be aware of all these factors. This understanding will be helpful for the homeowners as well as investors in the urban real estate market so they can make a decision thinking right of way easements pros and cons. These easements will always be central to defining the worth of properties in urban areas and the pattern of their growth.