JAYDEEPSINH V. VAGHELA

ADVOCATE
HIGH COURT OF GUJARAT
G/146/2008

TITLE REPORT

To,

"DWARKESH CORPORATION,

A PARTNERSHIP FIRM"

Having its office address as

At. Pethapur, Ta. & Dist. Gandhinagar

SUBJECT : **IN THE MATTER OF INVESTIGATION OF TITLE** to the Non- Agricultural Use Land situate, lying and being at Mouje Pethapur, Taluka Gandhinagar, District Gandhinagar bearing Revenue Survey/Block No. 1882 having total land admeasuring 5868 square meters which comprised into Town Planning Scheme no. 16 and allotted Final Plot no. 19/8 known as Survey /Block no. 1882/p1 land admeasuring about 3424 Sq.mtrs in the Registration District of Gandhinagar and Sub-District of Gandhinagar

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As per your instructions to verify your title to the above referred subject land, I have caused necessary search to be taken from the revenue authority and offices of the Sub Registrar, Gandhinagar with the available records in respect of all that the Land situate, lying and being at Mouje Pethapur, Taluka and District Gandhinagar bearing Revenue Survey/Block No. 1882 having total land admeasuring 5868 square meters which comprised into Town Planning Scheme no. 16 and allotted Final Plot no. 19/8 known as Survey /Block no. 1882/p1 land admeasuring about 3424 Sq.mtrs to the **"DWARKESH CORPORATION, A PARTNERSHIP FIRM"** and my opinion on Title Report as under:

I have caused necessary searches of the records being maintained by the Revenue Authorities concerned and office the Sub Registrar, Gandhinagar. I have gone into the roots of title commencing for the last more than 30 years from now viz. 1991 to 01.8.2023. The details facts and particulars, reference may be taken from the deeds,

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documents, papers, writings and all other relevant records referred to herein below.

I have found that, some of the important record is not maintained properly or damaged or not otherwise available or miss some particulars and all the entries are not up-to-date maintain in the revenue authority and also in the office of the Sub Registrar. So, I rely on documents submitted to me and the land Revenue records i.e. village form no. 7, village form no. 12, village form no. 6 (Mutation Entry) and village form no. 8 (account details of the land) recorded periodically under the provision of the Gujarat Land Revenue Code - 1879 and the Gujarat Land Revenue Rules - 1972. These all entries covering transfer rights, waive or relinquish rights, inheritance and other diverse, interest created on the above refereed subject land.

TRACING OF TITLE

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From the available records of the said land, I found that :

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1. It appears that on or around the year 1951, the Land situate, lying and being at Mouje Pethapur, Taluka Gandhinagar, District Gandhinagar bearing Revenue Survey/Block No. 1882 land admeasuring 5868 Sq.Mtrs was originally belonged to Vaghela Galabji Jivaji.

2. Thereafter, Vaghela Galabji Jivaji has expired and the said land came to be owned and possessed by his only legal heirs and next of kins according to the Hindu Law under which he was governed by namely (1) Satuji Galabji, (2) Manuji Galabji and accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **1381** and the said entry was duly confirmed by the concerned authority.

3. It appears from the record that the State Government issued notification under the Fragmentation Act regarding the others block/survey nos of the village Pethapur and accordingly the mutation entry to that effect was also entered in the revenue records of

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mutation entry book viz. Village Form No. 6 under Mutation Entry No. **1889** dated 13.2.1957 and the said entry was duly confirmed by the concerned authority. But the said mutation entry not related to the said land i.e the survey no. 1882.

4. Thereafter, the proceedings under the Tenancy act, the tenant was not present and not willing to purchase the said land in the proceeding of under section 32(G) of the Tenancy act. And ld. Mamlatdar and Krushipanch, Kalol was pleased to declared the land as non-enforceable and ordered to name of the Collector be recorded in the revenue record and accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **2876** dated 5.2.1963 and the said entry was duly confirmed by the concerned authority.

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5. Thereafter, the ld. Mamlatdar and Krushipanch was pleased to passed an order dated 28.4.1981 in order no.

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1325/79, 32(1B) that the name of the tenant removed from the land and declared sale restricted (BIN AMLI) and proceeding been closed and accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **5660** dated 2.7.1981 and the said entry was duly confirmed by the concerned authority.

6. Thereafter, in the said land, One Manubhai Galabji filled appeal against one Pratapji Javanji before the ld. Dy. Collector being Ganot/Appeal/S.R/80/01 wherein by order dated 22.6.2004, the appeal was pleased to rejected by conforming the order dated 27.11.1962 passed by ld. Mamlatdar & Krushipanch, Kalol and accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **10439** dated 12.7.2004 and the said entry was duly confirmed by the concerned authority.

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7. Thereafter, the Dy. Collector (Land Reform) was pleased to detached the file on the ground of Res-judicata by order dated 16.9.2008 passed in Ganot/Appeal/SR/42/2007 and accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **12457** dated 16.11.2008 and the said entry was duly confirmed by the concerned authority.

8. Thereafter, the order dated 16.9.2008 passed the dy. Collector challenged before the Gujarat Revenue Tribunal by filling revision application Being TEN/B.A./51/2010 which came to be dismissed by order dated 8.8.2014 and accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. 15685 dated 15.9.2014 and mutation entry no. **15739** dated 27.11.2014 and the said entry was duly confirmed by the concerned authority.

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9. Thereafter, the legal heirs of deceased Pratapji Javanji, (1) Sajjanba, (2) Mahetaba @ Manharba, (3) Bhikhaji and (4) Ranjitsinh all residing at Village Pethapur were declared as Tenant of the said land on condition of Section 43 of the Tenancy act as new and undivided land on condition to pay Rs. 612/- within period of 30 days in one instalment by order dated 19.2.2015 in Ganot Case no. 32(P)2-C 9/2015 passed by the ld. Mamlatdar & Krushipanch, Gandhinagar in original Survey no. 1882 admeasuring about 5868 Sq.Mtrs. Accordingly, the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **15835** dated 24.2.2015 and the said entry was duly confirmed by the concerned authority dated 8.4.2015.

10. Thereafter, the Tenant i.e the Legal Heirs of deceased Pratapji Javanji had paid the instalments of Rs. 612/- as per the order dated 19.2.2015 in Ganot Case no. 32(P)2-C 9/2015 passed by the ld. Mamlatdar & Krushipanch,

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Gandhinagar and accordingly the Purchase Certificate no. 161 under Section 32(M) came to be issued on 7.4.2015 and accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **15894** dated 15.4.2015 and the said entry was duly confirmed by the concerned authority.

11. Thereafter the Dy. Collector (L.R), Gandhinagar had initiated sou-moto case being JASHU/Appeal/Review/SR/46/2015 and issued notice and accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **16157** dated 11.1.2016 and the said entry was duly confirmed by the concerned authority.

12. Thereafter, the one of the legal heirs of deceased Pratapji Javanji i.e Ranjitsinh had filed an application for remove his name by relinquishment his right from the said land in favour of Bhikhaji by executing

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notarized affidavit and accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **16559** dated 20.1.2017 and the said entry was duly confirmed by the concerned authority.

13. Thereafter, the legal heirs of deceased Pratapji Javanji i.e (1) Sajjanba and (2) Mehtaba @ Manharba had made application for remove their names by relinquishment his right from the said land in favour of Bhikhaji by executing notarized affidavit and accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **17146** dated 22.5.2018 but the said entry order to be not certified due objection filed and order dated 29.10.2018 passed in RTS/Takrari/case no. 192/2018.

14. Thereafter, the Dy. Collector (L.R) was pleased to ditched the notice issued in the revision application being Ganot/Revision/SR/81/2015 by order dated

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21.7.2020 matter between the State and the Tenant Sajjanba Pratapji and others due to that the Dy. Collector had no jurisdiction against the order dated 19.2.2015 in Ganot Case no. 32(P)2-C 9/2015 passed by the ld. Mamlatdar & Krushipanch, Gandhinagar of the land survey no. 1882 and accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **18302** dated 18.8.2020 and the said entry was duly confirmed by the concerned authority.

15. Thereafter, one Bhikhaji had filed appeal being DASU/RTS/Appeal/SR/109/2019 before the Prant officer, Gandhinagar wherein the appeal came to be rejected on the ground of delay by order dated 28.8.2020. and accordingly, the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **18346** dated 2.9.2020 and the said

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entry was duly confirmed by the concerned authority dated 23.11.2020.

16. Thereafter, Bhikhaji Pratapji had filed Revision being C.B/RTS/Pethapur/Revision/398/2020 before the Collector, Gandhinagar wherein the Revision came to be rejected and confirmed the order of the Prant officer by order dated 6.8.2021. and accordingly, the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **19173** dated 7.8.2021 and the said entry was duly confirmed by the concerned authority dated 21:9.2021.

17. Thereafter, Bhikhaji Pratapji had online applied for conversation of land admeasuring about 3424 Sq. Mtrs out of Total 5868 Sq.mtrs for old Tenure for the non-agriculture Residencial purpose to the ld. Collector, Gandhinagar also paid premium amount of Rs. 44,51,200/- to the Government and thereafter the ld. collector, Gandhianagar vide its order no.

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1460/06/03/017/2023 dated 17.4.2023 has converted the land admeasuring about 3424 Sq. Mtrs out of Total 5868 Sq.mtrs into old tenure for the use of non-agriculture Residencial purpose. Subject to terms and condition of conversation order accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **20935** dated 17.4.2023 and the said entry was duly confirmed by the concerned authority dated 30.4.2023. and accordingly new survey no. 1882/Paiki 1 came to be registered in 7 * 12 abstract admeasuring about 3424 Sq.mtrs.

18. Thereafter, Bhikhaji Pratapji had filed Revision being HKP/GADHAN/268/2022 before the Special Secretary Revenue Department (Dispute) (SSRD), Ahmedabad wherein the order of the ld. collector came to be quashed and setaside and Revision came to be partly allowed and remanded back for reexamination of the revenue record before the ld. Collector, Gandhinagar by

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order dated 15.4.2023. and accordingly, the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **20943** dated 18.4.2023 and the said entry was duly confirmed by the concerned authority dated 3.5.2023.

19. Thereafter, Bhikhaji Pratapji had online applied for non-agriculture under section 65 of Gujarat Land Revenue Code 1979 for the land admeasuring about 3424 Sq. Mtrs out of Total 5868 Sq.mtrs for the use of non-agriculture Residencial purpose to the ld. Collector, Gandhinagar also paid premium to the Government and thereafter the ld. Collector, Gandhianagar vide its order no. 1605/06/03/017/2023 dated 26.4.2023 has granted permission on terms and condition for the land admeasuring about 3424 Sq. Mtrs out of Total 5868 Sq.mtrs and accordingly the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under

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Mutation Entry No. **20966** dated 26.4.2023 and the said entry was duly confirmed by the concerned authority dated 10.5.2023.

20. Thereafter, the ld. Collector was pleased to passed an order dated 25.7.2023 in Remand/ CB/ RTS/ Pethapur/ Revision/ 03/ 2023 that the order passed by the Prant officer dated 28.8.2020 in DASU/RTS/Appeal/SR/109/2019 was quashed and set-side and order to mutation entry no. 17146 came to be certified. And accordingly, the mutation entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6 under Mutation Entry No. **21226** dated 25.7.2023.

21. Therefore, Bhikhaji Pratapji having absolute ownership and possessed of the bearing Revenue Survey/Block No. 1882 having total land admeasuring 5868 square meters which comprised into Town Planning Scheme no. 16 and allotted Final Plot no. 19/8 known as Survey /Block no. 1882/p1 land admeasuring about 3424

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Sq.mtrs in the Registration District of Gandhinagar and Sub-District of Gandhinagar.

22. Thereafter Bhikhaji Pratapji has sold and conveyed the subject land bearing Revenue Survey/Block No. 1882 having total land admeasuring 5868 square meters which comprised into Town Planning Scheme no. 16 and allotted Final Plot no. 19/8 known as Survey /Block no. 1882/p1 land admeasuring about 3424 Sq.mtrs to **"DWARKESH CORPORATION, A PARTNERSHIP FIRM"** by way of registered deed of Conveyance which was duly registered with the Registration District of Gandhinagar and Sub-District of Gandhinagar under Serial no. 39755 dated 27.7.2023 and the entry to the effect was also entered in the revenue records of mutation entry book viz. Village Form No. 6.

23. Thus, the **"DWARKESH CORPORATION, A PARTNERSHIP FIRM"** is the absolute owner and possessor of the land bearing Revenue Survey/Block No. 1882 having total land admeasuring 5868 square

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meters which comprised into Town Planning Scheme no. 16 and allotted Final Plot no. 19/8 known as Survey /Block no. 1882/p1 land admeasuring about 3424 Sq.mtrs in the Registration District of Gandhinagar and Sub-District of Gandhinagar.

24. Further, the land in question is not affected by the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 since the same has been repealed with effect from 01.04.1999 and hence no permission thereunder or in any other Act or rule is required to be obtained.

25. It has been observed by us that, the land under investigation had already been converted into Non-Agricultural land in accordance with provision of Section 65 of the Land Revenue Code 1979 and moreover, the Judgement of Hon'ble High Court of Gujarat and the Circular of the State Government of Gujarat with regard to the Section 63 and Section 84(c) of the Tenancy Act, 1948 are not applicable to the non-agricultural land.

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26. From the available revenue records, I found that as per the revenue records of **"DWARKESH CORPORATION, A PARTNERSHIP FIRM"** has become an absolute co-owner and possession holders of the above referred subject of the land bearing Revenue Survey/Block No. 1882 having total land admeasuring 5868 square meters which comprised into Town Planning Scheme no. 16 and allotted Final Plot no. 19/8 known as Survey /Block no. 1882/p1 land admeasuring about 3424 Sq.mtrs in the Registration District of Gandhinagar and Sub-District of Gandhinagar.

27. The aforesaid Title Report opinion is prepared on the basis of available revenue records and sub registry records relevant for the purpose to study of title and to ascertain any charge or encumbrance over said land and it does not contain entire revenue or sub registry records. also on verification and perusal of documents, papers and relevant deeds etc., produced before me and believing same are true and correct and from the

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information given to me by the owners, occupiers and possession holder of the said subject land and also relying on Declaration-Cum-Indemnity will be made on oath by the aforesaid land Owners which was duly attested by Notary Public.

SUBJECT TO WHAT HAS BEEN STATED HEREIN ABOVE

After scrutiny of the all documents and statement given by owners of the said subject land, in my opinion that the title of said land more particularly described in the schedule herein under Freehold the land bearing Revenue Survey/Block No. 1882 having total land admeasuring 5868 square meters which comprised into Town Planning Scheme no. 16 and allotted Final Plot no. 19/8 known as Survey /Block no. 1882/p1 land admeasuring about 3424 Sq.mtrs in the Registration District of Gandhinagar and Sub-District of Gandhinagar. is belonging to **"DWARKESH CORPORATION, A PARTNERSHIP FIRM"** and the same

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is clear, marketable and free from any charge or encumbrance and free from reasonable doubts subject to ;

1. Usual Declaration-cum-Indemnity is being made on oath by the aforesaid land Owners at the time of dealing with the said land in any manner whatsoever nature.

2. To fulfillment of all terms and conditions laid down in the order of Non-Agricultural Permission.

3. Compliance and Fulfillment of all the terms and conditions mentioned in the orders passed by the revenue authorities as well as all other competent authorities regarding the above referred subject land.

4. Provision of The Gujarat Tenancy and Agricultural Land Act, 1948.

5. Provision of The Gujarat Land Revenue Rules – 1972.

6. Provision of The Gujarat Land Revenue Code - 1879.

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7. Provision of The Gujarat Town Planning and Urban Development Act with Rules.

8. Terms and Condition of Plan Approved and Construction permission granted by the Authority be complied.

9. All other laws, acts, rules and regulation in force from time to time and also laws, act, rules and regulation as may be applicable at the time being in force to affect legally and mutation entry of the succession, waive or relinquish rights is being established and mutated in the revenue records and minor family member's undivided right sale or transfer and also all any other sale/transfer transaction with respect of the above referred subject land should be done as per law.

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THE SCHEDULE ABOVE REFERRED TO

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All that piece and parcel of the land bearing Revenue Survey/Block No. 1882 having total land admeasuring 5868 square meters which comprised into Town Planning Scheme no. 16 and allotted Final Plot no. 19/8 known as **Survey /Block no. 1882/p1 land admeasuring about 3424 Sq.mtrs** in the Registration District of Gandhinagar and Sub-District of Gandhinagar and bounded as per the Revenue Records.

DATED THIS 1th AUGUST OF 2023, AHMEDABAD.

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