



Ref. File No.3416

TITLE REPORT



SUB: Title Report of Non-Agricultural (N.A.) Land of Final Plot No. 56 of Town Planning Scheme No. 48 (Motera-Koteswar) (Lieu of Survey No. 233 and 233 Paiky 1) admeasuring 4674 Sq.Mtrs. situated, lying and being at Mouje-KOTESHWAR, Taluka-GANDHINAGAR, in the Registration District and Sub-District GANDHINAGAR in the State of GUJARAT and belonging to:-

HORIZON REALTY (A Partnership Firm)

.....

Prior to 1956, land of Survey No. 146, admeasuring Acre-1-37-Guntha belongs to Koteswar Mahadev Trust vide Entry No. 1 and 89 Dated 19/12/1969 and Chhotaji Bhagaji Thakor was Permanent Tenant in the said land therefore Krushipanch Mamlatdar has passed the order no. 12 Dated 07/03/1971 to grant the said Land to the Chhotaji Bhagaji and to pay the Purchase price to the land owner and entry to this effect entered in the revenue record by Entry No.124 Dated 01/05/1971 and Entry No. 270 Dated 14/09/1978.

Thereafter, Chhotaji Bhagaji Thakor had paid the Purchase Price to the Koteswar Mahadev on Dated 20/03/1971 and Krushipanch Mamlatdar issued the Form No. 9 to Chhotaji Bhagaji, and name of Chhotaji Bhagaji entered in the revenue record by Entry No. 271, Dated 14/09/1978.

Thereafter, Chhotaji Bhagaji died on 10/02/1997 and names of his legal heirs namely Laxmanji Chhotaji, Ramaji Chhotaji, Kantiji Chhotaji, and Kamuben Chhotaji entered in the revenue record by Entry No. 604, Dated 23/03/2001.

Thereafter, Kantiji Chhotaji died on 29/07/2001 and names of his legal heirs Shantaben wd/o. Kantiji Chhotaji, Bharatji Kantiji, Minaben Kantiji, Kinal Kantiji, entered in the revenue record by Entry No. 652, Dated 23/12/2003.



Thereafter, Ramaji Chhotaji, Kamuben Chhotaji, Shantaben wd/o. Kantiji Chhotaji, Bharatiji Kantiji, Minaben Kantiji, Kinal Kantiji sold and conveyed the said land 7790 Sq.Mtrs. to Mohanlal Ishvarbhai Patel, Govindsinh Parthiji Chavda and Pradyumanbhai Vishnushankar Dave by registered Sale Deed, which is registered in the office of Sub-Registrar at Gandhinagar at Serial No. 700, Dated 16/01/2004 and entry to this effect entered in the revenue record by Entry No. 655, Dated 16/01/2004.

Thereafter, Mamlatdar of Gandhinagar was passed the correction order no. Jamin/Vashi/6350/07, Dated 03/08/2007, and name of Mohanlal Ishvarbhai Patel, Govindbhai Parthibhai Chavda, Padyumanbhai Vinushankar Dave wrongly entered in the Computer Record, which was corrected in the revenue record, and the correct name [1] Mohanlal Ishvarbhai Patel, [2] Govindsinh Parthiji Chavda, [3] Pradyumanbhai Vishnushankar Dave entered in the revenue record by Entry No. 753, Dated 08/08/2007.

Thereafter, Laxmanji Chhotaji died on 22/04/2001 without leaving behind any legal heirs, and name of Laxmanji Chhotaji deleted in the revenue record by Entry No. 793 Dated 08/07/2008. (It is for Survey No. 17/1, 18 and 19)

Thereafter, Mamlatdar Gandhinagar passed the correction order and name of Govindsinh Parthiji Chavda was entered wrongly in the Computer Record, which was corrected in the revenue record, and the correct name Govindsinh Pruthvisinh Chavda entered in the revenue record by Entry No.1176, Dated 18/09/2015.

Thereafter, Prant Officer, Gandhinagar had prepared the Re-Surveyed Records and were published by the Prant Office Gandhinagar under Ref. No. Jamin/Pramulgation/Koteshwar/4/16 Dated 04/04/2016, WHEREBY objections regarding correctness thereof were invited and were required to be submitted within 30-Days from the date of Publication of the Re-Surveyed Records and Prant Office had verified the Re-Surveyed Records and thereafter Prant Office had promulgated the said the Re-Surveyed Records vide its ORDER No. PO/RE-SURVEY/



PROMULGATION-KOTESHWAR/16, Dated 10/06/2016, and accordingly presented New Survey No. 233 in lieu of Old Survey No. 146 and entry to this effect entered in the relevant revenue records by Entry No.1230, Dated 16/02/2017.

Thereafter, Mohanlal Ishvarlal Patel, sold and conveyed the said land Paiky Undivided 1/3 Part to Govindsinh Pruthvisinh Chavda by registered Sale Deed which is registered in the office of Sub-Registrar at Gandhinagar at Serial No. 12051 Dated 12/04/2021 and entry to this effect entered in the revenue record by Entry No. 1523, Dated 19/07/2021.

Thereafter, Pradyumanbhai Vishnushankar Dave, sold and conveyed the said land Paiky Undivided 1/3 Part to Govindsinh Pruthvisinh Chavda by registered Sale Deed, which is registered in the office of Sub-Registrar at Gandhinagar at Serial No. 2299 Dated 25/01/2021 and entry to this effect entered in the revenue record by Entry No. 1524, Dated 19/07/2021.

Thereafter, Govindsinh Pruthvisinh Chavda, sold and conveyed the said land to [1] Digant Bhanubhai Patel, [2] Dungarbhai Raghavbhai Dhameliya, [3] Yatinkumar Chimanlal Pandya and [4] Sureshbhai Nandlalbhai Gadhiya by registered Sale Deed, which is registered in the office of Sub-Registrar at Gandhinagar at Serial No. 26126 Dated 10/08/2021 and entry to this effect entered in the revenue record by Entry No. 1530, Dated 15/09/2021.

Thereafter, the said land covered in the Town Planning Scheme No. 48 (Koteshtar-Motera), and Town Planning Officer, Gandhinagar has allotted Final Plot No. 56 for 4674 Sq.Mtrs. Land.

Thereafter, District Collector of Gandhinagar converted the said land in to old tenure land for N.A. Use, and order of premium passed by order bearing no. CB/Ganot/Vashi/722 to 729/2022 Dated 13/04/2022 and Govindbhai Pruthvisinh Chavda to paid the premium amount to the Government and entry to this effect entered in the revenue record by Entry No. 1548 Dated 19/04/2022.



Thereafter, District Collector of Gandhinagar converted the said land in to Non-Agricultural Use by its order bearing no.1803/06/03/70/2022 Dated 27/07/2022. and entry to this effect entered in the revenue record by Entry No. 1563 Dated 27/07/2022.

Thereafter, Gandhinagar Municipal Corporation has sanctioned the lay-out plan for Residential Use by its order no. PRM/GMC/OQ/Kotesuwar-48/01/2023/ 7425 Dated 15/04/2023.

Thereafter, [1] Digant Bhanubhai Patel, [2] Dungarbhai Raghavbhai Dhameliya, [3] Yatinkumar Chimanlal Pandya and [4] Sureshbhai Nandlalbhai Gadhiya sold and conveyed the Final Plot No. 56 of T. P. Scheme No. 48 (Koteswar) admeasuring 4674 Sq.Mtrs. Land to Horizon Realty a partnership firm by Registered Sale Deed, which is registered in the office of Sub-Registrar at Serial No. 24795 Dated 06/05/2023, and entry to this effect entered in the revenue record by Entry No. 1613, Dated 16/05/2023.

Hence, at present, Horizon Realty a partnership firm is the absolute owner and is in possessions of the said Land.

Under the instructions of our client we have investigated the title of the said Land after conducting and arranging necessary searches of relevant Revenue Records consisting of Village Records in Village Form No. 7 & 12 and No. 6 and Records i.e. INDEX-II Register for the more than last 30 years and upon examination thereof we found that some of such records were either in torned-off/ damaged condition or fully destroyed and therefore the same were not made available for our inspection.

NOTE:- Legal Observation and Opinion.

- * Chhotaji Bhagaji agreed to sell the said land to Parshottam Chhinakumal Chimanani vide deed of sale, registered in the office of the Sub-Registrar at Gandhinagar vide Serial No. 5203, dated 13/11/1995 and possession of land handed over to Parshottam Chhinakumal Chimanani on rent till 16/03/1996.



Thereafter, legal heirs of Chhotaji Bhagaji namely Ramaji Chhotaji has given notice to Parshottam Chhinakumal Chimanani through his Advocate Ashvin S. Thakor for cancellation of Agreement to Sell executed by Chhotaji Bhagaji due to not full terms and condition laid down in the Agreement to Sell Dated 28/02/1996.

- * Thereafter, legal heirs of Chhotaji Bhagaji namely Ramaji Chhotaji, Kamuben Chhotaji, Bharatiji Kantiji, Shantaben wd/o. Kantiji Chhotaji, Minaben Kantiji, cancelled the Agreement of Sell executed on Dated 13/11/1995 at Serial No. 5203 and Deed of Cancellation registered in the office of Sub-Registrar at Serial No. 9096, Dated 19/12/2003.
- * Thereafter, Parshottam Chhinakumal Chimanani executed Sale Deed on Dated 19/12/2003 after the Cancellation of Agreement to Sell Dated 13/11/1995 in favour of him as Power of Attorney Holder of Chhotaji Bhagaji which is registered in the office of Sub-Registrar at Gandhinagar at Serial No. 9091.
- * Manorama Resort and Hotels Pvt. Ltd., filed a Special Civil Suit No. 134/95 in Ahmedabad which was transferred in Gandhinagar Court and given New Special Civil Suit No. 191/95, which was dismissed by court on 29/11/2006 and then no any appeal or suit filed by then.
- * Thereafter, Parshottam Chhinakumal Chimanani filed a Special Civil Suit No. 28/96 for Specific Performance before Addition Civil Judge Gandhinagar for execution of the Sale Deed in respect of Agreement to Sell executed on Dated 13/11/1995, the said Special Civil Suit No. 28/96 dismissed by the court on Dated 30/12/2010.
- * Thereafter, Parshottam Chhinakumal Chimanani has filed R.C.S. No. 271/07 in Civil Court Gandhinagar for Injunction and declared the possession of the Plaintiff but Plaintiff can-not prove the possession of the said land with him, therefore Civil Court Gandhinagar passed order to dismiss R.C.S. No. 271/07 on Dated 30/01/2016.



Thereafter, Parshottam Chhinakumal Chimanani filed a Special Civil Suit No. 1/2016 before Principal Senior Civil Judge Gandhinagar for cancellation of Sale Deed No. 9571, 9572, 9573 and the said Civil Suit was Dismissed by Civil Judge, Gandhinagar on Dated 12/04/2019 and thereafter Parshottam Chhinakumal Chimanani filed a Special Civil First Appeal No. 2693/19 in High Court of Gujarat against order of Civil Suit No.1/2016, which was dismissed by high court on dated 04/01/2022 hence at present he has not filed any appeal and revision application and nor any revision or appeals pending are in any court.

- * Ramaji Chhotaji Thakor was filed a Criminal Complain No. 3964/05, U/S. 406, 465, 471, 478 of I.P.C. Act, against Parshottam Chhinakumal Chimanani, and the Criminal Court was convicted Parshottam Chhinakumal Chimanani gave Punishment in Criminal Case No. 3964/05 by order dated 30/08/2018.
- * Laxmanji Chhotaji Thakor died on Dated 22/04/2001 without behind any legal heirs but Kaliben Laxmanji Thakor claim the she is only one legal heirs of Laxmanji Chhotaji Thakor and she was filed a Civil Suit No. 344/10 before Principal Civil Judge Gandhinagar for the to get legal rights in the property of Laxmanji Chhotaji Thakor, but she has filed to prove in the court that she is legal heirs of deceased Laxmanji Chhotaji Thakor, therefore injunction application dismissed by the court on Dated 28/09/2012 and thereafter Kaliben Laxmanji Thakor was filed a Appeal No. 87/2012 against order Dated 28/09/2012 in the District Court and District Court has dismissed the Appeal on Dated 02/07/2015, and thereafter she has not filed any Appeal or Revision any court.
- * We have examine and verified all the above documents as well on the basis of our examination of all the above suits, appeals and relevant records, we have therefore reason to believe and therefore we are of the opinion on title as under.



In view of what is stated above and on the basis of our examination of the available records of the title, we are of the opinion that title of the said Land is Clear and marketable and is free from reasonable and is free from reasonable doubts and without any encumbrances and/or charges, subject to:-

[1] Mutation Entry No. 1613 being confirm.

Date: 06/06/2023.
Place: AHMEDABAD



(PRAKASH C. SHAH) ADVOCATE
M/S. PRAKASH C. SHAH & CO.,

* Bar Council Registration No. G/345/1990, Dated 24/06/1990.

* Advocate Welfare Fund Registration No. A.M./A.R./37501, Dated 18/06/2012.