



Anil R. Patel
B.A, LL.B.
ADVOCATE & NOTRY

Enrolment No.: G/1910/1999

TO,

Mahek Corporation,

T.P.S. NO. 03 (KATARGAM),

F.P. NO. 11, Sumul Dairy Road,

Katargam, Surat.

**Re: the titles of land bearing C.S. No. 3371/2 of ward
KATARGAM-1, now bearing F.P. No. 11 of T.P.S. No. 3
(KATARGAM) Situated at near Naginawadi, Katargam,
Surat.**

Under your instructions, I have perused the papers, relating to the captioned land, referred to in this report for the purpose of apprising you about the titles thereof and my observations are as under:

I have taken search in the office of sub-registrar, Surat and office of the city survey, Surat and office of the revenue department, Surat for the last 30 years in respect of above-mentioned property. My report for the title of the said property is as under:

1. The Land

- 1.1.** The land in question bears city survey no. 3371/2 of ward Katargam-1, in city of Surat and admeasure 2975 sq. mtrs, respectively and is located at Near Naginawadi, Katargam, Surat, Sub District Surat City, Taluka Katargam, Dist. Surat.
- 1.2.** The said land forms part of Final Plot No. 11 of Town Planning Scheme No. 03 (Katargam)

- 1.3. Under the Development Plan of Surat Urban Development Authority, the land in question is designated for industrial use.

2. Devolution of Title:

- 2.1. As per your request, I have confined my search for last 30 years only.
- 2.2. Property registered vide Survey No.322 in village record of Katargam at present Taluka, Tal. Choryasi, Moje Katargam was originally carryon on the name of Vallabhbhai Bavjibhai, previous to since 1931. Cause to death of said Vallabhbhai Bavjibhai as an heir of him, his minor son Dhanabhai Vallabhbhai and Maganbhai Vallabhbhai as a guardian of minor their uncle Hirabhai Bavjibhai's name entered in the Revenue Record. For which entry entered in the Revenue Record vide No.442, dtd.22/04/1931. That entry has been certified.
- 2.3. Said land carryon as a new tenure land, in spite of that, without permission of the Collector and without paying premium amount in the Government, unauthorized construction had been done. Therefore infringement done of section 43 of The Tenancy Act, as per section 84(C)(2) of The Tenancy Act disputed land along with in it construction to entered under control of Government and to disposed-off it as a Government Land, on basis of order No. Tenancy Case /5/86/84-A, dtd.29/07/1986 of The Hon'ble Additional Mamlatdar and Agricultural Commission (Tenant) Choryasi, Surat, by deleting names of Dhanabhai Vallabhbhai and Maganbhai Vallabhbhai carryon as a possessor in the said land, name had been entered of Hon'ble Government. For which entry had been done in the Revenue Record vide Entry No.7535 on dtd.01/09/1986. That was certified.

2.4. After that by aggrieved with order No. Tenancy Case /5 /86/84-A, dtd.29/07/1986 of The Hon'ble Additional Mamlatdar and Agricultural Commission (Tenant) Choryasi, Surat, landlord had filed appeal therefore, Hon'ble Deputy Collector of Choryasi province, Surat approved dispute application of the plaintiff by order No. Appeal No. Tenancy/A/32/86, dtd.31/10/1987 and rejected order of lower court. And for the new tenure land to inspect only for village record, newly notice issued to the parties, thereby remand the case to take decision newly. For this remand case proceeded therefore Hon'ble Additional Mamlatdar and Agricultural Commission (Tenant), Choryasi issued order for resolution by order No. Tenant/Case No.139/90, dtd.07/01/1991 that, for the disputed land previously order issued to withdraw notice of 84(A) of The Tenancy Act by Tenancy Case No.18/88, dtd.17/12/1988, therefore not required to proceed the case again therefore resolution issued to withdraw the issued notice. But in this case investigation not done property cause to that, taken in revision under section76(A) of The Tenancy Act. For that, hearing done and kept permanent the order of lower court dtd.07/01/1991 by order No. Tenancy/ Revision/ Case /45/91, dtd.24/07/1991 of The Hon'ble Deputy Collector (L.R.) and for the breach of condition concern to land by examining under The Chakariyat Veth Inami Abolition Act, by proceed that procedure instruction given to the Agriculture Commission, Choryasi to take action under provision of said law. As per instruction of The Remand Order, by make entry on Remand Case Regi.No.9/94, by proceed the same order issued to withdraw the notice of Section 84(A) of the Tenancy Act of infringement of section43 of The Tenancy Act under

Order No. Tenancy Case No.9/94, dtd.25/04/1994 of the Hon'ble Additional Mamlatdar and Agriculture Commission (Tenant) Choryasi. Therefore, by deleting name of the Government continuing in the record of 7/12 thereby entry done to enter name of original landlord. That entry was entered in the Revenue Record vide Entry No.8965/9536, dtd.17/09/2001. That entry was certified.

2.5. After that from the said owners, Dhanabhai Vallabhbhai was expired on 12/01/1998, therefore as a legal heirs of him (1) Ambaben Dhanabhai alias Dhirajlal Katargamwala (wife) (2) Pratapbhai Dhanabhai alias Dhirajlal Katargamwala (son) (3) Mrs. Lilavatiben Narendrabhai Solanki (daughter) (4) Miss Hasumati Dhanabhai alias Dhirajlal Katargamwala (daughter) (5) Ranjnikant Dhanabhai alias Dhirajlal Katargamwala (son) (6) Arunkumar Dhanabhai alias Dhirajlal Katargamwala (son), their names entered in the revenue record. For which entry had been done in revenue record vide entry No.9536, dtd.31/08/2005. That entry certified on 24/10/2005.

2.6. After that, said landlords for deleting charge of Rs.2000/- on the said land, application had been done therefore entry has been done of release the charge on basis of certificate dtd.21/02/2014 of The Gujarat State Co. Operative Agri & Rural Development Bank Ltd. Choryasi Branch. For that entry, entered in the revenue record vide entry No.10803, dtd.26/02/2014. That entry was certified on 08/05/2014.

2.7. After that, from the said owners, Maganbhai Vallabhbhai expired on 07/03/2006, therefore as a legal heir of him names of (1) Dolatben Maganbhai (Death) (2) Nanduben Maganbhai Wo Ishwarbhai (3) Maheshbhai Maganbhai (4) Kamalaben Maganbhai wife Motibhai

(Death) (5) Bipinbhai Motibhai, Ambaben Dhanabhai alias Dhirajlal Katargamwala expired on 22/09/2009 therefore her legal heirs on basis of affidavit done before The Tehsildar and Executive Magistrate, Mumbai City, dt. 15/01/2014 (6) Pratap Dhanabhai alias Dhirajlal Katargamwala (Death) (7) Arunkumar Dhanabhai alias Dhirajlal Katargamwala (8) Rajnikant Dhanabhai alias Dhirajlal Katargamwala (9) Hasumati Dhanabhai alias Dhirajlal Katargamwala (10) Lilavati Dhanabhai alias Dhirajlal Katargamwala, Pratap Dhanabhai alias Dhirajlal Katargamwala's legal heirs (11) Sonalben Pratap Katargamwala. From them (1), (4) and (6) expired names of Sr. No. (7) to (10) are carryon, entry has been done to enter names of Sr. No. (2), (3), (5), (11) in account of expired person and to delete names of Maganbhai Vallabhbhai, Ambaben Vallabhbhai alias Dhirajlal Katargamwala, Pratap Dhanabhai alias Dhirajlal Katargamwala. That entry entered in the revenue record vide entry No.10804, dtd.26/02/2014. That entry was certified on 04/06/2014.

2.8. Thus, (1) mrs. nanduben ishwarbhai D/O maganbhai Vallabhbhai, (2) mr. Maheshbhai maganbhai, (3) bipinbhai motibhai and (1) Mrs. Lilavatiben Narendrabhai Solanki (2) Mrs. Hasumatiben Dhanabhai alias Dhirajlal Katargamwala (3) Mr. Rajnikant Dhanabhai alias Dhirajlal Katargamwala (4) Mr. Arunkumar Dhanabhai alias Dhirajlal Katargamwala (5) Mrs. Sonalben Pratapbhai Katargamwala are became owner, attorney and possessor of the said entire land.

2.9. Thus, ourselves the (1) Mrs. nanduben ishwarbhai D/O maganbhai Vallabhbhai, (2) Mr. Maheshbhai maganbhai, (3) Mr. bipinbhai motibhai became owner, attorney and possessor of the schedule stated and detail having land i.e., Half Share land towards North

side. Thereafter, the said land owners (1) Mrs. nanduben ishwarbhai D/O maganbhai Vallabhbhai, (2) Mr. Maheshbhai maganbhai, (3) Mr. bipinbhai motibhai sold the said land to **Mahek Corporation** by registered sale deed on 29/08/2018. The said sale deed was presented in the office of the sub-registrar, Surat at serial no. 22678 on 29/08/2018 and registered at new serial no. 21975 on 29/08/2019.

- 2.10.** Thereafter, the said land owners (1) Mrs. Lilavatiben Narendrabhai Solanki (2) Mrs. Hasumatiben Dhanabhai alias Dhirajlal Katargamwala (3) Mr. Rajnikant Dhanabhai alias Dhirajlal Katargamwala (4) Mr. Arunkumar Dhanabhai alias Dhirajlal Katargamwala (5) Mrs. Sonalben Pratapbhai Katargamwala sold Half Share land towards South side to **Mahek Corporation** by registered sale deed on 03/04/2019. The said sale deed was presented in the office of the sub-registrar, Surat at serial no. 7657 on 03/04/2019.

3. Development Permissions and Zoning Regulations

- 3.1.** To the said lands applicable Town Planning Scheme No.3 (Katargam) therefore allotted Final Plot NO.11 to the land of Survey No.322 and as per that area of said land allotted as 2975 Sq. Mtr. Application has been done to convert the said land in old tenure from new tenure for commercial purpose, by approving the said application, Hon'ble Collector issued order to pay the Premium, as per that amount of Premium Rs.2,24,91,000/- paid by the Challan No.65/17-18m therefore Hon'ble Collector of Surat issued order to convert the said land in Old Tenure for the Commercial purpose of non-Agriculture by order No. A/REV/ NTL/ Vashi.3005/17, Regi.No.40/2017, UID: 31545, dtd.6/11/ 2017. For that entry has been entered in the revenue record

vide entry No.11196, dtd.17/12/2017. That entry certified on 21/02/2018.

- 3.2.** After that, (1) Mrs. Nanduben Ishwarbhai D/O Maganbhai Vallabhbhai, (2) Mr. Maheshbhai Maganbhai, (3) Bipinbhai Motibhai, (4) Mrs. Lilavatiben Narendrabhai Solanki (5) Mrs. Hasumatiben Dhanabhai alias Dhirajlal Katargamwala (6) Mr. Rajnikant Dhanabhai alias Dhirajlal Katargamwala (7) Mr. Arunkumar Dhanabhai alias Dhirajlal Katargamwala (8) Mrs. Sonalben Pratapbhai Katargamwala has made application for Commercial purpose Non-Agriculture to the Collector of Surat, so he given permission of non-Agriculture by his order No. A/LND/Urgent/Serial No.419/17, ID No.218151/Vashi 1968 to 1983/ 2018, dtd.19/03/2018.

4. Search and Investigation:

- 4.1.** On my request Advocate Himadri B. Wadher has taken search in the office of Sub Registrar, Surat for the last 30 years and has given his report Dt. 27/03/2022 along with receipt of fees paid for the search. Perusal of the said report, I do not find any transaction, which conflicts with titles in the hands of the present holders.
- 4.2.** As regards search on the revenue records, I have relied upon the records made available on the official website of State Government <https://anyror.gujarat.gov.in>. I have not come across any detail which is likely to affect adversely, titles to the land in question.
- 4.3.** I am told that no suits or other proceedings are pending qua the said lands in any court, office, authority, Tribunal etc; and so far, the landowners have not received any notice, summons etc. in respect of any legal proceedings from any court, authority or tribunal involving the lands in question.

5. Conclusion:

- 5.1. Based on what I have stated in this report, I am of the opinion that the titles to the land bearing C.S. No. 3371/2 of ward KATARGAM-1, now bearing F.P. No. 11 of T.P.S. No. 3 (KATARGAM) more particularly described in schedule I below appear to be clear and marketable in the hands of **Mahek Corporation**, subject to Development Rights granted to you.
- 5.2. As the construction proposed to be put up in the said land is intended to be sold to third parties, you will have to get the said project registered under the Real Estate Development and Regulations Act, 2016 with RERA Authority, Gujarat.
- 5.3. I have based my report on the strength of the documents referred to in the said report and they shall be deemed to be forming part of this report.
- 5.4. I have confined my investigations for last 30 years commencing from year 1992.
- 5.5. This report is intended to apprise you about your titles to the said land.

SCHEDULE OF THE LAND ABOVE REFERRED

All that piece and parcel of immovable properties being the Non-agricultural property bearing city survey no. 3371/2 of ward Katargam-1, admeasure 2975 sq. mtrs, now forming part of Final Plot No. 11 of Town Planning Scheme No. 03 (Katargam) located at Near Naginawadi, Katargam, Surat, within the limits of Surat Municipal Corporation, Taluka Katargam, Dist. Surat

Date: 06/04/2022



Anil R. Patel

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