A. C. DAMANI
& Advocates

TITLE REPORT

In respect of all that 2934 square meters of an old tenure agricultural land bearing survey no.439/10 situated, lying and being at village Sargasan Taluka Gandhinagar within Registration Sub-District and District Gandhinagar.

Prepared by:
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I. INTRODUCTION

1.1 We have been instructed by Vallabhdas Madhavji and Vasudev Ramjibhai to conduct necessary searches and investigate into the title of all that 2934 square meters of an old tenure agricultural land bearing survey no.439/10 situated, lying and being at village Sargasan Taluka Gandhinagar within Registration Sub-District and District Gandhinagar (hereinafter referred to as the "**said Land**") and to prepare a report on title in respect of the said Land based upon such investigation.

1.2 In carrying out the investigation as to the title of the said Land, we have visited the following offices with a view to carry out physical search of the relevant documents and records.

i. Sub-registrar of Assurances, Gandhinagar;

ii. Collector, Gandhinagar;

iii. Mamlatdar, Gandhinagar;

iv. Village Accountant i.e. the Talati of Village Sargasan;

v. Gandhinagar Urban Development Authority(**GUDA**);

II. SCOPE AND LIMITATIONS

1. We have relied upon our physical search and have inspected the following documents and records while preparing this Title Report.

   1.1 Search conducted at the office of the Sub-Registrar of Assurances, Gandhinagar for the last 33 years;

   1.2 Revenue records in the form of relevant extracts from Village Form No.7/12, Village Form No. 8/A and Mutation Entries effected in Village Form No.6;

   1.3 Perusal of the copies of *inter alia* the deeds, documents, records and approvals provided to us in relation to the title of the said Land;

2. Our scope of work encompasses the following:

   2.1 Reviewing the aforesaid documents and records;

   2.2 Identifying significant issues, if any, arising therefrom; and

   2.3 Preparing a report based upon our review in respect of title of the said Land.

3. This Report is subject to the following qualifications:

   3.1 We have examined the revenue records in respect of the said Land relating to the past 33 years;

   3.2 This Report is limited to the matters expressly set forth herein and no comment is implied or may be inferred beyond such matters and no search at any tribunals, civil court, high court, supreme court or any other litigations have been undertaken in relation to the said Land and will not be binding on Court, Tribunal or Regulatory Authority, which would have to be independently satisfied and we assume no legal responsibility in the event of our views not being accepted as correct by any Court, Tribunal or Regulatory Authority;

   3.3 While conducting search in the office of the Sub-Registrar of Assurances, we have found that certain Index-II Books are torn while the entries are also not maintained up to-date and are also not in good condition. We have relied on the land revenue record i.e. Village Form No.7/12 and mutation entries recorded periodically under the provisions of Bombay Land Revenue Code. These entries reflect transfers, intervener, inheritance, tenancy rights and other diverse interests created on the said Land. The Mutation Entries so far as the said Land are concerned are only relevant extract and they depict the position of the said Land.

   3.4 We have not published any Public notice inviting claims/objections in relation to title to the said Land.

3.5 Our review of documents and records as per the applicable Indian Laws is as deemed appropriate under the circumstances but do not necessarily include any internal circulars or policies of regulators not available in the public domain;

3.6 The views expressed herein are based on our interpretation of applicable Indian Laws as on the date of this Report and it is possible that executors and/or the regulators may have a contrary interpretation of the relevant provisions;

3.7 The approvals, consents or permits required from any authorities in India as maybe required for the performance of any obligations may be revoked or cancelled by the granting authority on change in the applicable Law or regulations or on non-fulfillment of the terms and conditions thereof or may expire if such approval, consent or permit is time bound;

3.8 Legislation, its judicial interpretation and the views and policies of the authorities are subject to change from time to time, and these may have a bearing on the views that we have provided herein. We have no responsibility to carry out any review of our comments for changes in Laws or regulations occurring after the date of issue of this report;

3.9 "Indian Law" would include legislation at Central and State levels and also various rules, regulations, notifications, guidelines, governmental orders, by-laws and internal policy rulings issued by any governmental agency. The reporting mechanism relating to these is not entirely systematic and Laws may be published in publications not having wide circulation and not necessarily in a timely manner. There are limited and unsatisfactory facilities for verification of such Laws. Our review of Indian Laws has included materials published and freely available and such other materials as we have deemed appropriate under the circumstances but do not include any internal circulars or policies of regulators not available in the public domain;

3.10 Any changes in Indian Law (the term "Law" being widely construed to include any change in the interpretation of the Law), which could be retrospective, or any change in the facts and circumstances could have an effect on the validity of this title certificate or any part hereof;

3.11 Our maximum liability relating to this report (regardless of form of action, whether in contract, negligence or otherwise) shall be limited. In no event shall we be liable to any person, for any amount for consequential, special, incidental or punitive loss, damage or expense (including limitation, lost profits, opportunity costs etc.) incurred by any party,. We shall not be responsible for any losses, damages, costs, expenses or other consequences, if information material to this report is withheld or concealed from or misrepresented to us; and

3.12 We express no opinion or views regarding any financial or technical data or material in relation to the proposed transaction;

III. BRIEF DESCRIPTION OF THE SAID LAND

Name of the Present Owner	:	Vallabhdas Madhavji Vasudev Ramjibhai
Revenue Survey Numbers and Area of the Said Land as per the revenue records	:	Survey no.439/10 admeasuring 2934 square meters
Village / Taluka	:	Sargasan / Gandhinagar
District / State	:	Gandhinagar / Gujarat
Registration Sub-District	:	Gandhinagar
Present Usage of the Said Land	:	Old Tenure Agricultural land

IV. DEVOLUTION OF TITLE

1 It appears on perusal of available records that prior to the year 1967 one Becharji Jesangji was entitled to all that Acre 0-29 Gunthas i.e. 2934 square meters of old tenure agricultural land bearing survey no 439/10 situate lying and being at village Sargasan Taluka Kalol and District Gandhinagar (hereinafter referred to as the **"said Land"**)

2. It further appears on perusal of mutation entry no.941 dated December 22, 1965 that according to Hissa Form no.12 Mamlatdar had made rectification in the revenue records in relation to the said Land and various other lands, the details whereof is setout hereinunder:

As Per Revenue Records		As per Hissa Form			
Survey no.	Area Acre-Gunthas	Survey no.	Area Acre-Gunthas	Akar	Occupier
439/1	5-16	439/1	1-5	2-62	Becharji Jesangji
439/2	3-24	439/2	1-1	2-37	Shivaji Lalluji
439/3	1-10	439/3	1-12	2-94	Dhulaji Valaji Jenaji Valaji
		439/4	1-2	2-44	Becharji Jesangji
		439/10	**0-29**	1-69	**Becharji Jesangji**

In pursuance of the above area of the said Land was reduced to Acre 0-29 Gunthas i.e. 2934 square meters. The said mutation entry no.941 dated December 22, 1965 was certified by the Circle Officer on February 22, 1966.

3. It appears on perusal of mutation entry no.1008 dated April 7, 1967 that Becharji Jesangji had expired on August 1, 1966 and consequent to his demise the said Land alongwith various other lands were devolved on his legal heirs namely (i) Gabhaji Becharji, (ii) Mangaji Becharji, (iii) Karshanji Becharji, (iv) Arjanji Becharji, (v) Varsangji Becharji, (vi) Somaji Becharji and (vii) Kanaji Becharji. The said mutation entry no.1008 dated April 7, 1967 was certified by the Circle Officer on December 15, 1967.

4. It appears on perusal of mutation entry no.1073 dated that April 24, 1968 that Gabhaji Becharji and other had taken a loan of Rs.300/- (Rupees Three Hundred only) from Tarapur Vividh Karyakari Seva Sahakari Mandli Limited **(said Mandli)** in relation to the said Land alongwith various other lands and in pursuance thereof charge of the said Mandli was recorded in the revenue records. The said mutation entry no 1073 dated that April 24, 1968 was certified by the Circle Officer on June 19, 1968.

5. It appears on perusal of mutation entry no.1259 dated April 19, 1976 that area of the said Land was less than Acre 2-0 Gunthas and in pursuance thereof the said Land alongwith various other lands were declared as fragment land under the provision of the Bombay Prevention of the Fragmentation and Consolidation of Holdings Act, 1947. The said mutation entry no.1259 dated April 19, 1976 was certified by the Deputy Mamlatdar on September 20, 1976.

6 By virtue of a sale deed dated October 15, 1981 (i) Gabhaji Becharji, (ii) Mangaji Becharji, (iii) Karshanji Becharji, (iv) Arjanji Becharji, (v) Varsangji Becharji, (vi) Somaji Becharji and (vii) Kanaji Becharji as the vendors therein sold and conveyed the said land in favor of Shree Swaminarayannagar Co-Op Housing Society Limited (Proposed) represented through its promoters Vallabhdas Madhavji and Vasudev Ramjibhai as the purchaser therein. The said sale deed was registered with the office of sub registrar of assurances, Gandhinagar vide sr.no.1914 dated October 15, 1981 and the same was entered in the revenue records vide mutation entry no.1368 dated October 16, 1981 which was rejected by the competent authority on December 31, 1981.

7. It appears on perusal of available records that Mamlatdar and ALT Gandhinagar had initiated proceedings under the provisions of section 84 C of the Bombay Tenancy and Agricultural Lands Act, 1948 ("**Tenancy Act**") vide tenancy case no.2479/82 in relation to the sale deed dated October 15, 1981. The ALT & Mamlatdar vide its orders in tenancy case no.2479/82 dated January 27, 1983 held that the sale deed dated October 15, 1981 was in violation of the provisions of section 63 of the Tenancy Act and passed a conditional order confiscating the said Land to the State Government subject to the condition that if the parties restore the original position of the said Land within 90 days the confiscation order shall not be implemented and the same was entered in the revenue records vide mutation entry no.1416 dated February 4, 1983 which was certified by the Deputy Mamlatdar on February 18, 1984.

Thereafter, being aggrieved by the aforesaid order of ALT & Mamlatdar in tenancy case no.2479/82 dated January 27, 1983 Vallabhdas Madhavdas as president of Shree Swaminarayannagar Co-Op. Housing Society Limited (Proposed) had filed an appeal no.208/1983 before Deputy Collector, Gandhinagar. The Deputy Collector vide his order dated October 14, 1983 rejected the said appeal and upheld the order of ALT & Mamlatdar in tenancy case no.2479/82 dated January 27, 1983.

8. It further appears on perusal of available records that being aggrieved by the order of Deputy Collector, Gandhinagar dated October 14, 1983 Vallabhdas Madhavdas as president of Shree Swaminarayannagar Co-Op. Housing Society Limited (Proposed) had filed a revision application no.TEN/BA/1065/1986 before Gujarat Revenue Tribunal, the said revision application was dismissed by the Tribunal vide order dated July 30, 1990 on the grounds of limitation and on merits.

9. It appears on perusal of mutation entry no.1696 dated November 19, 1990 that in pursuance of order of Prant Officer bearing reference no.PO/Jamin/Sudhara/Vashi dated July 18, 1990 the said Land alongwith various other lands were removed from the provision of the Bombay Prevention of the Fragmentation and Consolidation of Holdings Act, 1947. The said mutation entry no.1696 dated November 19, 1990 appears to have been certified by the Circle Officer in due course.

10. It further appears that pursuant to order of Gujarat Revenue Tribunal dated July 30, 1990 in revision application no.BA/1065/86 Mamlatdar and ALT vide its order dated July 18, 1991 in tenancy case no.948/90 had initiated the proceedings under the provisions of section 84C of the Tenancy Act and ordered that government shall take the possession of the said Land and mutation of the same shall be entered in the revenue records and the same was entered in the revenue records vide mutation entry no.1768 October 10, 1991 which was certified by the Deputy on May 10, 1993.

11. It appears on perusal of mutation entry no.1800 dated April 13, 1992 that pursuant to order of Mamlatdar and ALT dated July 18, 1991 in tenancy case no.948/90 the said Land was vested in the State Government. The said mutation entry no.1800 dated April 13, 1992 was certified by the Deputy Mamlatdar on May 10, 1993.

12. It further appears on perusal of available records that being aggrieved by the order of Mamlatdar and ALT dated July 18, 1991 in tenancy case no.948/90 Gabhaji Becharji & others had preferred an appeal no. SR/36/2004 before Deputy Collector (Land Reforms), the said appeal was dismissed by the Deputy Collector (Land Reforms) vide his order dated June 2, 2006 on the grounds of limitation.

13. Thereafter legal heirs of deceased Mangaji Becharji & others had filed a revision application no.TEN/CA/07/05 before Gujarat Revenue Tribunal against order of Gujarat Revenue Tribunal dated July 30, 1990 in revision application TEN/BA/1065/86. The Gujarat Revenue Tribunal had vide its order dated October 28, 2005 dismissed the said revision application on the grounds of limitation.

14. It appears on perusal of mutation entry no.3968 dated September 29, 2009 that the effect of manual village form no.7/12 in relation to the said Land alongwith various other lands were not entered in the computerized revenue records. The said mutation entry no.3968 dated September 29, 2009 was certified by the Deputy Mamlatdar on December 22, 2009.

15. It further appears that a regular civil suit no.240 of 2011 has been filed before the Court of Principal Senior Civil Judge, Gandhinagar by Gabhaji Beharji & others against one Joitabhai Rambhai Prajapati for injunction in relation to the said Land. The Civil Court, Gandhiangar had vide its order dated December 29, 2011 disposed of the said civil suit as withdrawn.

16. Thereafter, being aggrieved by the order of Mamlatdar and ALT dated July 18, 1991 in tenancy case no.948/90 Vallabhdas Madhavdas & Vasudev Ramjibhai as presidents of Shree Swaminarayannagar Co-Op. Housing Society Limited (Proposed) have filed an appeal before Deputy Collector (Land Reforms), Gandhinagar vide appeal no.SR/23/2009, the said appeal was rejected by the Deputy Collector (Land Reforms), Gandhinagar vide order dated December 31, 2014 and the same was entered in the revenue records vide mutation entry no.5347 dated April 9, 2014 which was certified by the Deputy Mamlatdar on July 14, 2014. Copy of said order may be sought for review.

17. Thereafter, Shree Swaminarayannagar Co-Op. Housing Society Limited (Proposed) represented through its representative J D Bambhroliya had applied to the secretary, Revenue Department, Gandhinagar to put the said Land in its original position and to record the name of Shree Swaminarayannagar Co-Op. Housing Society Limited (Proposed) as occupier of the said Land, however the Mamlatdar and ALT, Gandhinagar vide its letter bearing reference no.Mam/Ganot/Vashi/369/16 held that the said Land was not put in the original position within the timeline setout in the order of Mamlatdar dated January 27, 1983 and in pursuance thereof applicant has lost the right to put the said Land in its original position.

18. Thereafter being aggrieved by the order of Deputy Collector (Land Reforms), Gandhinagar dated December 31, 2014 in appeal no.SR/23/2009, Vallabhdas Madhavji as president of Shree Swaminaryan Co-Op. Housing Society Limited (Proposed) & others have filed a revision application no.TEN/BA/161/16 against State & Others, before the Gujarat Revenue Tribunal, the said revision

application was allowed and the Gujarat Revenue Tribunal vide its order dated October 5, 2016 had cancelled the following orders :

(i) Order of Deputy Collector dated October 14, 1983 in tenancy appeal no 208/1983;
(ii) Order of Mamlatdar and ALT Gandhinagar dated February 24, 1983 in tenancy case no.2479/82;
(iii) Order of Deputy Collector (Land Reforms), Gandhinagar dated June 2, 2006 in tenancy appeal no. SR/35/2004;
(iv) Order of Deputy Collector (Land Reforms), Gandhinagar dated December 31, 2014 in tenancy appeal no.SR/23/2009;

The said order was entered in the revenue records vide mutation entry no.5900 dated October 17, 2016 which was certified by the Circle Officer on January 5, 2017.

19. It appears on perusal of mutation entry no.5941 dated January 24, 2017 that Arjanji Becharji had expired on December 6, 2010 and consequent to his demise names of his legal heirs namely (i) Hansaben Arjanji Thakore and (ii) Manuji Arjanji Thakore were entered in the revenue records. The said mutation entry no.5941 dated January 24, 2017.

Being aggrieved by the aforesaid mutation entry no.5941 dated January 24, 2017 Vasudevbhai Ramjibhai as president of Shree Swaminaryan Co-Op. Housing Society Limited (Proposed) had filed an RTS/Takrarinondh/Sargasan/Caseno.27/17 against (i) Hansaben Arjanji Thakore and (ii) Manuji Arjanji Thakore, and in pursuance thereof the Mamlatdar vide its order dated July 1, 2017 cancelled the said mutation entry no. 5941 on January 24, 2017.

20. It appears on perusal of mutation entry no.5948 dated February 1, 2017 that upon repayment of loan of the said Mandli charge of said Mandli was deleted from the revenue records. The said mutation entry no 5948 dated February 1, 2017 was certified by the Circle Officer on May 4, 2017.

21. However, the mutation entry in relation to sale of the said Land in favor of Shree Swaminarayannagar Co-Op. Housing Society Limited (Proposed) represented through its promoters Vallabhdas Madhavji and Vasudev Ramjibhai was again entered in the revenue records vide mutation entry no.5952 dated February 8, 2017 which was certified by the Mamlatdar on July 1, 2017 based on an application, order of Gujarat Revenue Tribunal bearing reference no.TEN/BA/161/16 dated October 5, 2010 documents of purchaser being agriculturist of land bearing survey no.252/1 paiki 1 of village Samdhiyada and land bearing survey no.379 of village Egoroda, affidavit and village form no.7/12.

22. Thereafter Chanchalben Kanaji Becharji & others have filed RTS application bearing reference no. RTS/TakrariNondh/Sargasan/Case no.57/17 against Vallabhdas Madhavji before Mamlatdar, Gandhinagar challenging mutation entry no.5952. The Mamlatdar vide order dated July 11, 2017 has rejected the said application and ordered to certify the mutation entry no.5952.

23. It appears on perusal of zoning certificate dated July 21, 2017 issued by GUDA that land forming part of survey no.439 is covered within R-5 residential zone and remaining part forming part of survey no.439 in covered within R-4 residential zone and survey no.439 is effected by 24.00 meter and 18.00 meter road.

24. It appears on perusal of the certified copy of the village form no.7/12 dated August 14, 2017 the names of Vallabhdas Madhavji and Vasudev Ramjibhai are reflected as the occupiers of the said Land being 2934 square meters of an old tenure agricultural land bearing survey no.439/10 situate lying and being at village Sargasan Taluka Gandhinagar within the Registration Sub-District and District Gandhinagar.

V. ESSENTIAL REQUIREMENTS

1. A declaration to be made by the present owners that they are in the sole and absolute possession of the said Land and that they have not parted with the possession of the said Land or any portion thereof and have not in any manner dealt with the said Land with any person and that there are no litigations initiated/pending in any court of law or with any authority or government or semi government body in respect of the said Land and that the facts mentioned in this report are true to their knowledge;
2. Latest receipt in respect of the payments of land revenue and other taxes as assessed to be obtained to ascertain that there are no such liability pending in respect of the said Land;
3. The said Land to be surveyed by a government approved surveyor, so as to confirm that the area of the said Land on the site matches the records.
4. Issue of public notice in the local newspaper inviting any claims and objections in relation to the said Land;

VI. SCHEDULE

In respect of all that 2934 square meters of an old tenure agricultural land bearing survey no.439/10 situated, lying and being at village Sargasan Taluka Gandhinagar within Registration Sub-District and District Gandhinagar.

VII. CONCLUSION

In view of what is stated above, we are of the opinion and hereby certify that the title to the said Land belonging to Vallabhdas Madhavji and Vasudev Ramjibhai appears to be clear, marketable and free from all encumbrances and beyond reasonable doubt, subject to the satisfaction of the essential requirements mentioned in Section V of this Title Report.

Place:- Ahmedabad
Date :- February 23, 2018

For, A.C.Damani & Advocates,

A.C. Damani