

HITESH LAIWALA
MAHARSHI LAIWALA
ADVOCATES & TAX-CONSULTANTS

To,
Vandana Enterprise,
Ratanbag, Near Parle Point,
Athwalines, Surat.

Re: The titles of land bearing CS No.248 to 251 of ward Umra, now bearing FP Np.84B part, of TP Scheme No.5 (Athwa-Umra) situated near Parle point, Athwalines, 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:

1. The Land

1.1 The land in question bears city survey No.248, 249, 250 and 251 of ward Umra, in city of Surat and admeasure 2172.78 sq.mtrs, 300.22 sq. mtrs, 257.87 sq. mtrs and 1974.30 sq. mtrs respectively and is located at Parle Point, Athwalines, city of Surat, Sub District Surat City, Taluka Majura, Dist. Surat. The lands were located within the village boundaries of village Umra, Taluka Chorasi, Dist. Surat. In 1986, the said Village Umra has been included in the municipal corporation of Surat.

1.2 The said land forms part of Final Plot No.84B of Town Planning Scheme No.5 (Athwa-Umra).

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

2. Devolution of Title:

2.1 As per your request, I have confined my search for last 30 years only.

2.2 Survey Inquiry for Ward Umra, city of Surat was carried out prior to 1974 and the same was promulgated in the year 1974. Under the said survey,

3rd Floor, Saigon, Citylight Road, Athwalines, SURAT-395007

Phone:0261-2225351

email: office@legitimglobal.com

web.: www.legitimglobal.com

the Inquiry Officer has held different persons as owners of different portions of the land and they are as under:

City Survey No.	Area in sq. mtrs.	Name of the occupants
248	2172.78	Bipinchandra Jivanlal
249	300.22	Bipinchandra Jivanlal
250	257.87	Bipinchandra Jivanlal
251	1974.30	Jivanlal Keshavlal

I do not wish to go behind the said inquiry and rely upon the said promulgation as it has remained unchallenged for more than 46 years.

2.3 Bipinchandra Jivanlal, owner of CS No.248 to 250, appears to have expired on Dt.28-9-2006 leaving behind widow Vasantiben, two sons Jignesh and Ashish and two daughters Bhranti and Khira. He appears to have executed a will and/or testament Dt. 10.8.2002. Jignesh and Bharanti appear to be the children through his first wife Late Niruben @ Nirmalaben Bipinchandra and the other two viz. Ashish and Khira appear to be the children through second wife Vasantiben. Under the said will the lands bearing C.S No.248 to 250 have been bequeathed in favour of Vasantiben. The said will appears to have been implemented on city survey records vide entry Dt.17.9.2007. By one mutation entry bearing No.1053 Dt.17.9.2007, the names of all the heirs were brought on record and by succeeding entry No.1054 of even date, the name of legatee Vasantiben was continued and the names of other heirs were deleted. It appears that the names of Bhranti and Khira have been inadvertently referred to as Priti and Beena. However, I have verified from the certified copy of Survey inquiry for the relevant mutation and have satisfied myself that the names have been properly declared. By unregistered notarised release deed Dt.27.10.2006, Bhranti and Khira have relinquished their interest in the estate of deceased father Bipinchandra in favour of Vasantiben, Ashish and Jignesh. Two sons Ashish and Jignesh have confirmed the will of deceased Bipinchandra. Taking into consideration all these papers, city survey office has accepted the mutation of the property in question in favour of Vasantiben and names of all other heirs have been deleted. Accordingly the titles of the land bearing CS No.248-250 are traceable in the hands of Vasantiben Bipinchandra.

2.4 Jivanlal Keshavlal, owner of CS NO. 251, expired on or about Dt.4.9.1980 leaving behind one son Bipinchandra Jivanlal and two daughters Hansaben and Lilaben. He appears to have made a will Dt. 1.8.1980 which has been implemented on city survey records of CS No.251 of Ward Umra on Dt.29.6.2000. By virtue of the said will, name of Ashish Bipinchandra (grand son) has been mutated on city survey records. Son Bipinchandra Jivanlal and one Dahyabhai Jerambhai were appointed as the executors under the said will. The said entry has not been challenged by any one whosoever and has held the field till date. Under the aforesaid circumstances, I have no reason to

disbelieve the said will and mutation entry on city survey records. Accordingly the titles of the land bearing CS No.251 are traceable in the hands of Ashish Bipinchandra.

3. Urban Land Ceiling Act Clearance

3.1 Bipinchandra Jivanlal had filled in form No.1 under Sec.6(1) of the Urban Land (Ceiling and Regulations) Act, 1976 in the office of Competent Authority and Additional Collector, Surat. The said form has been processed by the Competent Authority and vide order bearing No.Umra-458/83 Dt.19.7.1984, the same has been filed with the observations that the landowner was not holding land in excess of ceiling limit.

3.2 Jivanlal Keshavlal had filled in form No.1 under Sec.6(1) of the Urban Land (Ceiling and Regulations) Act, 1976 in the office of Competent Authority and Additional Collector, Surat. The said form has been processed by the Competent Authority and vide order Dt.18.4.1987, the same has been filed with the observations that the landowner was not holding land in excess of ceiling limit.

4. Development Permissions and Zoning Regulations

4.1 The land bearing CS No.248 to 250 is converted to Non Agriculture for the multipurpose use vide order of Collector, Surat bearing No. (j)/bakha/tapasa/k-67/Reg. No.41/2019-20 Dt. 19.6.2020.

4.2 The land bearing CS No.251 is converted to Non Agriculture for the multipurpose use vide order of Collector, Surat bearing No. (j)/bakha/tapasa/k-67/Reg. No.42/2019-20 Dt. 19.6.2020.

4.3 The plans for construction of a commercial complex are approved by Surat Municipal Corporation vide Development Permission bearing SMC/23-10-2019/1322234/01/009799 Dt. 1.2.2020 under The Gujarat Town Planning and Urban Development Act, 1976.

4.4 Under the Development Plan sanctioned by Surat Urban Development Authority (SUDA), the land in question is designated for residential use. Under Development Control Regulations of SUDA, commercial activity is allowed in Residential zone

5. Development Agreement:

5.1 By Development Agreement Dt. 20.9.2019, registered in the office of Sub Registrar, Surat at Sr. No. 16877 of Book No.1 on Dt.21.9.2019, the

landowners have granted development rights over the land in question in favour of your firm on the terms and conditions stipulated therein.

6. Search and Investigation:

6.1 On my request Advocate Keyur Shukla has taken search in the office of Sub Registrar, Surat for the last 30 years and has given his report Dt. 11.3.2021 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.

6.2 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.

6.3 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.

7.0 CONCLUSION:

7.1 Based on what I have stated in this report, I am of the opinion that the titles to the land bearing CS No.248 to 250, more particularly described in schedule I below appear to be clear and marketable in the hands of Vasntiben Bipinchandra Rajan and those of CS No.251 in the hands of Ashish Bipinchandra Rajan, subject to Development Rights granted to you.

7.2 The said land, comprising all the numbers stand as one amalgamated plot.

7.3 As the construction proposed to be put up in the said amalgamated plot 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.

7.4 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.

7.5 I have confined my investigations for last 30 years commencing from year 1991.

7.6 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 CSNo.248 to 251 of Ward Umra, admeasuring 2172.78 sq.mtrs, 300.22 sq. mtrs, 257.87 sq. mtrs and 1974.30 sq. mtrs respectively, now forming part of Final Plot No.84B of Town Planning Scheme No.5 (Athwa-UmraF situated at Parle Point, Athwalines, Surat, within the limits of Surat Municipal Corporation, Taluka Majura, District Surat.

Date: 15/03/2021

Hitesh Laiwala
Advocate

Enrollment No: (6.324)
1978