

॥ श्री दत्तः प्रसन्नोस्तु ॥

Vakil Shirley C. Pandya
ADVOCATE (Guj. High Court)
Flat No - A/2-3 Tarika Flats,
Opp. S.T. Colony, Gotri Road,
Vadodara : 21. Mo.9998010100

વકીલ શર્લી સી. પંડ્યા
એડવોકેટ (ગુજરાત હાઈકોર્ટ)
ફ્લેટ નં: એ/૨-૩, તારીકા ફ્લેટ્સ,
એસ.ટી.કોલોની સામે, ગોત્રી રોડ,
વડોદરા -૨૧. મો: ૯૯૯૮૦૧૦૧૦૦
DATE : 20/03/2019

TITLE CLEARANCE REPORT

TO WHOMSOEVER IT MAY CONCERN

Property admeasuring 2529 Sq. Mt. land of Old Revenue Survey No.-255/2, Block No.-225, F.P. No.-50, admeasuring 1770 Sq. Mts. Non-agricultural land as per Final Plot of T.P. Scheme No.-2, Khata No.-723, Aakar Rs. 2.25 Ps. is situated at Mouje Village Sevasi, Taluka & District Vadodara owned by NANDI INFRA SPACE, a Partnership Firm.

That the owner of the above referred property/land has submitted some documents and ask me to give Title Clearance Certificate of the above referred property/land. That I have scrutinized all the documents submitted before me. Further a search being taken at the office of the sub-registrar Vadodara for the last 15 years for the encumbrances, if any, as registered there at subsisting today.

AND MY OPINION with short summary notes is as under:

DOCUMENTS REFERRED

- (1) Certified Copy of V.F. No.-7/12 of R.S. No : 255/2, Block No.- 225 (1951 to 2019).
- (2) Certified Copy of V. F. No.-6 (Hakk Patrak Entries).
- (3) Certified Copy of V.F. No: 8-A (Khatavahi).
- (4) Copy of Redistribution and Valuation statement given by Town Planning Office, Vadodara.
- (5) Previous Title Clearance Certificate Dated 28/2/2007 given by Adv. K.A Kalani.
- (6) Copy of Regd. Sale Deed No.-2298 dated 21/3/2007 of 2529 Sq. Mtr. land of F.P. No.-38 of proposed T.P. Scheme No.-2.
- (7) Copy of Registration Receipt of above Regd. Sale Deed No.-2298.
- (8) Copy of Index-II of above Regd. Sale Deed No.-2298.
- (9) Original Intimation Letter No.-1249 (Case No.-38/2) dated 12/2/2014 Issued by Town Planning Authority, Vadodara.



NANDI INFRA SPACE
PARTNER

- (10) Certified Copy of N.A. Order: N.A./S.R./968/2014-2015/ No.: Jamin/ D / Sec.-65/ vashi / 2515 to 2523 / 15 Dt.:22/04/2015 issued by Collector, Vadodara.
- (11) Original Regd. Sale Deed No.-3750 dated 26/4/2017 of 973.50 Sq.Mt. land out of 1770 Sq. Mt. land of F.P. No.-50, T.P. Scheme No.-2.
- (12) Original Registration Receipt of above Regd. Sale Deed No.-3750.
- (13) Original Index-II of above Regd. Sale Deed No.-3750.
- (14) Original Intimation Letter No.-5339/1 (Case No.-38/2) dated 26/11/2018 issued by Town Planning Authority, Vadodara.
- (15) Copy of Partnership Deed dated 15/6/2018 of NANDI INFRA SPACE, a Partnership Firm.
- (16) Copy of Registration Certificate of NANDI INFRA SPACE, a Partnership Firm dated 18/9/2018.
- (17) Original Final Intimation and Allotment Letter No.- 38/2/283/1 dated 5/1/2019 issued by Town Planning Authority, Vadodara.
- (18) Original Regd. Sale Deed No.-1452 dated 7/2/2019 of F.P. No.-50 in favour of NANDI INFRASPACE, a Partnership Firm.
- (19) Original Registration Fee Receipt for the said Sale Deed No.-1452 dated 07/02/19.
- (20) Original Index-II of the said Sale Deed No.-1452 dated 07/02/19.
- (21) Public Notice Published in "Sandesh Daily Newspaper" on 26/02/19.
- (22) Public Notice Published in "DivyaBhaskar Daily Newspaper" on 26/2/19.
- (23) Original Bill of said Public Notices.
- (24) Objection raised by Rajeshbhai Ramanbhai Solanki through his Advocate Mahendra C. Parmar pertaining to the Final Plot No.- 50 dt.5/3/19.
- (25) Copy of Reply with Counter Notice given by the undersigned of the said objection dated 18/3/2019.
- (26) Original Search Report of said land dated 15/3/19.
- (27) Affidavit executed by Shri Akshy Indrakant Shah, Partner and Administrator, of NANDI INFRA SPACE, a Partnership Firm.

SHORT SUMMARY NOTES

Chain of Title :

That I have scrutinized all the documents submitted to me. That it transpires that the land bearing Revenue Survey No. : 255/2 of Moje Village Sevasi, Taluka District Vadodara was originally held and possessed by Shri Dasbhai Ishwarbhai. After the death of Dasbhai Ishwarbhai the said land has been mutated in the name of Chimanbhai Dasbhai on the Revenue Record vide **Entry No.-1/97** by the way of succession.

As per the Order of Collector name of Chhotabhai Ishwarbhai mutated on the revenue record as a Protected Tenant. The said fact has been mutated on the record vide **Entry No.-446/24**



NANDI INFRA SPACE
PARTNER

According to the Govt. notification the measurement of the said land R.S. No.-255/2 was below the standard measurement therefore the said land was notified as a fragment under The Fragmentation and Consolidation Act. The said fact has been mutated in the revenue record vide **Entry No. 484** dated 3/11/1955

The Protected Tenant Shri Chhotabhai Ishwarbhai has relinquished his right as a protected tenant from the said land so his name was deleted from the revenue record vide **Entry No.-634** dated 21/12/1956 which was certified on 14/4/57

Thereafter as per the Order No.-ULC/ARA/2077/18/UC/79 dated 14/6/79 of Deputy Collector the said land vested to the land owners on certain conditions as per Sec.-20(1) Part-D of the Proviso of Urban Land Ceiling Act 1976. The said Order has been mutated in the revenue record vide **Entry No.-1815/40** on 5/10/79.

As per declaration by Chimanbhai Dasbhai vide declaration form No.-4522 the ULC Authority declared 1264.5 sq. mt. land of R.S.No.:255/2 as an excess vacant land vide order No.-4522/SR No.-94/85. The said order has taken place in revenue record vide **Entry No.-2174** dated 29/1/85 which was certified on 28/3/85.

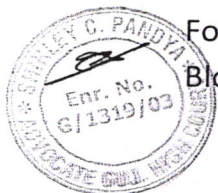
Chimanbhai Dasbhai preferred an application before Mamlatdar, Vadodara to joint his brother's name as a joint owner of the said land on the basis of pedigree but it was rejected by the authority. The said fact has been mutated on the revenue record vide **Entry No.-2247** which was rejected because of the land comes under the ULC provisions.

Chimanbhai Dasbhai and Ravjibhai Dasbhai have jointly preferred an application before Dpty. Collector vide RTS-5/86 dt.18/2/86 for mutate the said land on their joint names but the said Entry No.-2247 was rejected therefore they withdrawn the said RTS application. The order of the Dety. Collector has been mutated on the revenue record vide **Entry No.-2274** dated 21/3/86 which has certified on 20/5/86.

Thereafter, as per Sec. 10(3) of ULC Act it was published in the Gazette (Page No.-1440), the said land vested in the Government and therefore name of Chimanbhai Dasbhai deleted from the revenue record. The said fact has been mutated on revenue record vide **Entry No.-2377 dt.** 20/11/86 which was certified on 20/3/87.

Entry No.-2886 dated 12/2/93 of the said land is in respect to the notes of execution of amalgamation and as per order of concern authority the said R.S. No-255/2 is recognized as Block No.-225. This Entry was confirmed by the concerned authority and in the year 1993 as per Village Form No.-7/12 the said land Revenue Survey No.-255/2 was converted into Block No.-225.

Entry No.-2920 is not related to the said land Block No.-225.



NANDI INFRA SPACE
PARTNER

The legal heirs of Chimanbhai Dasbhai Patel, namely Kamalaben and others, filed RTS Appeal No.-5115/91 before the Dpty. Collector to mutate their names as per succession. This Appeal was allowed by the Collector and as per the order the said names were mutated on revenue record vide **Entry No.-3307** dated 27/2/97 .

Thereafter Chimanbhai Dasbhai Patel and others have sold the said land to Subhashbhai Jasbhai Patel and Naynaben Subhashbhai Patel with confirmation of Ravjibhai Dasbhai Patel, Kamalaben Dasbhai Patel vide Registered Sale Deed No.-8200 dated 29/12/99.

According to the Order No.-4522/SR dt.15/5/2001 the said land was declared as an excess land but because, till the ULC act repealed, the land owner was in possession of the said land. Therefore the authority furnished "No Objection Certificate" to the land owner to retain possession of the said land and thus, on application of Subhashbhai Jasbhai Patel, POA of Chimanbhai Dasbhai Patel, name of the land owners restored in the revenue record and name of the Government deleted from revenue record. The entry of the said NOC has been mutated vide **Entry No.-3943** dated 1/4/2004 which was certified on 23/07/04.

It was applied on the basis of the NOC to remove the entry of ULC Excess Land and restore names of Subhashbhai Jasbhai Patel and others as joint owners on basis of NOC furnished by the competent authority dated 15/05/2001. Thus, as per the NOC, names of Subhashbhai Jasbhai Patel and others have been mutated on the revenue record vide **Entry No.-4312** on 28/12/06 which was certified on 02/02/07.

Advocate Krushnakant A. Kalani has furnished Title Clearance Certificate for the said land dated 28/2/2007.

Entry No.-4392 is not related to the said land Block No.-225.

Thereafter Subhashbhai and others sold this R.S.No.:255/2, Block No : 225. F.P.No: 38 of proposed T.P.Scheme No: 2 admeasuring 2529 sq.mt. land vide Regd. Sale Deed No.-2298 dated 21/3/2007 to (1) Bhagirath Navnitlal Parikh, (2) Smt. Maltiben Bharatbhai Parikh, (3) Urvashiben Vipinchandra Patel, (4) Toral Rakeshbhai Patel and (5) Minaben Chhotalal Patel. The said mutation has been taken place on revenue record vide **Entry No.-4393** on 14/05/2007 which was certified on 15/06/07.

Entry No.-4671 is a promulgation order pertaining to Entry No. 1815/40 and 1/97. This order has been mutated in revenue record on 21/7/2008 and it was certified by the competent authority.

The Town Planning Authority declared the F.P. No.-50 of Block No.-225 under the T.P. Scheme-2 of Sevasi. The said Authority has furnished the Intimation Letter No.-1249 (Case No.-38/2) dated 12/2/2014.

On the said land NA permission was sought which was granted by the Collector, Vadodara vide N.A. Order No.-NA/SR/968/2014-15, No.-JAMIN-



HAND IN FRAMES
PARTNER

D/Sec.-65/VASHI/2515 TO 2523/15 dated 22/4/15. The same order has been reflected vide **Entry No.-6144** dated 30/4/2015 on revenue record and it was certified by the competent authority on 19/6/15.

Thereafter a Registered Sale Deed No.-3750, for 973.50 sq. mt. land, out of total 1770 sq. mt. land has been executed on 26/04/2017 by (1) Urvashiben Vipinchandra Patel, (2) Toral Rakeshbhai Patel and (3) Minaben Chhotalal Patel in favour of (A) Bhagirath Navnitlal Parikh, (B) Smt. Maltiben Bharatbhai Parikh, (C) Kashyap B. Parikh and (D) Rushit B. Patikh. The said fact has been mutated in revenue record vide **Entry No.-6674** on 29/5/2017 which was certified on 21/7/2017 by the competent authority.

A Partnership Deed of NANDI INFRA SPACE, a Partnership Firm has been executed on 15/6/2018 and the said Partnership Firm has registered vide Regd. No.-24AAPFN5284N1ZJ dated 18/9/2018.

The Town Planning Authority declared the F.P. No.-50 of Block No.-225 under the T.P. Scheme-2 of Sevasi. The said Authority has furnished the Intimation Letter No.-5339/1 (Case No.-38/2) dated 26/11/2018.

The Town Planning Authority declared and finalized the F.P. No.-50 of Block No.-225 under the T.P. Scheme-2 of Sevasi. The said Authority has furnished the Intimation Letter No.-Sevasi-2/FINAL/Case No.-38/2/283/1 dated 5/1/2019.

Thereafter (A) Bhagirath Navnitlal Parikh {33%}, (B) Smt. Maltiben Bharatbhai Parikh {20%}, (C) Kashyap B. Parikh {30%} and (D) Rushit B. Patikh {34%} have sold their share of said F.P.No.50 of.T.P.scheme No : 2 admeasuring 1770 sq. mt.land to NANDI INFRA SPACE, a Partnership Firm by Registered Sale Deed No.-1452 dated 7/2/2019. The said fact has been mutated on the revenue record vide **Entry No.-7162** on 19/2/19 which is under the process of certification.

That as such I have verified the Chain of Title and at present Property admeasuring 2529 Sq. Mt. land of Old Revenue Survey No.-255/2, Block No.-225, F.P. No.-50, admeasuring 1770 Sq. Mts. Non-agricultural land as per Final Plot of T.P. Scheme No.-2, Khata No.-723, Aakar Rs. 2.25 Ps. is situated at Mouje Village Sevasi, Taluka & District Vadodara owned and possessed by NANDI INFRA SPACE, a Partnership Firm. Further I have published the Public Notices in Sandesh and Divyabhaskar Daily Newspapers dated 26/2/2019 inviting for objection, if any, against issuing title clearance certificate in respect of the above land / property. I have received objection from Shri Rajeshbhai Ramanbhai Solanki through his Adv. Mahendra C. Parmar dated 5/3/2019 in which it is stated that the F.P. No.-50 is not allotted to Bhartbhai Navneetbhai Parikh and others but earlier they have allotted F.P. No.-38 by the Town Planning Authority. But in fact and as per the Final Order of Town Planning Authority vide Letter No.-Sevasi-2/FINAL-CASE NO.-38/2/283/1 dated 5/1/2019 , the Authority has



NANDI INFRA SPACE
PARTNER

allotted the Final Plot No.-50 admeasuring 1770 of T.P.Scheme No: 2 to Bhagirath Navnitlal Parikh and others. Therefore, after the scrutiny of the documents provided to me, it transpires that at present the said land Final Plot No.-50 admeasuring 1770 of T.P.Scheme No: 2 of Moje Village Sevasi, Taluka-District Vadodara is owned and possessed by NANDI INFRA SPACE, a Partnership Firm.

ENCUMBRANCES

As for encumbrances if any registered there at and subsisting there at and subsisting today a search being taken at the office of sub registrar Vadodara for the last 15 years and I have not found any encumbrance registered thereat and subsisting today against the above stated property/land. Further, as a part of investigation of Title, I have given Public Notice inviting claims/objections, if any in or upon the stated property/land from any person whatsoever. The Public Notices were published in "Sandesh" and "Divyabhaskar" daily newspapers on date 26/02/2019 and in response to the said Public Notices the undersigned have received said objection from Shri Rajeshbhai Ramanbhai Solanki through his Adv. Mahendra C. Parmar. Against the said objection I the undersigned replied and furnished counter notice and stated the facts with necessary related documents. Looking to the Letters of Town Planning Authority the said land F.P. No.-50 is not belonging to Shri Rajeshbhai Ramanbhai Solanki but it transpires that the said F.P. No.-50 admeasuring 1770 sq. mt. land of T.P.Scheme No : 2 is allotted to Bhagirath Navnitlal Parikh and others and after that they sold this land to NANDI INFRA SPACE, a Partnership Firm, therefore as per my OPINION the objections are without any substance and not require to be considered.

OPINION

That in term of my scrutiny with short summary notes as above I am of the OPINION that the Title of NANDI INFRASPACE, a Partnership Firm over Property admeasuring 2529 Sq. Mts. land of Old Revenue Survey No.-255/2, Block No.-225, F.P. No.-50, admeasuring 1770 Sq. Mts. Non-agricultural land as per Final Plot of T.P. Scheme No.-2, Khata No.-723, Aakar Rs. 2.25 Ps. is situated at Mouje Village Sevasi, Taluka & District Vadodara is clean and clear and marketable and free from any encumbrance.

Date : 20/03/2019

Vadodara.




Advocate Shirley C. Pandya


NANDI INFRA SPACE
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