

Nandkishor C. Shah

Advocate (Gujarat High court)

Advocate Regi. No.G/419/87; Welfare No. VDR/BRD/1687; High Court Regi. No.8577
Add: 33, Vishwakunj Society, B/h, Buddhdev Colony Kareli Baug, Vadodara-3900018. Phone & Watsapp
No.:9825030339 Email jd.nandkishorshah@gmail.com

TITLE CLEARANCE CERTIFICATE

To,
Pramukhraj Enterprise
A partnership firm, through its partners
Hemantbhai Chhitabhai Patel and Others
Add: at : Shop No-2, Prayosha Residency,
Near Rajput Samaj Wadi, Nava Bazar,
Karjan-391240.

In response to your request to me to issue Title Clearance Certificate of the below mentioned property, wherein construction scheme in the name of Pramukhraj Residency has to be carried out, my findings & opinion are as follows:

Description Of Property:

A non-agriculture open land admeasuring to 6374 Sq. meters bearing Surve/Block No.980 of Taluka Karjan, Dist. Vadodara.
(Herein after referred as "Land" in short)

For the purpose, I have been provided with the zerox copies of the following documents:-

Sr. No.	Description of Documents	Date
1	Abstract of Village Index No.6 of entry No.326, which is for new tenure land bearing R.S. No. 980 allotted to Becharbhai Jadavbhai Parmar	01/12/1954
2	Abstract of Village Index No.6 of entry No. 5394, which is for the succession of Late Becharbhai Jadhavbhai Parmar. Names of his heirs Ambaben and Dhuliben mutated.	01/09/1989
3	Abstract of Village Index No.6 of entry No. 6035, for the land declared as Bagayat	05/10/1993
4	Abstract of Village Index No.6 of entry No.6700, which is for the permission to sale the land.	26/06/1997
5	Abstract of Village Index No.6 of entry No. 6725, which is for the sale of land in question by Ambaben and	21/09/1997

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	Dhuliben to Vaghela Mohanbhai Paragbhai	
6	Abstract of Village Index No.6 of entry No. 10919, which is regarding the withdrawal of Sarat bhang case No.2/2011 notice.	29/05/2012
7	Abstract of Village Index No.6 of entry No.12334, which is for the order passed in RTS Appaleal No.33/2014, filed by the heirs of Late Kalidas Jadavbhai against the Dhuliben and others which is partly allowed, and matter remanded to try a fresh.	12/03/2015
8	Abstract of Village Index No.6 of entry No.13056, which is for the order passed in RTS remand case No.47/2017, where Mamlatdar Karjan ordered that order of certifying the entry No.5394 shall remain as it is subject to final order passed by the Principal Civil Judge in SPCS No.163/15.	06/05/2017
9	Copy of the order passed by the Collector Vadodara, granting permission to sale the land	11/06/1997
10	Receipt of amount paid as Najarana, directed by the Collector, Vadodara, while granting permission to sale the land	15/04/1997
11	Copy of sale deed Executed in favour of Mohanbhai Paragbhai Vaghela bearing Regi. No.791/97	15/09/1997
12	Notice of sharatbhang case No.2/2011	30/03/2011
13	Order withdrawing of the abovementioned Sharat Bhang notice	24/05/2012
14	Order passed in RTS Appaleal No.33/2014, filed by the Heirs of Late Kalidas Jadavbhai against the Dhuliben and others which is partly allowed, and matter remanded to try fresh	30/01/2015
15	Letter straight way disposing the RTS Appaleal No.83/2018,	23/07/2018
16	Order passed in SPCS No.100/2017 dismissing the suit	12/10/2021
17	Copy of order conversion new tenure land into old tenure for non agriculture residential purpose passed by the Collector Vadodara	25/11/2021
18	Copy of order passed by the Collector Vadodara for the	26/11/2021

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	use of land for non agriculture residential purpose	
19	Development permission obtained for the construction	20/01/2022
20	Copy of Sale deed executed by Mohanbhai Paragbhai Vaghela in favour of the partners of partnership firm namely Pramukhraj Enterprise bearing Registration No.549	24/02/2022
21	Receipt for the search caused in the office of Sub-Registrar Karjan	07/03/2022
22	Search Report for the search caused in the office of Sub- Registrar Karjan	07/03/2022
23	Public Notice	08/03/2022

On perusal of abovementioned documents it appears that land in question was a new tenure land when it was allotted to Becharbhai Jadavbhai Parmar, as mutated in revenue record by entry No.326 dated 01/12/1954. After Becharbhai Jadavbhai Parmar's death, names of his widow namely Ambaben Parmar and daughter Dhuliben was mutated as his heirs in the revenue records vide entry No.5394 dated 01/09/1989. Thus they became joint owner of the land.

Thereafter permission to sale of the land only for the agriculture purpose obtained vide order bearing No.Vatan/vashi/1456 to 1473/97 dated 11/06/1997, which is also mutated in revenue record vide entry No.6700 dated 26/06/1997.

There after land in question was sold to Mohanbhai Paragbhai Vaghela on Dt.12/09/1997 vide registration No.791/97, which is mutated in revenue record vide entry No.6725 dated 21/09/1997. There after proceedings were initiated against Ambaben, Dhuliben and Mohanbhai Vaghela for the infringement of the land tenure, bearing Sharat Bhang case No.2/2011(old case No.8/2010). But later on it is found that there was no infringement, hence said notice was withdrawn by the revenue authority by the order dated 24/05/2012. Thus, Mohanbhai Paragbhai Vaghela became owner of the land.

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The proceedings were initiated by the Heirs of Late Kalidas Jadavbhai challenging the entry No.5394 regarding mutation of names of the heirs of Late Becharbhai Jadavbhai vide RTS Appeal No.33/2014, which was partially allowed and the matter was remanded to the Mamlatdar Karjan to try a fresh. Mean while one civil suit bearing SPCS No.163/2015 was also filed by the heirs of Late Becharbhai Jadavbhai Parmar, in respect of the land. But it appears from the entry number 13056 dated 06/05/2017, that as per order passed in RTS Appeal No.33/2014 case was remanded and numbered as 43/2017, wherein on Dt.03/05/2017, Mamlatdar Karjan passed the order of keeping the certifying the entry No.5394 absolute till the Principal Civil Judge passes final order in SPCS No.163/15 and the order passed by the civil court shall be implemented". Thereafter above said SPCS No. 163/15 was transferred at Karjan for trial on administrative ground & it was re-numbered as SPCS No.100/2017, which is ultimately dismissed for default on 12/10/2021.

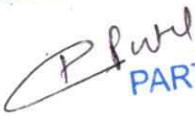
I have been provided with the copy of Letter dated 23/07/2018 bearing No.697/2018 which shows that one more appeal bearing No.83/2018 was filed by the heirs of Late Kalidas Jadavbhai Parmar challenging the same Entry No.5394, but this appeal was strait way disposed by the Deputy collector Karjan on 23/07/2018.

Mohanbhai Paragbhai Vaghela has obtained order form the Collector Vadodara converting the new tenure land into old tenure land for the residential purpose vide order dated 25/11/2021 bearing No.1571/19/11/094/2021 which is mutated vide entry No.13930. The Collector Vadodara also gave permission for the use of land for non agriculture residential purpose vide order dated 26/11/2021 bearing No.1574/19/11/094/2021 which is mutated vide entry No.13931. Thus captioned land became non agriculture land.

Mohanbhai Pargbhai Patel gave public notice dated 08/01/2022, before selling the land but nobody objected. Hence, Mohanbhai Paragbhai Vaghela executed a Registered sale deed in favour of the partners of partnership firm namely Pramukhraj Enterprise bearing Registration No.549 on 24/02/2022. Thus, the partners of partnership




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firm namely Pramukhraj Enterprise became absolute owner and occupier of the land.

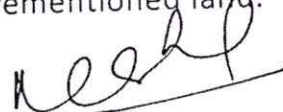
I had caused search on Dt.07/03/2022 from the office of Sub-Registrar of the documents in Karjan, to find out whether any other document of sale, agreement to sale, lien or hypothecation in respect of the land is executed or not in last 30 years. But nothing found except adverse.

I had also given Public Notice in Divya Bhaskar daily news paper dated 08/03/2022 the inviting the objections, before issuing this Title report, but nobody has raised objection.

To issue this report, I was provided with the Xerox copies of the documents bearing Sr.No. 1 to 20 and 21 and 23 in its original, relying upon which, I come to conclusion that no charge or encumbrances has been created upon the land of this certificate and in my opinion the Pramukhraj Enterprise, a partnership firm through its partner Hemantbhai Chhitabhai Patel & others, hold clear and marketable title of the abovementioned land, free from all encumbrances and charge and that they are constructing residential premise under the name & style of Pramukhraj Residency upon the abovementioned land.

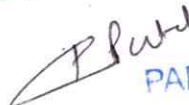
Date:16/03/2022
Place: Vadodara




Signature

Nandkishor C Shah Advocate
Sanad No.G/419/1987

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