

To,
Shabbirbhai Musabhai Patel
Resi.A-6, Gulistan Bunglows,
Tandalja Road,
Vadodara.

Ref.: Investigation of title in respect of land bearing Block/Survey No.362 part 1 being City survey No.275/B and T.P.Scheme No.23 & F.P.NO.22 ad-measuring 1466 Sq.Mtrs. Non Agriculture land of Village Tandalja Ta. Dist. Vadodara in Registration Dist. & Sub-Dist. Vadodara.

REPORT ON TITLE

Sir,

In response to your request, I have investigated the title of the captioned land.

I have been supplied with the following documents :-

<u>Sr. No.</u>	<u>Particulars of Documents</u>
01.	Copy of Village Form No. 8-A.
02.	Copies of Village Form No. 7/12 from 1951-52 to 2014-2015.
03.	Copies of Village Form No. 6 (All Entries)
04.	Copy of Sale Deed No. 2370 Dt.17.03.2005
05.	Copy of Sale Deed No.797 Dt. 27.05.2019
06.	Copy of the N.A. Permission granted by the District Collector, Vadodara on 18.12.2019.

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07. Copy of the N.A. Permission granted by the District Collector, Vadodara on 29.01.2020.
08. Copy of Sanctioned Lay-out Building Plan and Rajachitthi No. Commercial + Residential Ward-11/129/2020-2021 on 19.12.2020
09. Copy of Property Card
10. Copy of Search Report last 30 years on 22nd July 2020
11. Copy of Public Notice in "Gujarat Samachar" daily news paper on 5.08.2020.
12. Copy of Order Exi.5 of Sp.Civil Suite No.787/2012
13. Copy of Order C.M.A.No.156/2013
13. Copy of Order S.C.A.No.18464 of 2016 on 7.12.2017
14. Copy of Order S.C.A.No.17459 of 2011
15. Copy of Order L.P.A.No.1470 of 2017
16. Copy of Order S.L.P.No.21707 of 2018 on 10.07.2018
17. Copy of Gujarat Revenue Tribunal on 28.05.2019

On perusal of the above referred documents, my observations are as under :-

1. I found that the Agriculture Land bearing Old Survey No.362 being situated at Village Tandalja Ta. & Dist. Vadodara originally came under the Urban Land Ceiling & Regulation Act, 1976.
2. I found that, there was a family partition between Dahyabhai Mathurbhai and Babarabhai Ranchodbhai, under the provisions of Urban Land Ceiling & Regulation Act, 1976 as per section 33 one unit was allotted to Ramsingbhai Babarabhai (i.e.1500 Sq.mtrs. of

Revenue Survey No.362) and also as per family partition the said land (i.e.1500 sq.mtrs.) has fallen to the share of Ramsingbhai Babarbhai due to which his name was entered in the Revenue Record vide entry no.2318 on 22.06.1996 of which consent and answer also was taken which was certified on 24.09.1996 by revenue officer.

3. Thereafter, said Occupier **Ramsingbhai Babarbhai** being the owner of the said land sold the land i.e. Block / Revenue Survey No.362 part ad-measuring H-0 - RA-15 - Sq.Mt.-00 (1500 Sq. Mts.) of Village Tandalja Ta. & Dist.Vadodara to **Jaisingbhai Narsinhbhai Solanki** vide registered sale deed dated 17.03.2005 Registered no.2370. Thus, on the basis of the same he became the owner of the said land and his name was mutated in revenue the record vide entry no. 3309 dated 18.03.2005 which was certified by revenue officer on 28.04.2005.
4. It also appears that the said land has been covered under the Town Planning Scheme No.23 and Final Plot No.22 of Village Tandalja Ta. & Dist. Vadodara.
5. Thereafter, said Occupier **Jaisingbhai Narsinhbhai Solanki** being the owner of the said land sold the land i.e. Block / Revenue

Survey No.362 part ad-measuring H-0 - RA-15 - Sq.Mt.-00 (1500 Sq. Mts.) of Village Tandalja Ta. & Dist.Vadodara to Shabbirbhai Musabhai Patel vide registered sale deed dated 27.05.2019 Registered no.797. Thus, on the basis of the same he became the owner of the said land and his name was mutated in revenue record vide Entry no.4473 dated 27.05.2019.

6. That the owner of the said land Shabbirbhai Musabhai Patel made an application to the District Collector, Vadodara for obtaining Non Agriculture Permission (Sec.-65) Land bearing Block / Survey No.362 part 1, ad-measuring H-0 - RA-12 - Sq.Mt.-75 (1275 Sq. Mts.) and ad-measuring H-0 - RA-01 - Sq.Mt.-91 (191 Sq. Mts.) of Village Tandalja and the District Collector, Vadodara has granted the N. A. Permission vide its Order No. 1692/19/18/016/2019 Dt.18.12.2019. and Order No. 180/19/18/016/2020 Dt.29.01.2020. The effect of the N.A. Entry in the City Survey Record vide entry No.24484 dated 31.12.2019 The said entry was certified by Revenue Officer/ City Survey Superintendents on 10.02.2020 admeasuring 1275.00 sq.mtrs. and other one is entry no.24635 on 5.02.2020 the said entry was certified by City Survey Superintendents on 12.03.2020 admeasuring 191.00 sq.mtrs.

7. It is reflected that Sabbirbhai Musabhai Patel is the sole owner of the said Non Agriculture land i.e.1466 Sq.Mtrs. in Property Card No.275-B of Village Tandalja in year 2020.
8. The Vadodara Mahanagar Palika has sanctioned the layout and building plan and has issued the Building Permission of Revenue Survey No.362 part of T.P. Scheme No.23 & F.P.No.22 ad-measuring 1466 Sq.Mtrs. land vide Rajachitthi No. Ward-11 Commercial + Residential-129/2020-2021 dated 19.12.2020.
9. The Vadodara Municipal Corporation has issued the possession receipt of the said land i.e. T.P.Scheme No. 23 & F.P.No.22 ad-measuring 1466 Sq.Mtrs. vide Out ward no.1423/28.10.2020.
- 10.I have also carried out necessary search in Sub-Registry office -1 and 3, at Vadodara for a period of last 30 years. But, I did not found any adverse entry during my search.
- 11.I have given a Public Notice in "Gujarat Samachar" Daily news paper dtd. 5th August 2020 and invited objections if any, regarding the title of the said owner and said land, except one objection that I have received which is mentioned below:

- Gulamsabirkhan power of attorney holder of Legal heirs of Deceased Mohamad Ishrarkhan Asgarkhan Pathan thorough

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his Advocate Mr.Vijay S.Goswami has an objection of title of the said land on 9.08.2020 in which he has mentioned that Ramsingbhai Babarbhai Parmar has executed a Registered Agreement to sell no.15174 dated 16.09.1993 regarding R.S.No.362 part in favour of Mohamad Ishrarkhan Asgarkhan Pathan and also execute possession receipt on 19.10.1994. On the basis of so called and said documents Mohamad Ishrarkhan Asgarkhan has file the Civil Special Suit No.291/2005 for performance of Agreement to sale and Cancellation of the sale deed dated 17.03.2005 against Ramsingbhai Babarbhai Parmar, Mohamad Yusuf Abdul Majid Shaikh and Jaisingbhai Narsinhbhai Solanki. He has also mentioned in his objection that he has registered Lis-pendency annex 1981 on 30.12.2016 u/sec.52 of the Transfer of Property Act. Moreover he also mentioned in his objection that the New Number of Special Civil Suite No.291/2005 is 3068/2015 and is on the stage of evidence in the Court of Honorable Senior Civil Judge Mr.P.S.Joshi. Moreover he has also mentioned in his objection that the Jasingbhai Narsinhbhai Solanki has executed sale deed annex no.797 on

27.05.2019 in favour of Shabbirbhai Musabhai Patel of the said land i.e.1500 sq.mtrs. Therefore Gulamsabirkhan son of Deceased Mohamad Ishrarkhan Asgarkhan Pathan has filed an application under the provision Order 1 Rule 10 and Order 6 Rule 10 of C.P.C. Sp.Civil Suit No.3068/2015 in which Shabbirbhai Musabhai Patel was added as a defendant which was granted by the Civil Court. And also he has requested not to issue title clearance certificate in respect of the said land.

Special Civil Suite No.787/2012

- I found that the Mohammad Ishrarkhan Asgarkhan Pathan has filed **Special Civil Suite No.787/2012** in the court of Hon'ble Civil Judge (S.D.) Vadodara against the Competent Officer and Dypt. Collector of Urban Land Ceiling (Jamin Sudaharna), Mamlatdar Shree, Vadodara and Collector Shree Vadodara of Declaration and Permanent Injunction and Temporary Injunction for entire land i.e.1838 sq.mtrs.
- Thereafter, after hearing both the parties the Hon'ble Civil Judge (S.D.) Vadodara rejected the application below Exh.-5 vide order

dated 17.10.2013. Moreover Senior Civil Judge held that the said suit land when purchased by "Mohammad Ishrarkhan Pathan from Ramsing Babarbhahi Parmar and at that time said suit land was already declared as excess land by the government on 17.11.1988 and it was under government possession and hence the so called documents as state above was null and void and illegal.

- Thus, the said suit land was not transferable at the time of said so called Agreement to Sale and hence said agreement to sell cannot be considerable and according Hon'ble Civil Judge Vadodara has passed by the order said suit (Exhibit-5) was rejected on 17.10.2013 was hereby made absolute.

Legal heirs of Mohammad Ishrarkhan Asgarkhan Pathan have filed Civil Misc. Appeal No.156/2013 in the court of Hon'ble District Judge Vadodara against the trial court order and filed an Application for Temporary Injunction & Suspension of order 17.10.2013.

Hon'ble District Judge Vadodara has passed order by Exhibit 12 and mentioned Jaisingbhai Narsingbhai Solanki is owner of the disputed land by the Registered Sale deed No.2370 on 17.03.2005

and the basis of said sale deed entry no.3309 has been posted in revenue record, is continued, Thus prima facie Jaisingbhai Solanki is the sole owner and occupier of the disputed (subject) land.

Honorable District Judge Vadodara has passed the order Misc. Civil Appeal No.156/2013 dated 6.09.2017 and rejected the Appeal and order of trial court order on 17.10.2013 was made absolute.

Non Agriculture Application:

- Jaisingbhai Narsinhbhai Solanki has made an application to the District Collector, Vadodara for obtaining Non Agriculture Permission (Sec.-65) Land bearing Block / Survey No.362 part 1 (T.P.23 and F.P.22) admeasuring approx 1500 sq.mtrs. on 16.03.2011. Aforesaid application dated 16.03.2011 made by the Jaisingbhai Narsinhbhai Solanki was rejected by the Collector by order dated 11th October 2011 mainly on the ground that since the land in question belongs to the state Government and since the State Government is the owner of the entire land admeasuring 1838 sq.mtrs. Non Agriculture permission cannot be granted to the Jaisingbhai Narsinhbhai Solanki.

- Jaisingbhai Narsinhbhai Solanki has approached to the Hon'ble High Court and filed Special Civil Application No.17459 of 2011 and challenged the Collector Shree, Vadodara order dated 11.10.2011.
- Hon'ble High Court has granted the Special Civil Application No.17459 of 2011 which was filed by the Jaisingbhai Narsinhbhai Solanki.
- State Government has filed Letters Patent Appeal No.1470/2017 in the court of Hon'ble High Court against the order of Special Civil Application No.17459 of 2011.
- Hon'ble High Court has passed by the order Letters Patent Appeal No.1470 of 2017 which was rejected and held uninfluenced by the findings in this order or order passed by the learned Single Judge. (i.e. Special Civil Application No.17459 of 2011)
- State Government has filed Special Leave Petition No.21707 of 2018 in the court of Hon'ble Supreme Court against the order of Letters Patent Appeal No.1470 of 2017.
- Supreme court has dismissed Special Leave Petition on 10.07.2018.
- Therefore, Gujarat Revenue Tribunal has accepted as per the Order of Supreme Court Special Leave Petition No.21707 of 2018

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In Letters Patent Appeal No.1470 of 2017 In Special Civil Application No.17459 of 2011 the possession of said suit (subject) land is given to the Jaisingbhai Narsinhbhai Solanki in his letter to the collector on 28.05.2019.

Thus, the above proceeding is running in the above mentioned court, and entire land is declared as excess land during the period of 18.09.1986 to 4.08.1999 by the government. As such land of R.S.No.362 part 1 is 1838 sq.mtrs fall in under provision of the Urban Land (Ceilling & Regulation) Act, 1976. The Name of State Government was mutated in Revenue Record.

Looking to the above facts the So called Agreement to Sell and executed by possession receipt dated 19.10.1994 was null and void and illegal as per Under provision of the Urban Land (Ceilling & Regulation) Act, 1976.

The legal heirs of Mohamad Ishrarkhan Asgarkhan Pathan have filed the Special Civil Application No.18464 of 2016 before the Hon'ble High Court for restraining obtaining order against Collector Vadodara regarding N.A. Permission also prayed not to grant transfer of the said property for Disturbed area permission on the basis Sp.Civil Suit

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No.291/05 (R.C.S.No.3068/15) which is pending Before the Senior Civil Judge, Vadodara. The said Special Civil Application was rejected by the Hon'ble High Court on 7.12.2017.

The legal heirs of Mohamad Ishrarkhan Asgarkhan Pathan have filed the objection against N.A. Permission in Collector, Vadodara and Building permission in Vadodara Mahanagar Seva Sadan. But said authorities has rejected their so called illegal objection which based on so called Agreement to Sell.

Looking to the aforesaid discussion, documents as well as fact and circumstances and the search obtained from the Office of Sub-Registrar Vadodara and Objected Public Notice dated 5.05.2020 I am of the opinion as under:

No interim order has passed by any civil court nor any separate civil suit filed against the Shabbirbhai Musabhai Patel till the date regarding cancelling of the sale deed executed by Jaysingbhai Narsinhbhai Solanki in favor of Shabbirbhai Musabhai Patel and nor any relief has been asked in the pending Civil Suit No.3068/15 (Old Sp.Civil Suit No.291/05) by the objector for the said land i.e.Subject land (1466 Sq. Mtrs.) which is owned by Shabbirbhai Musabhai Patel.

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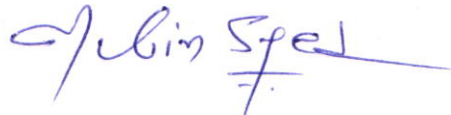
I found that the said subject land owner Shabbirbhai Musabhai Patel has made a proprietorship firm the name of "Grey Enterprise" for the development of the said subject land.

Grey Enterprise a proprietorship firm for development of said land and floated Scheme of Commercial and Residential Apartment in the name and style of "Etihad Towers".

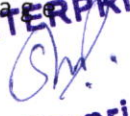
On careful scrutiny and perusal of the above referred documents and relying upon the information furnished by the said land owner to me. I found that the title of **SHABBIRBHAI MUSABHAI PATEL** in respect of the said land bearing Block/Survey No.362 part 1 being City survey No.275/B and T.P.Scheme No.23 & F.P.NO.22 ad-measuring 1466 Sq.Mtrs. Non Agriculture land of Village Tandalja Ta. Dist. Vadodara in Registration Dist. & Sub-Dist. Vadodara is **CLEAR, MARKETABLE, & FREE FROM ALL ENCUMBRANCES** subject to above conclusion and also subject to declaration and mutation in revenue record as well as final outcome of Regular Civil Suit No.3068/2015.

Date: 28th December 2020
Place: Vadodara

MUBINALI G. SAIYED
ADVOCATE
Enrollment No. G/3347/2005


Mubinali G.Saiyed
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Proprietor