

Date : 22 - 03 - 2023

TITLE CLEARANCE CERTIFICATE

Reg.: Non-Agricultural land bearing **Block No. 281** (Old R. S. No. 305) admeasuring 4553 Sq. Mts. being F. P. No. 107 in T P Scheme No. 2 (Sevasi) admeasuring 3188 Sq. Mts of village **Sevasi**, Taluka & District Vadodara and Registration District & Sub District Vadodara

My opinion and Certificate regarding title of Non-Agricultural land bearing Block No. 281 (Old R. S. No. 305) admeasuring 4553 Sq. Mts. being F. P. No. 107 in T P Scheme No. 2 (Sevasi) admeasuring 3188 Sq. Mts of village Sevasi, Taluka & District Vadodara and Registration District & Sub District Vadodara, is asked for. For that purpose, I have been supplied with the Abstracts of Village Form No. 7/12 since 1951-52, all entries in Form No. 6, Form No. 8-A, NA Order, Orders under Tenancy Act, Zone Certificate, Orders of Revenue Authorities, copy of Sale Deed dated 07/03/2019, copy of Deed of Cancellation of Agreement dated 28/02/2019, copy of Deed of Confirmation dated 07/03/2019, etc.

2) From the documents supplied to me and more particularly from the Revenue Records, I found that land bearing R. S. No. 305 admeasuring Acre 1-5 Gunthas was standing in the name of Bai Dudhi-Wd/o Girdharbhai Valabhai. This land was given to her as Chakariyat Land. Thereafter, vide entry no. 61 dated 08/12/1952, name of Bai Dahi-D/o Girdharbhai Valabhai was entered in the Revenue Records. As per this entry, Bai Dudhi died on 29/06/1952 and therefore, name of her Daughter Dahi was mutated in the Revenue Records as her heir.

3) As per entry no. 188, Bai Dahi can retain this land till she serves the State. This entry was passed because her Mother was having this land as Chakariyat Land and therefore, this land was given to Bai Dahi also as the Chakariyat Land.

4) As per entry no. 490, name of The State was entered in the Revenue Records above the line and name of Bai Dahi was kept below the line. This was made as per the Provisions of Miscellaneous Alienated Land Abolition Act dated 01/08/1955.

5) As per entry no. 1445 dated 18/07/1970, this land was given to Chhitabhai Dayalbhai and Lallubhai Khushalbai as the Land of New & Impartiable Tenure, as per the Order bearing No. Vatan/106 dated 29/06/1970 of Collector, Vadodara and Order bearing No. Vatan/1812 dated 13/07/1970 of Mamlatdar. Names of Chhitabhai Dayalbhai and Lallubhai Khushalbai were entered in the Column of Occupants in Village Form No. 7 & 12.

6) When ULC Act was in force, an exemption under Sec-20 of the ULC Act was given by the Revenue Department, State of Gujarat to Chhitabhai Dayalbhai and Lallubhai Khushalbai. Entry no. 1815/36 dated 05/10/1979 was passed to this effect.

7) Under the Provisions of Prevention of Fragmentation and Consolidation of Holdings Act, the Revenue Survey Numbers were renumbered as Block Numbers. This land bearing R. S. No. 305 is renumbered as Block No. 281. Entry no. 2886 dated 12/02/1993 was passed to this effect.

8) As per entry no. 5198 dated 10/12/2010, Chhitabhai Dayalbhai died on 10/03/2001, therefore names of his heirs 1) Savitaben Chhitabhai Chavda, 2) Laxmiben-Wd/o Ramanbhai Chhitabhai, 3) Reshmaben Ramanbhai Chavda, 4) Rameshbhai Chhitabhai Chavda and 5) Tribhovanbhai Chhitabhai Chavda were entered in the Revenue Records.

9) Tribhovanbhai Chhitabhai Chavda also died on 31/12/2010 and therefore, names of his heirs 1) Premilaben Tribhovanbhai Chavda, 2) Hemlataben Tribhovanbhai Chavda, and 3) Jayeshbhai Tribhovanbhai Chavda were entered in the Revenue Records vide entry no. 5290 dated 25/04/2011.

10) Vankar Lallubhai Khushalbhai died on 19/04/2013 and therefore names of his heirs 1) Savitaben Lallubhai, 2) Mahendrabhai Lallubhai, and 3) Vimlaben Lallubhai were entered in the Revenue Records vide entry no. 5913 dated 30/06/2014.

11) As per entry no. 6701 dated 28/06/2017, Savitaben Chhitabhai Chavda died on 28/02/2017 and therefore, her name was deleted from the Revenue Records.

12) This land was included in the Town Planning Scheme No. 2 of village Sevasi and a F. P. No 107 admeasuring 3188 Sq. Mts was allotted in lieu of land bearing Block No. 281 (old R. S. No. 305) admeasuring 4553 Sq. Mts.

13) I have been supplied with a copy of Order of Collector Vadodara passed in Case No. S.R No.188/2018 and No. Vatan/Vashi/871/2019 dated 25/02/2019. As per the said Order, this land was converted into the Land of Old Tenure from the Land of New & Impartiable Tenure. The said Order was passed after the Payment of Premium to the State Government as per the Order of Collector. Entry no. 7180 dated 05/03/2019 was passed to this effect.

14) Chavda Laxmiben-Wd/o Ramanbhai Chhitabhai, 2) Chavda Reshmaben Ramanbhai, 3) Chavda Rameshbhai Chhitabhai, 4) Chavda Premilaben Tribhovanbhai, 5) Chavda Hemlataben Tribhovanbhai, 6) Chavda Jayeshbhai Tribhovanbhai, 7) Chavda Savitaben Lallubhai, 8) Chavda Mahendrabhai Lallubhai, and 9) Chavda Vimlaben Lallubhai sold this land bearing Block No. 281 (old R. S. No. 305) being F. P. No 107 admeasuring 3188 Sq. Mts in

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T P Scheme No. 2 of Sevasi to 1) Popatbhai Rajabhai Sutreja and 2) Bhagatsinh Rajabhai Sutreja by a registered Sale Deed dated 07/03/2019. This Sale Deed is registered with Sub Registrar Vadodara-8 at Sr. No. 356 on the same day. Names of the Purchasers were entered in the Revenue Records vide entry no. 7189 dated 07/03/2019.

15) I have been supplied with a copy of Deed of Confirmation (Consent) dated 07/03/2019 executed by Ishwarbhai Devjibhai Chavda in favour of Popatbhai Rajabhai Sutreja and Bhagatsinh Rajabhai Sutreja. This Deed is registered with Sub Registrar Vadodara-8 at Sr. No. 359 on the same day. By this Deed, Ishwarbhai Devjibhai Chavda has confirmed the registered Sale Deed dated 07/03/2019 and registered at Sr. No. 356 executed in favour of Popatbhai Rajabhai Sutreja and Bhagatsinh Rajabhai Sutreja. According to the said Deed, Ishwarbhai Devjibhai Chavda was one of the distant family member of the original land owners and to avoid the technicality in respect to the title, the Deed of Confirmation (Consent) is taken.

16) One Niteshkumar Maganbhai Patel filed the objections against entry no. 7189 for mutation of the names of the Purchasers. As per the Order of Mamlatdar, Vadodara Rural passed in RTS/Takrari Case No. 38/2019 dated 24/05/2019, the objections were rejected and the mutation entry no. 7189 was ordered to be certified. Niteshkumar Maganbhai Patel had raised the objections that a Memorandum of Understanding was executed by the land owners in his favour for this land and therefore, he has rights in this land. The said Order of Mamlatdar was also challenged by Niteshkumar Maganbhai Patel by filing RTS Appeal No. 315/2019, before Deputy Collector, Vadodara. The said Appeal was also rejected vide Order dated 13/07/2021. Niteshkumar Maganbhai Patel had also filed a Spl Civil Suit No. 74/2019 in the Court of Sr. Civil Judge, Vadodara against the original land owners and the Purchasers of this land. The said Suit was filed without payment of Court Fees Stamp and in spite of giving time to submit

the Court Fees Stamp, he did not submit and therefore, the Suit was rejected by the 18th Addl. Senior Civil Judge, Vadodara vide Order dated 27/02/2019. This Order was challenged by Niteshkumar Maganbhai Patel by filing First Appeal No. 2740 of 2019 before the Hon'ble High Court of Gujarat. Vide Order dated 26/08/2019 the said Appeal was allowed with a direction to pay the Court Fees Stamp within a period of two weeks from the date of Order and he was also directed to remain present before the Trial Court on 09/09/2019. The present owners of the land i.e. Popatbhai Rajabhai Sutreja and Bhagatsinh Rajabhai Sutreja have informed and also declared on oath that the said Suit is not restored because Niteshkumar Maganbhai Patel had not paid the Court Fees Stamp, though ordered by the Hon'ble High Court of Gujarat. Even on the Official Application for Mobile, E-Court Services, status of this Suit is shown as "disposed off". Niteshkumar Maganbhai Patel had also challenged the Order of Collector passed for conversion of the Land into Old Tenure Land, before the Special Secretary, Revenue Department, Ahmedabad by filing Case No. 2/2019. Vide Order dated 11/02/2021, the Special Secretary, Revenue Department rejected the Case of Niteshkumar Maganbhai Patel. Entries Nos. 7791 dated 20/02/2021, 7882 dated 14/07/2021 and 7950 dated 11/10/2021 were passed for the various Orders of the Revenue Authorities, as discussed herein above.

17) I have been supplied with a copy of Order of Collector, Vadodara passed in Case No. 1342/19/18/032/2022 dated 30/07/2022 by which Permission for using this land bearing F. P. No 107 of T P Scheme No. 2 admeasuring 3188 Sq. Mts for Non-Agriculture Residential purposes. Entry no. 8155 dated 30/07/2022 is passed to this effect.

18) Popatbhai Rajabhai Sutreja and Bhagatsinh Rajabhai Sutreja sold this land bearing Block No. 281 (old R. S. No. 305) admeasuring 4553 Sq. Mts being F. P. No. 107 of T P Scheme No. 2 admeasuring 3188 Sq. Mts to 1) Rajeshbhai Manilal Shah, 2) Smt.



Hariyali Ronak Desai, 2) Ketankumar Krushnakant Parikh, and 4) Varshal Krushnakant Parikh by a registered Sale Deed dated 06/10/2022. This Sale Deed is registered with Sub Registrar Vadodara-4 at Sr. No. 11513 on the same day. Names of the Purchasers are also entered in the Revenue Records by Entry No. 8235 dated 26/12/2022, certified on 02/02/2023. Thus, Rajeshbhai Manilal Shah and Three others have become the owners of this land.

19) 1) Rajeshbhai Manilal Shah, 2) Smt. Hariyali Ronak Desai, 2) Ketankumar Krushnakant Parikh, and 4) Varshal Krushnakant Parikh have executed a Development Agreement dated 10/03/2023 in favour of Gauri Infra, a Partnership Firm for this land. This Development Agreement is registered with Sub Registrar Vadodara-4 at Sr. No. 3092 on the same day. By this Development Agreement, the development rights have been given by the land owners to Gauri Infra, a Partnership Firm.

20) I have been supplied with Development Permission No. Ward-9/HB-92/2022-2023 dated 07/03/2023 issued by Vadodara Municipal Corporation. This Permission is issued in the name of Rajeshbhai Manilal Shah and three others. Permission is given to construct Tower A and Tower B consisting of Basement, Ground Floor to 12th Floors. A Scheme named Florencia is organized on this land.

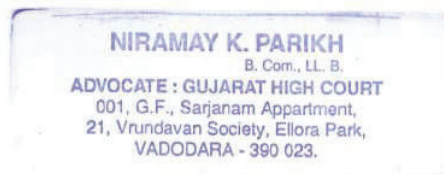
21) I have been supplied with a copy of Zone Certificate issued by VUDA. As per the said Certificate, this land falls in Residential Zone.

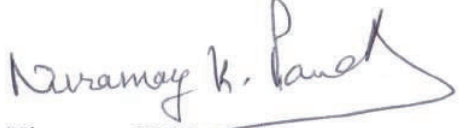
22) Public Notice inviting objections regarding title of this land was published in Gujarat Samachar and Divya Bhaskar dailies dated 01/09/2022 and till date, I have not received any objection from anybody.

23) Search is taken by deputing my man with the office of Sub Registrar, Vadodara for the years 1992 till 02/09/2022 and thereafter on 21/03/2023. As per the search report, index registers for the years 1992, 1994 to 2005 for the village Sevasi are in torn off condition and not properly maintained. Similarly, after computerization, the index registers are not properly maintained and not completely available. Therefore, from the available records, the search is taken. In the search, an entry regarding an Agreement for Sale dated 03/03/2010 registered at Sr. No. 3024, is found. The land owners Tribhovanbhai Chhitabhai Chavda and others had agreed to sale land bearing F. P. No 94 being Block No. 281 (old R. S. No. 305) to Harivadan Bhikhabhai Katariya. However, the said Agreement for Sale is cancelled, vide Deed of Cancellation dated 28/02/2019 and registered at Sr. No. 317. This Deed of Cancellation is executed by Harivadan Bhikhabhai Katariya in favour of the land owners. Except this, no other entry is found.

24) Looking to the above discussion and documents, I am of the opinion and I hereby certify that title of Non-Agricultural land bearing Block No. 281 (Old R. S. No. 305) admeasuring 4553 Sq. Mts. being F. P. No. 107 in T P Scheme No. 2 (Sevasi) admeasuring 3188 Sq. Mts of village Sevasi, Taluka & District Vadodara and Registration District & Sub District Vadodara, is clear and/or marketable and free from encumbrances, in the hands of 1) Rajeshbhai Manilal Shah, 2) Smt. Hariyali Ronak Desai, 2) Ketankumar Krushnakant Parikh, and 4) Varshal Krushnakant Parikh, **Subject to** Development rights given in favour of Gauri Infra, a Partnership Firm vide Registered Development Agreement dated 10/03/2023.

Date: 22/03/2023




Niramay K. Parikh
Advocate