

revised Title certificate

TITLE CERTIFICATE

Ref : 5566

To,

SAMAST INFRATECH, A PARTNERSHIP FIRM
Ahmedabad.

Ref : IN THE MATTER OF INVESTIGATION of title to the non-agricultural land bearing Final Plot No. 105 admeasuring 3427 sq.mts., of Draft T. P. Scheme No. 129 (Aslali – Jetalpur) comprised of as per Re-Survey New Block No. 1727 (Old Block No. 599) admeasuring 3541 sq. mts., situate, lying and being at Mouje – Aslali Taluka – Dascroi in the Registration District of Ahmedabad and Sub - District of Ahmedabad-11 (Aslali) in the State of Gujarat.

TITLE INVESTIGATION REPORT

Pursuant to the request of land owner namely **Samast Infratech, a partnership firm**, we have carried out the work the title investigation of the non- agricultural land bearing Final Plot No. 105 admeasuring 3427 sq.mts., of Draft T. P. Scheme No. 129 (Aslali – Jetalpur) comprised of as per Re-Survey New Block No. 1727 (Old Block No. 599) admeasuring 3541 sq. mts., situate, lying and being at Mouje – Aslali Taluka – Dascroi in the Registration District of Ahmedabad and Sub - District of Ahmedabad-11 (Aslali) in the State of Gujarat presently owned and possessed by **Samast Infratech, a partnership firm**.

To this intent, we have caused the searches of the available records of the concerned Office of the Sub Registrar Assurances for a period of last Thirty Years and have perused and scrutinized copy of the documents /papers / revue records as are made available to us and believing the same to be true, corrects and genuine and also based on the information / clarification as are made available to us by or through you and relying upon the same to be true and correct , we submit our title report as under.



.. 2 ..

1. Name of the Land owner / s:

A. SAMAST INFRATECH, A PARTNERSHIP FIRM

2. Nature of the Land in Question and its Uses :

(a) Nature of the said Land

Freehold non-agricultural land

(b) Use of the said Land

Non - Agricultural use for Godown purpose

3. Description of the immovable properties under investigation :

All that piece and parcel of freehold non- agricultural land bearing Final Plot No. 105 admeasuring 3427 sq.mts., of Draft T. P. Scheme No. 129 (Aslali – Jetalpur) comprised of as per Re-Survey New Block No. 1727 (Old Block No. 599) admeasuring 3541 sq. mts., situate, lying and being at Mouje – Aslali Taluka – Dascroi in the Registration District of Ahmedabad and Sub - District of Ahmedabad-11 (Aslali) in the State of Gujarat more particularly described in the **Schedule** here under written (herein after referred to as the “**said Land**”)

4. Devolution of Title of the Land in Question :-

HISTORY OF OLD SURVEY NO. 486/1

Note : Mutation entry No. 1191 and 2655 are not available in the revenue record and Mamlatdar Dascroi issued certificate to that effect vide letter dated 03-10-2018.

4.1 It has been observed by us that, the land under investigation admeasuring Acre. 1-00 Guntha was owned and occupied by (1)

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Pravinbhai Hirabhai and (2) Ghanshyambhai Hirabhai, through their natural guardian Ashabhai Pasabhai prior to the Year – 1950 meaning thereby they were the occupiers of the said land within the meaning of Sub Section 16 of Section 3 of Land Revenue Code and said fact is expressly corroborated by 7/12 abstract of the said land from the Year – 1951- 52.

4.2 It has been observed by us that, the land under investigation was cultivated by Bhailal Kishorbhai and hence, his name was entered as protected tenant in other rights of record of 7/12 abstract of the said land in accordance with the Provision of Section 3-A of Tenancy Act, 1939 as is corroborated and evidence by certified mutation entry No. 3473 dated 16-12-1947.

4.3 It has been observed by us that, the protected tenant of the said land had left the possession from constant period of more than two years and hence, the Taluka Authority passed order bearing No. TNC dated 08-03-1955 inter alia directing to delete the name of Bhailal Kishorbhai as protected tenant from other rights of record of 7/12 abstract of the said land as is expressly corroborated and evidenced by certified mutation entry No. 5011 dated 15-07-1956.

4.4 It has been observed by us that, the holder of the said land namely Aashbhai Pasabhai had gifted the land under investigation to his grand sons namely (1) Pravinbhai Hiralal and (2) Ghanshyambhai Hiralal by oral agreement and hence, the said land was transferred in the names of (1) Pravinbhai Hiralal and (2) Ghanshyambhai Hiralal as is corroborated and evidence by certified mutation entry No. 3491 dated 21-04-1948.

4.5 It has been observed by us that, the land under investigation was cultivated by Revabhai Umedbhai and hence, his name was entered



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as an ordinary tenant in other rights of record of 7/12 abstract of the said land in accordance with the instruction of Resolution No. 2255-49 dated 27-02-1950 of the Bombay Government as is expressly corroborated and evidenced by certified mutation entry No. 3688 dated 02-10-1952.

4.6 It has been observed by us that, the land under investigation was not cultivated by an ordinary tenant for a prescribed time and hence, his tenancy right was terminated and hence, the name of Revabhai Umedbhai was deleted as an ordinary tenant from other rights of record of 7/12 abstract of the said land as is expressly corroborated and evidenced by certified mutation entry No. 5037 dated 05-12-1956.

4.7 It has been observed by us that, the name of Revabhai Umedbhai Patel was standing as an ordinary tenant in other rights of record of 7/12 abstract of the land under investigation, but during the course of inquiry conducted under the Provision of Section 32-G of the Tenancy Act, it was established that, his name was entered inadvertently in the record and hence, the Mamlatdar and ALT passed order in Tenancy Case No. 324 on 27-10-1965 inter alia directing to delete his name from other rights of record of 7/12 abstract of the said land as is expressly corroborated and evidenced by certified mutation entry No. 6577 dated 05-03-1966.

4.8 It has been observed by us that, the land under investigation was standing as Inami land but the PERSONAL INAM ABOLITION ACT was enacted by the legislation which was come into effect and in the context of said legislation, the Taluka authority passed order directing to enter the said land as Khalsha Raiyat Vadi Head and thereafter, the name of (1) Pravinbhai Hirabhai and (2) Ghanshyambhai Hirabhai were entered as occupiers of the said



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land as is expressly corroborated and evidenced by certified mutation entry No. 4027 dated 27-02-195.

- 4.9** It has been observed by us that, in pursuance to acquisition of land from the land under investigation together with land of other survey numbers for the purpose of National Highway, the District Inspector Land Record Ahmedabad issued Durasti Patrak No. 23 vide their order bearing No. KJP.S.R.7 dated 31-010-1963 and according to the said durasti patrak, the area of Survey No. 486/1 was fixed to the extent of Acre. 0-35 Guntha instead of Acre. 1-00 Guntha meaning thereby after deducting the land towards acquisition for the said purpose, the area of land under investigation was fixed to the extent of Acre. 0-35 Guntha as is expressly corroborated and evidenced by certified mutation entry No. 7232 dated 24-04-1972.
- 4.10** It has been observed by us that, the holders and owners of the said land had entered into inter se family partition of the land under investigation together with land of other survey numbers during survival and by virtue of the said family partition, the land bearing Survey No. 486/1 admeasuring Acre. 0-35 Guntha came to the share of Ghanshyambhai Hirabhai as is expressly evidenced by certified mutation entry No. 7256 dated 01-09-1972.
- 4.11** It has been observed by us that, the consolidation scheme of mouje – Aslali Taluka – Dascroi was sanctioned by the Settlement Commissioner and Director of Land Record, Gujarat State Ahmedabad vide their order bearing No. U.M.S.K. / CON / Ahmedabad 289 dated 31-03-1975 and the said scheme was published on Page No. 992 of the Gazette of Government of Gujarat Part-1 on 17-04-1975 and in pursuance the said sanction, the Consolidation Statement was prepared and according the said consolidation scheme, the land bearing Survey No. 486/1

.. 6 ..

admeasuring Acre. 0-35 Guntha was given Block No. 599 and its area was fixed to the extent of 3541 sq.mts., and allotted to Ghanshyambhai Hirabhai Amin as is expressly corroborated and evidenced by certified mutation entry No. 7839 dated 23-12-1976.

4.12 It has been observed by us that, the land under investigation was standing in the name of Ghanshyambhai Hirabhai Amin and he submitted an application to the revenue authority to enter the name his brother Pravinbhai Hirabhai Amin as joint holder of the said land during survival and hence, the name of Pravinbhai Hirabhai Amin was entered as joint holder within the meaning of Sub Section 25 of Section 3 of the Land Revenue Code as is expressly corroborated and evidenced by certified mutation entry No. 8646 dated 20-08-1988.

4.13 It has been observed by us that, the land under investigation was standing in the name of Ghanshyambhai Hirabhai Amin and Pravinbhai Hirabhai Amin in the revenue record, but the said land was ancestral property in nature and they submitted an application to enter the names of (1) Harikrishna Hiralal Amin and (2) Narharibhai Hiralal Amin as joint holders of the said land during survival and hence, the names of (1) Harikrishna Hiralal Amin and (2) Narharibhai Hiralal Amin were entered as joint holders of the said land within the meaning of Sub Section 25 of Section 3 of the Land Revenue Code as is expressly corroborated and evidenced by certified mutation entry No. 8825 dated 11-10-1990.

4.14 It has been observed by us that, the provisions of the Gujarat Town Planning and Urban Development Act-1976 were made applicable to the land bearing Block No. 599 admeasuring 3541 sq.mts., by merging into Draft Town Planning Scheme No. 129 (Aslali - Jetalpur) land bearing Block No. 599 is given Final Plot

.. 7 ..

No. 105 and its area is fixed to the extent of 3427 sq. mts., and Form-F is issued in accordance with the Provision of Rules 21 & 35 of the Gujarat Town Planning and Urban Development Rules-1979 enacted under the said act

4.15 It has been observed by us that, the Town Planning Officer, Town Planning Scheme, Unit 4 Ahmedabad had rendered his opinion vide letter dated 06-01-2018 and according to the said opinion, the area of Final Plot No. 105 is 3427 sq.mts.

4.16 It has been observed by us that, the holder of said land had submitted an application to the Secretary, Executive Committee Ex Officio District Development Officer, District Panchayat Ahmedabad for obtaining non-agricultural use permission and on consideration of said application, the Secretary, Executive Committee Ex Officio District Development Officer, District Panchayat Ahmedabad passed order bearing No. B.Kh.P. / S. R. 166 / 92 dated 24-03-1992 and granted non-agricultural use permission to the land bearing Block No. 599 admeasuring 3541 sq.mts., for Godowns purpose in accordance with THE PROVISION OF SECTION-65, 66, AND 67 OF LAND REVENUE CODE-1879 AND THE PROVISIONS OF RULES -100,101 OF THE GUJARAT LAND REVENUE RULES-1972 and as is expressly corroborated and evidenced by certified mutation entry No. 8983 dated 18-03-1993.

4.17 It has been observed by us that, in pursuance to the standing instruction issued by the Government, the process of promulgation of computerised record was conducted and mistakes were noticed and hence, the Mamlatdar Dascroi passed order bearing No. RTS / Record Promulgation / 75 dated 21-02-2009 for the purpose of rectification the mistakes and

.. 8 ..

directed to mention non –agricultural in 7/12 abstract by deleting the phrase “Khed Padtar” as is expressly evidenced by certified mutation entry No. 11258 dated 06-06-2009.

4.18 It has been observed by us that, the Superintendent Land Record, Office of Settlement Commissioner and Director of Land Record, Gandhinagar had published public notice pertaining to Re-Survey record vide their order bearing Jamin / Promulgation / Dascroi / Jahernamu / Prasiddh / 2016 dated 11-08-2016 and invited objections in writing within 30 days and thereafter new record was prepared after taking into consideration the objections received during the period of public notice and new record was verified by Mamlatdar Dascroi as well as Superintendent Land Record and thereafter, the said record was finalised by Superintendent Land Record, Office of Settlement Commissioner and Director of Land Record, Gandhinagar vide their order bearing No. DSO / Re-Survey / Akarbandh / Kayam Khardo / Aslali / 2016 dated 02-12-2016 and after conclusion of said Re-Survey Process, land bearing Block No. 599 admeasuring 3541 sq.mts., was given New Block No. 1727 and its area has been fixed to the extent of 3541 sq.mts., and allotted to (1) Pravinbhai Hirabhai, (2) Ghanshyambhai Hirabhai, (3) Harikrishna Hirabhai and (4) Narharibhai Hirabhai and said fact is expressly corroborated and evidenced by certified mutation entry No. 13683 dated 02-12-2016.

4.19 It has been observed by us that, by Sale-Deed dated 19-04-2018 executed by (1) Pravinbhai Hirabhai, (2) Ghanshyambhai Hirabhai, (3) Harikrishna Hirabhai and (4) Narharibhai Hirabhai as Vendors in their capacity as holders of the non-agricultural land bearing Final Plot No. 105 admeasuring 3427 sq.mts., of T.P. Scheme No. 129 comprised of New Block No. 1727 (Old Block No. 599) admeasuring 3541 sq.mts., in favour of Advance Infracon, a

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partnership firm, through its Administrative Partner Krishnakant Kashibhai Patel registered with the Office of the Sub –Registrar of Assurance at Ahmedabad- 11 (Aslali) under Sr. 5635, the non-agricultural land bearing Final Plot No. 105 admeasuring 3427 sq.mts., of T. P. Scheme No. 129 comprised of New Block No. 1727 (Old Block No. 599) admeasuring 3541 sq.mts., was sold to Advance Infracon, a partnership firm, through its Administrative Partner Krishnakant Kashibhai Patel.

By virtue of aforesaid Sale Deed, the name of Advance Infracon, a partnership firm, through its Administrative Partner Krishnakant Kashibhai Patel was entered as occupier as defined in Sub Section 16 of Section 3 of Land Revenue Code and said fact is expressly corroborated and evidenced by certified mutation entry No. 14210 dated 13-06-2018.

- 4.20** It has been observed by us that, thereafter, the owners of the said land had floated the scheme of 14 - Godowns known as **"HIRABHAI ESTATE"** on the said land.
- 4.21** It has been observed by us that, Assistant Town Planner, Ahmedabad Urban Development Authority had granted development permission for the purpose of construction of -14- Godowns for admeasuring 1318.87 sq.mts., construction thereon in accordance with the Provision of Section 29(1)(1), 29(1)(2), 29(1)(3) and 49(1)(Kha) of Gujarat Town Planning and Urban Development Act, 1976.
- 4.22** It has been observed by us that, thereafter, the Senior Town Planner Ahmedabad Urban Development Authority Ahmedabad had granted use permission in the context of development permission vide order bearing No. PRM / Completion / 6781 / 6437 dated 10-08-1994.

.. 10 ..

4.23 It has been observed by us that, thereafter, the owners of the said land / property demolished the construction of above referred Godowns for the purpose of making construction of new Godowns.

4.24 It has been observed by us that, thereafter, the Senior Town Planner Ahmedabad Urban Development Authority granted development permission vide their order bearing No. PRM / 101 / 4 /2018 / 286 dated 08-08-2018 in accordance with the Provision of Section 29(1)(1), 29(1)(2), 29(1)(3) and 49(1)(Kha) of Gujarat Town Planning and Urban Development Act, 1976 for purpose of new construction.

Note : We have observed that, aforesaid development permission has been granted on considering the undertaking given by the applicant subject to the final judgement of the Hon'ble Supreme Court of Indian in SLP (Civil) No. 4450 – 4451 / 2014.

4.25 It has been observed by us that, by Sale-Deed dated 07-02-2019 executed by Advance Infracon, a partnership firm, through its Administrative Partner Krishnakant Kashibhai Patel as Vendor in their capacity as holder of the non-agricultural land bearing Final Plot No. 105 admeasuring 3427 sq.mts., of T. P. Scheme No. 129 comprised of New Block No. 1727 (Old Block No. 599) admeasuring 3541 sq.mts., in favour of Samast Infratech, a partnership firm, through its Administrative Partner registered with the Office of the Sub –Registrar of Assurance at Ahmedabad- 11 (Aslali) under Sr. 1764 the non-agricultural land bearing Final Plot No. 105 admeasuring 3427 sq.mts., of T. P. Scheme No. 129 comprised of New Block No. 1727 (Old Block No. 599) admeasuring 3541 sq.mts., was sold to Samast Infratech, a partnership firm, through its Administrative Partner

.. 11 ..

5. Mutation of the name / s of the land owner / s in revenue records

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On bare perusal of latest Village Form No. 7, the name of Advance Infracon, a partnership firm, through its Administrative Partner Krishnakant Kashibhai Patel is appearing as occupier of the said land as defined in Sub Section 16 of Section 3 of Land Revenue Code, but the title of the said land has already been transferred in favour of Samast Infratech, a partnership firm by virtue of Transfer of Property Act and Indian Registration Act, but entry in respect of said sale deed has not been entered in revenue record.

6. Searches :

6.1 We have caused the searches of the available records through our search clerk for last 30 years from the office of the concerned Sub-Registrar of Assurances and on bare perusal of said Sub-Registry record, we have not found any objectionable matter.

6.2 Perusal of the revenue record as are made available to us :

Nothing objectionable found in the copies of the revenue records as are produced by the land owner / s to us save and except our special observation made in para 8.

6.3 Lispendence / Litigations :

That, the principal of Lispendence is governed under the Provision of Section 52 of Transfer of Property Act, as well as the Provision of Section 18 of The Registration Act. It has been observed by us that, no any suit or matter is appeared as pending litigation in respect of said land in available search of Sub-Registry record and as per the say of the land owner /s no suit or litigation is pending in respect of the said land in any court established by the law including revenue court.



(Handwritten signature)



.. 12 ..

7. Public Notice :

As a part of investigation of title, we have published a public notice appeared in the daily newspaper "**GUJARAT SAMACHAR**" dated **13-09-2018** for inviting claim, objection, obligation, charges or lien in, on or upon said land, pursuant to which, we have not received any claim or objection in response thereto.

8 Special Observation :

8.1 It has been observed by us that, land under investigation has already been merged into Draft Town Planning Scheme No. 63 and as per the Provision of Section 121 of Gujarat Town Planning and Urban Development Act, 1976, the Provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 as in force for the time being, shall not apply to any area of included in a Town Planning Scheme under the said act.

8.2 It has been observed by us that, Samast Infratech is a partnership firm and on going through its Partnership Deed, its partners are (1) Jabbarsinh Chhotelal Rathod, (2) Niraj Jabbarsinh Rathod, (3) Paresh Govindbhai Patel, (4) Utpal Dilipkumar Naik, (5) Pratapchand Sopaji Suthar, (6) Nimesh Kantilal Panchal and (7) Shyamlal Haribhai Lakhara and no others person is partner therein as indicated in the said Partnership Deed.

9. Boundaries of the said land :

We have mentioned the details of boundaries of the land in question on the basis of Sale Deed bearing No. 5635 dated 19-04-2018.

10. Conclusions :

In view of what is stated in forgoing paras and the observations made by us, we are of the legal opinion that, the title of the land owner /s to his land more particularly described in Schedule

.. 13 ..

hereunder written is clear, marketable and freeform encumbrances and reasonable doubts subject to :

1. Affidavit on title being made by Samast Infratech, a partnership firm.
2. Fulfilment of terms and conditions laid down in N. A. order and fulfilment of terms and conditions laid down in development permission and Gujarat Town Planning and Urban Development Act and Rules and Laws applicable and in force to effect legally and properly sale, transfer or any other transaction with respect to the said land.
3. Confirmation of legal heirs of vendors in view of Sale Deed No. 5635 dated 19-04-2018 being obtained.
4. Mutation entry in respect of Sale Deed No. 1764 being entered in revenue record.

11. Certificate :

We certify that, **Samast Infratech, a partnership firm** has valid, clear free from any charges or reasonable doubts and marketable title to the said land subject to the observations made in all forgoing paras and especially the observation made in para-10 above.

SCHEDULE

(Description of the land in question)

ALL THAT piece or parcel of non- agricultural land bearing Final Plot No. 105 admeasuring 3427 sq.mts., of Draft T. P. Scheme No. 129 (Aslali – Jetalpur) comprised of as per Re-Survey New Block No. 1727 (Old Block No. 599) admeasuring 3541 sq. mts., situate, lying and being at Mouje – Aslali Taluka – Dascroi in the Registration District of Ahmedabad and Sub - District of Ahmedabad-11 (Aslali) in the State of Gujarat which is bounded as under :



.. 14 ..

DETAILS OF BOUNDARIES OF BLOCK NO. 599

In the East : By Block No. 461

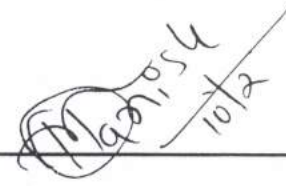
In the West : By 36 mts., T. P. Road

In the North : By Block No. 597

In the South : By Block No. 529 + 600 + 601 paikie (Final Plot No.
106/1)

Date : 10-02-2019

Place : Ahmedabad.



Manish Kanubhai Patel, Advocate

Enrolment No. G / 1504 / 2006



Note of caution and disclaimer:-

- (a) This is to inform that Search of complete registration records is not available due to destruction of record and tearing of pages of Books available for inspection and hence it cannot be inspected and its search is not available and on that condition the above Title Report/Opinion is issued exclusively for his/her/their/it's personal use. This report on title contains some remarks and objervations which should be observed.
- (b) Please ascertain that the Government Authorities have not put any restrictions in making construction on said land because of any historical monument/religious place/water body/road lying and widening, etc. situated nearby or proposed public transportation system in surrounding areas. Also verify that there is no acquisition/reservation in said land/property and there are no pending litigation or injunction/status quo granted therein in respect of the said land/property. The above Title Report/Opinion is issued exclusively for his/her/their/it's personal use.