

KAMLESH P. KOKADIYA
ADVOCATE

OFFICE :
7/A, 1ST FLOOR,
TULSI CHAMBERS,
OPP. GRUH LAXMI,
PIRCHHALLA ROAD,
BHAVNAGAR.
MOBILE: 9825838808

Date: 06.10.2018

To,

M/s. Radhavallbh Land Developers a Partnership firm,
Bhavnagar.

To Whom It May Concern:

Sub.: Search Encumbrance Opinion Report of Property belongs to M/s. Radhavallabh Land Developers a Partnership firm.

Ref.: Project of Radhavallabh Heights.

Property: All the pieces and parcel of immovable Property amalgamated N.A. Plot no.C/4010 to C/4013 & Plot No.C/4015 to C/4019 land Admes.1213.06 Sq. Mts. and propose construction to be build Admes.4657.65 Sq. Mts. to be known as **Radhavallabh Heights** bearing Vadva Rev. Sy. No.471/2 paiki know as Kaliyabid Situated at Kaliyabid, Bhanvnagar within the limit of Bhavangar Municipality Corporation with Jurisdiction of SRO Bhavangar-1.

Following Documents Verify by me:

1. Development permission dtd.28.06.2018 with plan - Original
2. Amalgamation permission dtd.15.05.2018 with plan - Original
3. V.F. no.2 & No.8/A in the name of firm - Original
4. BMC name transfer resolution no.1034 and no.1035 and 1039 dtd.26.12.18 in the name of firm - Original
5. Reg. Sale Deed No.2484 and No.2485 and 2486 Dtd.25.07.2016 executed in favour of Radhavallabh Land Developers a partnership firm - Original
6. Reg. Sale Deed No.1365 dtd.15.04.2014 executed in favour of Kpoorchand Bansal - Xerox

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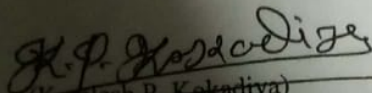
With reference to above mention subject, M/s. Radhavallabh Land Developers a partnership firm purchased different plot no.C/4012,4013,4016,4017 vide sale deed no.2484 dtd.25.07.16 and Plot No.C/4010,4011,4018,4019 vide Sale Deed No.2485 dtd.25.07.16 and Plot No.C/4015 vide Reg. Sale Deed No.2486 dtd.25.07.16 from Mr. Bansal Kapoorchand Kakaram and name of firm transfer in BMC record and Revenue record, BMC approved amalgamation of different plots vide its permission dtd.15.05.2018 and also approved commercial cum residential building plan for amalgamated plot vide its permission dtd.28.06.2018 and M/s. Radhavallabh Land Developers firm develop the project namely Radhavallabh Heights over said land.

I verify original title deeds belongs to firm, and also obtain search from concern Sub-Registrar Office, Bhavnagar and I found that **No any kind of Encumbrance, Charge were recorded against the firm regarding the said property.**

SEARCH CERTIFICATE

I carried out search in the office of Sub-Registrar – 1 vide receipt No.2018011010901-902-905 Dt.04.10.2018 and as per encumbrance certificate of SRO I seen Reg. Sale Deed no.2484 to 2486/16 in favour of present firm and Sale deed No.1365/14 in favour of Bansal Kapoorchand Kakaram, except that I could not find any other encumbrance, charge against said property. I attached herewith certificate of SRO

You're faithfully,


(Kamlesh P. Kokadiya)
Advocate

રજી પહોંચ

મેલકતનું વર્ણન વડવા રે.સ.નં. 471/2 પ્લોટ નં. સી-4010 સી-4011 સી-4018
સી-4019
Search in : વડવા(ભાવનગર)/VADVA(BHAVNAGAR)

પહોંચ નંબર: 2012011010601 અરજી નંબર: 5886 અરજી વર્ષ: 2012

તા: ૪ માહે: ઓક્ટોબર સને: 2012

રજી કરનારનું નામ કમલેશ પી કોકડીયા(એડવોકેટ)

નીચે પ્રમાણે ફી પહોંચી

રૂ. પૈસા

રજીસ્ટ્રેશન ફી.....
નકલ કરવા ની ફી સાઈડ / કોલીઓ.....
શેરોની નકલ કરવા માટે ફી.....
ટપાલ ખર્ચ.....
નકલો અથવા યાદીઓ (કલમ ૬૪ થી ૬૭).....
શોધ અગર તપાસણી.....
દંડ કલમ-૨૫.....
કલમ-૩૪ (કલમ-૫૭).....
નકલ ફી કોલીઓ.....
ઈન્ડેક્સ-૨ ફી.....
આ સિવાયની બાબતોની ફી.....



કુલ એકદરે રૂ. 134

અકે રૂપીયા એકસો પાંત્રીસ પુરા.

દસ્તાવેજ

ના દિવસે તૈયાર થશે અને

નકલ

દસ્તાવેજ રજીસ્ટર ટપાલથી નીચેના સરનામે મોકલશે.

તે રજીસ્ટર ટપાલથી મોકલવામાં

આવશે.

કચેરીમાં આપવામાં

(MUKURKUMAR K PANDYA)

સબ રજીસ્ટ્રાર

ભાવનગર-1-City

IGR-NIC

5233043585206451840

૪/૧૦/૨૦૧૮

૧:૧૬:૧૧ pm

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BHAVNAGAR-364 001
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Date: 31.10.2018

To,

M/s. Radha Vallab Land Developers

A partnership firm,

Tusli Chamber, Bhavnagar.

Sub.: Title Opinion Report Project of Radhavallabh Heights.

Prop.: All the pieces and parcel of immovable Property amalgamated N.A. Plot No. C/4010 to C/4013 & Plot No.C/4015 to C/4019 land Admes.1213.06 Sq. Mts. and propose construction to be build Admes.4657.65 Sq. Mts. to be known as **Radhavallabh Heights** bearing Vadva Rev. Sy. No.471/2 paiki known as Kaliyabid Situated at Kaliyabid, Bhavnagar within the limit of Bhavnagar Municipality Corporation with Jurisdiction of SRO Bhavangar-1.

With reference to above mention subject, I submit my scrutiny Report on the basis of the Title Deeds pertaining to said caption property. I have conduct investigation & submit my report as under :-

1. Name and address of owner:

M/s. Radhavallabh Land Developers a Partnership firm

Add. At, Tulsi Chamber,

Pirchhalla Road, Opp. Gruh Laxmi,

Bhavnagar.

2. Following Document produce before me for verification:

1. Development permission dtd.28.06.2018 with plan - Original
2. Amalgamation permission dtd.15.05.2018 with plan - Original
3. V.F. no.2 & No.8/A in the name of firm - Original
4. BMC name transfer resolution no.1034 and no.1035 and 1039 dtd.26.12.18 in the name of firm - Original
5. Reg. Sale Deed No.2484 and No.2485 and 2486 Dtd.25.07.2016 executed in favour of Radhavallabh Land Developers a partnership firm - Original
6. Reg. Sale Deed No.1365 dtd.15.04.2014 executed in favour of Kpoorchand Bansal - Xerox
7. Power of Attorney dtd.12.12.06 of Jayesh Kotak - Xerox
8. Resolution dtd.01.11.2006 of Palitana Sugar Mill Pvt. Ltd. To Sale and to sign behalf of company - Xerox

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9. Lay out plan – Xerox
10. Certificate of Incorporation of Palitana Sugar Mills Pvt. Ltd., V.F. No.8/A of Sy. No.469/1.470/1 & others numbers and Entry No.3510 dtd.31.01.2004 of V.F. No.6 of different survey numbers in the name of Palitana Sugar Mills Co., Release Deed No.1188, Reg. Sale Deed Sr. No.2 Dtd.02.04.71 in favour of Palitana Sugar Mills Pvt. Ltd. Order given by Supreme Court of India in Civil Appeal No.6798-99/04, ULC order for Kaliyabid land, N. A. order 11.305.2005, – Xerox (I had verified common documents of same scheme for other banks)

3. Details and Description of Properties :

All the pieces and parcel of immovable Property amalgamated N.A. Plot No. C/4010 to C/4013 & Plot No. C/4015 to C/4019 land Admes.1213.06 Sq. Mts. and propose construction to be build Admes.4657.65 Sq. Mts. to be known as **Radhavallabh Heights** bearing Vadva Rev. Sy. No.471/2 paiki known as Kaliyabid Situated at Kaliyabid, Bhavnagar within the limit of Bhavnagar Municipality Corporation with Jurisdiction of SRO Bhavangar-1, in the State of Gujarat which is bounded as under :-

East : Adj. Plot No.4009 & 4020,
West : 12.00 Mt. wide Road & Adj. Plot No.4014,
North : 12.00 Mts. wide Road,
South : 9.00 Mts. wide Road.

4. Search in Sub-Registrar's office:

Search and investigation:

We taken the search of last 30 years from the office of the Sub-Registrar - Bhavangar – 1 vide Receipt No.2018011011935 dt.26.10.2018. I find Reg. Sale Deed No.2484/16 & Reg. Sale Deed No.2485/2016. No other encumbrance's charges were noted. I attached certificate herewith of SRO.

5. Devolution/Chain of Title : It is learnt that

1. It appears from available record that originally Land bearing old Vadva Sy. No.470/1 admeasuring Acre 58-22 Guntha along with others land retained by Hon'ble Hiness Shri Krishnakumarsinhji as a Private property. At the time of merger of the States, Maharaja Jamsaheb of Navanagar, Rajpramukh of Saurashtra issued inventory in respect of private property & the said land shown in inventory report at item No.12 with remark that vidi formula will apply on dtd.05.11.1951.
2. Then after Hon'ble Highness Sir Krishnakumarsinhji died on dtd.02.04.65 leaving behind the said land among with others property in the name of his legal heirs viz. his wife Rajmata Vijyabasaheb, two son Shri Virbhadrasinghji & Kumar Shri

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Shivbhadrasinhji & his daughters Hansakuvariba, Rohinikuvariba & Dilharkuvariba. Shri Kumar Shivbhadrasinhji relinquish his right & interest in the said land amongst with others inherited property in favour of Hon'ble Shri Virbhadrasinhji vide Regd. Fargati (release) deed No.1188 dtd.30.03.1971.

3. Hon'ble Shri Virbhadrasinhji, Rajmata Vijyabasaheb, Hansakuvariba, Dilharkuvariba & Rohinikuvariba sold the said land bearing vadva sy. No.471/1 admeasuring A-5822 G. along with several others land to Palitana Sugar Mill Pvt. Ltd. (herein after refer as company) vide Reg. sale deed Sr. No.2 dtd.02.04.1971. The said land recorded in the name of company vide entry No.1950 dtd.12.11.79 in V. F. No.6 the same was certified on dtd.15.11.79 with remark that order of Deputy Collector dtd.09.11.79 the Gujarat Agricultural Land ceiling Act did not apply to the said land. Deputy Collector, Bhavnagar had taken the matter in revision & again confirm the said entry No.1950 as seen from entry No.2658 dtd.13.07.92 the same was certified on dtd.17.08.92.

4. It further appears that land bearing vadva sy. No.470/1 along with others land were involved in fighting a legal battle in the Court of Law between the one side company & other side the State of Gujarat, Bhavnagar Municipality, & other Authority on legal point before High Court of Gujarat, Revenue Authority - Tribunal, Supreme Court etc., for the legal point like (1) Bid land not transferred As per Gujarat Agricultural Land ceiling Act, 1960 (2) The sale is hit by the Provision of section 54 of the Saurashtra Gharkhed Tenancy settlement & Agricultural Lands ordinance - 1949. (3) Notice Under Bombay Land revenue code was not issued. (4) Violation of ACL. (5) That the mutation entry require for cancelled. (6) The land is reservation for Bhavnagar University. After the considering the above issued. The Supreme Court of India passed a final order in favour of The Company in Civil appeals No.6798-99/04 with contempt petition No.410-411 in SLP No.1562/02 & 5556/02 decided on 15-Oct-04. In the said Judgment of The Supreme Court held in Para No.68 & Para No.73 is in follow :

Para-68 :- From the above discussion by us and of the record would clearly go to show that the following issue are covered by the earlier proceedings and finally decided by the courts and reached their finally and which cannot be reopened again:

- (1) The lands in Survey Nos.469/1, 470/1, 471/2, 471/3 and 472 aggregating about 952 acres sold in favour of the appellant by the former Ruler with the permission of the Collector and registered has become final and conclusive.
- (2) The lands in question being pasture land (Bid land) and not being fit for cultivation was excluded from the purview of the Gujarat Agricultural Lands Ceiling Act, 1960.

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- (3) The right, title entry made in the revenue records in respect of the lands in question in the name of the appellant has become final and conclusive and, therefore, removal of the appellant from any of the survey numbers in question is not permissible.
- (4) The declaration issued by the competent authority and Additional Collector under the ULC Act, in exercise of the power under Section 21(1) of the ULC Act after verifying the title of the appellant in respect of the above survey numbers is final and conclusive.
- (5) The writ petition filed by Bhavnagar Municipality for quashing and setting aside the order dated 06.12.1979 granting exemption to the land and sanctioning the scheme under Section 21 of the ULC Act was valid and legal.
- (6) It is not in dispute that the appellant have raised construction on the lands and the lands have been fully developed, save and except, the lands in Survey No.469/1.
- (7) The orders dated 09.11.1979 and 20.11.1979 whereby Deputy Collector dropped the proceeding filed by the former Ruler under Section 8 of the ALC Act for a declaration that the sale deed dated 31.03.1971 was not affected by him with a view to defeat the ALC Act was rejected by the Tribunal in revision application by the State Government. In respect of the ALC proceedings, the said order was finally concluded since under the ALC Act no further appeal was preferred by the State Government.
- (8) This also was not in dispute that pursuant to the Cabinet decision of the Gujarat Government, the appellant withdraw all the pending proceedings and, thereafter notices were issued under Rule 108(6) of the Bombay Land Revenue Code seeking to revise the right and title Entry No.1950 principally contending that the sale deed dated 31.03.1971 was invalid. On the abovementioned grounds, the mutation entry was sought to be cancelled. The Deputy Collector, Bhavnagar held that the ownership of the land in question was of the appellant and a decision was taken that Revenue Mutation No.1950 as recorded in Village Form 6 was legal and valid which was also decided to withdraw the show-cause notice dated 27.07.1991 and to drop all the proceedings commenced under the said notice.
- (9) The Deputy Collector also confirmed the order of the City Mamlatdar dated 16.09.1982. The reservation of Survey No.469/1 in favour of Bhavnagar University had lapsed.
- (10) The High Court, in its judgment, in SCA No.1032 of 1996 quashed the notice dated 25.01.1996 of the Collector. The High Court observed that it is unfair for the Collector to raise various issues such as illegal sale of bid land, breach of the Saurashtra Gharkhed Ordinance, ALC Act, etc. which were closed and decided earlier.
- (11) The issue of ULC Act and ALC Act was concluded by the judgment of the High Court in SCA No.941 of 1980.
- (12) No further action can be taken for disturbing the finality of the mutation entry in view of the judgment of the High Court rendered on dt.24.11.00 in SCA no.1032 of 1996 and, therefore, there is no question of disturbing the mutation entry on the contravention of the provisions of other enactments now.

