TITLE REPORT

MOUJE : NIKOL

Revenue Survey No. 145/1/2/1

T. P. Scheme No. 103, Final Plot No. 13/3

DINESH B. PATEL
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TITLE REPORT

To,

REVTI INFRA, A PARTNERSHIP FIRM

Having its office at : A/304, Aradhana Residency,

Near Gangotri Circle, Nikol, Ahmedabad.

SUBJECT : IN THE MATTER OF INVESTIGATION OF TITLE to the non - agricultural land bearing Final Plot No. 13/3 admeasuring 2000 sq. mts., for multipurpose and admeasuring 1399 sq. mts., for commercial purpose, total admeasuring 3399 sq. mts., of T.P. Scheme No. 103 comprised of Survey No. 145/1/2/1 (Holding No. 1852 as defined in Sub Section 17 of Section 3 of the Land Revenue Code) admeasuring 5665 sq. mts., situate, lying and being at Mouje – Nikol Taluka – Asarva in the Registration District of Ahmedabad and Sub - District of Ahmedabad-12 (Nikol) in the State of Gujarat.

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Pursuant to the request of land owner namely **REVTI INFRA, A PARTNERSHIP FIRM**, we have carried out the work of the title investigation of the non - agricultural land bearing Final Plot No. 13/3 admeasuring 2000 sq. mts., for multipurpose and admeasuring 1399 sq. mts., for commercial purpose total admeasuring 3399 sq. mts., of T.P. Scheme No. 103 comprised of Survey No. 145/1/2/1 (Holding No. 1852 as defined in Sub Section 17 of Section 3 of the Land Revenue Code) admeasuring 5665 sq. mts., situate, lying and being at Mouje – Nikol Taluka – Asarva in the Registration District of Ahmedabad and Sub - District of Ahmedabad-12 (Nikol) in the State of Gujarat presently owned and possessed by **REVTI INFRA, 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 / revenue 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 for your personal purpose.

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1. **Name of the Land owner / s:**

REVTI INFRA, A PARTNERSHIP FIRM

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

(a) **Nature of the said Land**

Freehold and Non - Agricultural Land for multipurpose and commercial purpose

(b) **Use of the said Land**

Non - Agricultural use

3. **Description of the immovable properties under investigation :**

All that piece and parcel of freehold non - agricultural land bearing Final Plot No. 13/3 admeasuring 2000 sq. mts., for multipurpose and admeasuring 1399 sq. mts., for commercial purpose total admeasuring 3399 sq. mts., of T.P. Scheme No. 103 comprised of Survey No. 145/1/2/1 (Holding No. 1852 as defined in Sub Section 17 of Section 3 of the Land Revenue Code) admeasuring 5665 sq. mts., situate, lying and being at Mouje – Nikol Taluka – Asarva in the Registration District of Ahmedabad and Sub - District of Ahmedabad-12 (Nikol) in the State of Gujarat more particularly described in the **Schedule** here under written (herein after referred to as the **"said Land"**)

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

HISTORY OF SURVEY NO. 145 / 1

4.1 It has been observed by us that, the land bearing Survey No. 145 / 1 admeasuring Acre. 5-24 Guntha was owned and occupied by Ranchhodbhai Somnath prior to the Year – 1947 meaning thereby he was the occupier of the said land within the meaning of Sub Section 16 of Section 3 of Land Revenue Code and said fact is expressly evidenced and corroborated by certified mutation entry No. 182 dated 26-05-1959.

4.2 It has been observed by us that, the holder of said land namely Ranchhodbhai Somnath had died intestate on 21-03-1965 leaving behind him his lineal descendants as (1) Rameshchandra Ranchhodlal, (2) Ramaben Ranchhodlal, (3) Savitaben Wd/o. Ranchhodlal Somnath, (4) Minor Pandubhai Ranchhodlal through his natural guardian Savitaben Wd/o. Ranchhodlal Somnath, (5) Indulaben Ranchhodlal and (6) Vanlilaben Ranchhodlal and hence, their names were brought on the revenue record upon succession right as is expressly corroborated and evidenced by certified mutation entry No. 798 dated 09-05-1966.

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4.3 It has been observed by us that, the Government in the Revenue Department, issued resolution bearing No. AM – 2170. M.J.AM.1061-56099 – LS – 1 dated 14-06-1966 and took decision to acquire the land bearing Survey No. 1 to 538 i. e. all survey numbers of mouje : Nikol for industrial zone and hence, the said decision was published in Gazette in Government of Gujarat but subsequently the Government in the Revenue Department issued resolution bearing No. AM. 2170.M.J.AM.1061 – 56099.LA1 dated 14-06-1966 and final notification under section 6 of the Land Acquisition Act was not issued meaning thereby notification for acquisition was cancelled and in pursuance of the said decision, Mamlatdar passed order bearing No. LND dated 2612-1966 is expressly evidenced and corroborated by mutation entry No. 851 dated 05-01-1967.

4.4 It has been observed by us that, the joint holder of said land within the meaning of Sub Section 25 of Section 3 of the Land Revenue Code namely Indulaben Ranchhodbhai had died intestate without issue on 27-05-1970 and hence, her name was deleted from the revenue record as is expressly corroborated and evidenced by certified mutation entry No. 1121 dated 04-07-1972.

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4.5 It has been observed by us that, the competent authority and Deputy Collector, Urban Land Ceiling, Ahmedabad passed order bearing No. U. L. C. / Gu. J. / Nikol / Case No. 1808 and make observation that, the said land was falling in agricultural zone of Ahmedabad Urban Development and illegal construction and illegal sale were brought to the notice of the Government and hence, direction was issued to remove the construction and maintained status quo of the land bearing Survey No. 145/1 as is expressly corroborated and evidenced by certified mutation entry No. 2587 dated 11-07-1996.

4.6 It has been observed by us that, the competent authority and Additional Collector, Urban Land Ceiling Office, Ahmedabad conducted Case No. U. L. C. Form – 1 – U.4 / 235 Nikol / K 1808 and passed order dated 22-09-1998 and land bearing Survey No. 145 / 1 admeasuring 22662 sq. mts., paikee admeasuring 19662 sq. mts., was declared as surplus land and resumed with the Government as is expressly corroborated and evidenced by certified mutation entry No. 2845 dated 17-10-1998.

4.7 It has been observed by us that, the competent authority and Additional Collector, Urban Land Ceiling, Ahmedabad passed order bearing Case No. U. L. C. Form – 1. U. 4. No objection certificate /

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Nikol 1808 dated 06-08-1999 and held that, land bearing Survey No. 145 / 1 admeasuring 22561 sq.mts., was not liable to be resumed with the Government and hence, the direction was issued to remove the phrase "Government" from other rights of record of 7/12 abstract of the said land as is expressly corroborated and evidenced by certified mutation entry No. 2922 dated 28-10-1999.

4.8 It has been observed by us that, by Sale-Deed dated 25-06-2002 executed by Rameshchandra Ranchhodlal Barot, through his power of attorney holder Bhikhubhai Rameshbhai Narola as Vendor in his capacity as holder of the said agricultural land bearing Survey No. 145/1 paikee admeasuring 5665 sq. mts., in favour of Jagdishbhai Bhikhubhai Narola registered in the Office of the Sub – Registrar of Assurances at Ahmedabad-7 (Odhav) under Sr. No. 1365, agricultural land bearing Survey No. 145/1 paikee admeasuring 5665 sq. mts., was sold to Jagdishbhai Bhikhubhai Narola.

4.9 By virtue of aforesaid Sale Deed, the name of Jagdishbhai Bhikhubhai Narola 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 rejected mutation entry No. 3163 dated 10-07-2002.

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4.10 It has been observed by us that, by Sale-Deed dated 30-06-2003 executed by (1) Rameshchandra Ranchhodlal Barot, (2) Pandubhai Ranchhodbhai Barot, (3) Ramaben Ranchhodbhai Barot, (4) Vanlilaben Ranchhodbhai Barot, through their power of attorney holder Mansukhbhai Vallabhbhai Patel as Vendors in their capacity as holders of the said agricultural land bearing Survey No. 145/1 admeasuring Acre. 5-24 Guntha paikee admeasuring 11208 sq. mts., (with pot kharaba) in favour of (1) Mohanbhai Ragavbhai Patel, (2) Vinod Popatbhai Patel, (3) Vijay Laljibhai Patel, (4) Ramnik Ravjibhai Bamroliya registered in the Office of the Sub – Registrar of Assurances at Ahmedabad-7 (Odhav) under Sr. No. 2107, agricultural land bearing Survey No. 145/1 admeasuring Acre. 5-24 Guntha paikee admeasuring 11208 sq. mts., (with pot kharaba) was sold to (1) Mohanbhai Ragavbhai Patel, (2) Vinod Popatbhai Patel, (3) Vijay Laljibhai Patel, (4) Ramnik Ravjibhai Bamroliya.

4.11 By virtue of aforesaid Sale Deed, the names of (1) Mohanbhai Ragavbhai Patel, (2) Vinod Popatbhai Patel, (3) Vijay Laljibhai Patel, (4) Ramnik Ravjibhai Bamroliya were entered as occupiers as defined in Sub Section 16 of Section 3 of Land Revenue Code and said fact is expressly corroborated and evidenced by rejected mutation entry No. 3264 dated 01-07-2003.

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4.12 It has been observed by us that, the land in question was held by Ramaben Ranchhodbhai and others in the revenue record and she submitted an application to the revenue authority to enter the names of his lineal descendants namely (1) Chatrurbhai Punjaram, (2) Krishnakant Punjaram, (3) Minaben Punjaram, (4) Gitaben Punjaram as joint holders of the said land during survival and hence, their names were entered as joint holders as defined in Sub Section 25 of Section 3 of Land Revenue Code as is expressly corroborated and evidenced by cancelled mutation entry No. 3386 dated 12-02-2004.

4.13 It has been observed by us that, the joint holder of the said land within the meaning of Sub Section 25 of Section 3 of the Land Revenue Code namely Rameshchandra Ramanlal had renounced his house for a period of eight years and he had not been found and hence, his lineal descendants namely (1) Bhavnaben Rameshchandra, (2) Giriraj Rameshchandra, (3) Chandrika Rameshchandra, (4) Indrajit Rameshchandra were brought on the revenue record upon succession right as is expressly corroborated and evidenced by cancelled mutation entry No. 3683 dated 22-03-2005.

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4.14 It has been observed by us that, the joint holder of said land within the meaning of Sub Section 25 of Section 3 of the Land Revenue Code namely Rameshchandra Ranchhodbhai had died intestate on 18-04-2005 leaving behind him his lineal descendants as (1) Bhavnaben Rameshchandra, (2) Giriraj Rameshchandra, (3) Chandrika Rameshchandra, (4) Indrajit Rameshchandra and (5) Aartiben Rameshchandra and hence, their names were brought on the revenue record upon succession right as is expressly corroborated and evidenced by certified mutation entry No. 3807 dated 06-09-2005.

4.15 It has been observed by us that, being aggrieved and dissatisfied by the order dated 24-03-2003 passed by the City Mamlatdar in disputed case No. 51 / 2002 whereby mutation entry No. 3163 was rejected, the applicant Jagdishbhai Bhikhubhai Narola filed RTS Appeal before the City Deputy Collector which was dismissed by the City Deputy Collector and hence, Jagdishbhai Bhikhubhai Narola filed Revision Application No. 48 / 2007 before the District Collector, Ahmedabad under the provision of Rule 108 (6) of the Gujarat Land Revenue Rules, 1972 wherein District Collector passed order on 26-02-2008 and set aside impugned order dated

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28-02-2007 passed by the City Deputy Collector inter alia directing to certify mutation entry No. 3163 as is expressly corroborated and evidenced by certified mutation entry No. 4947 dated 07-03-2008.

4.16 It has been observed by us that, the process of KJP Durasti was conducted by the District Inspector Land Record, Ahmedabad and issued Durasti Patrak No. 39 M. R. No. Sp. 1 / 157 / 08, the City Mamlatdar, Ahmedabad passed order bearing No. RTS / KJP / SR No. 89 / Vashi – 2378 / 08 dated 04-05-2008 and land bearing Survey No. 145 / 1 was divided into three sub divisions in accordance with the Provision of Section 117 (A) of Land Revenue Code and accordingly land admeasuring 11433 sq.mts., was given Survey No. 145 / 1 /1 which is standing in the names of (1) Pandubhai Ranchhodlal and (2) Ramaben Ranchhodlal, land admeasuring 9206 sq.mts., was given Survey No. 145 / 1 / 2 out of which 5665 sq. mts., is standing in the name of Jagdishbhai Bhikhubhai Narola and remaining 3541 sq. mts., is standing in the names of (1) Vanlilaben Ranchhodbhai and (2) Savitaben Ranchhodlal and land admeasuring 2125 sq. mts., was given Survey No. 145 / 1 / 3 which is standing in the name of Vanlilaben Ranchhodbhai as is expressly corroborated and evidenced by certified mutation entry No. 5073 dated 07-05-2008.

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4.17 It has been observed by us that, in the context of the standing instructions issued by the Government, at present, upon conducting the process of Promulgation of computerized record, on ascertaining the village record from manuscript and computerized 7/12 and village form No. 6, the mistakes were noticed and hence, the City Mamlatdar, Ahmedabad passed order bearing No. RTS / Sudhara Hukam / Kshatiyadi / SR No. 2344 / 08 dated 30-09-2008 for rectification the errors as is expressly corroborated and evidenced by certified mutation entry No. 5488 dated 04-11-2008.

4.18 It has been observed by us that, by Sale-Deed dated 30-09-2008 executed by Jagdishbhai Bhikhubhai Narola through his power of attorney holder Pritesh Subahbhai Shah as Vendor in his capacity as holder of the said agricultural land bearing Survey No. 145 / 1 / 2 paikee admeasuring 5665 sq. mts., in favour of (1) Dineshchandra Amabalal Patel and (2) Rajeshkumar Vishnubhai Panchal registered in the Office of the Sub – Registrar of Assurances at Ahmedabad under Sr. No. 7059, agricultural land bearing Survey No. 145 / 1 / 2 paikee admeasuring 5665 sq. mts., was sold to (1) Dineshchandra Ambalal Patel and (2) Rajeshkumar Vishnubhai Panchal.

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4.19 By virtue of aforesaid Sale Deed, the names of (1) Dineshchandra Ambalal Patel and (2) Rajeshkumar Vishnubhai Panchal were 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 rejected mutation entry No. 5524 dated 15-11-2008.

4.20 It has been observed by us that, the plaintiff Pandubhai Ranchhodbhai Barot filed Regular Civil Suit No. 555 / 03 in the Court of Senior Civil Judge, Ahmedabad Rural, Ahmedabad pertaining to the said land wherein the learned court passed order on 29-07-2004 and granted injunction application till final disposal of the said civil suit as is expressly corroborated and evidenced by certified mutation entry No. 5659 dated 06-03-2009.

4.21 It has been observed by us that, being aggrieved and dissatisfied by the order dated 25-05-2009 passed by the City Mamlatdar in disputed Nikol Case No. 330 / 08 rejecting the mutation entry No. 5524, the applicant Dineshchandra Ambalal Patel and others filed RTS Appeal No. 164 / 2009 in the Court of City Deputy Collector, Ahmedabad wherein the City Deputy Collector, Ahmedabad passed order on 05-02-2010 and allowed the appeal by setting aside the impugned order passed by the City Mamlatdar

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inter alia directing to certify mutation entry No. 5524 as is expressly corroborated and evidenced by certified mutation entry No. 6151 dated 08-02-2010.

4.22 It has been observed by us that, the process of KJP Durasti was conducted by the District Inspector Land Record, Ahmedabad and issued Durasti Patrak No. 79 DSO / DRK / Pu. Pa. No. 79 /10 dated 02-05-2010 and the City Mamlatdar, Ahmedabad passed order bearing No. RTS / KJP / SR No. 304 / Vashi – 274 / 10 dated 21-05-2010 and land bearing Survey No. 145 / 1 / 2 was divided into two sub divisions in accordance with the Provision of Section 117 (A) of Land Revenue Code and accordingly land admeasuring 5665 sq.mts., was given Survey No. 145 / 1 / 2 / 1 which is standing in the names of (1) Dineshchandra Ambalal Patel and (2) Rajeshkumar Vishnubhai Panchal and land admeasuring 3541 sq.mts., was given Survey No. 145 / 1 / 2 / 2 which is standing in the names of (1) Vanlilaben Ranchhodlal and (2) Savitaben Ranchhodlal as is expressly corroborated and evidenced by certified mutation entry No. 6450 dated 26-05-2010.

4.23 It has been observed by us that, the plaintiff Pandubhai Ranchhodbhai Barot and others filed Civil Suit No. 555 / 2003 in the Court of Senior Civil Judge, Ahmedabad Rural, Ahmedabad

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wherein the injunction was granted on 29-07-2004 but said injunction order did not apply to the land bearing Survey No. 145 / 1 / 2 / 1 and hence, said injunction was vacated for the purpose of land bearing Survey No. 145 / 1 / 2 / 1 as is expressly corroborated and evidenced by cancelled mutation entry No. 8204 dated 11-04-2012.

4.24 It has been observed by us that, the reconstitution of Ahmedabad City and Daskroi Taluka of Ahmedabad District by Resolution No. PFR / 102011 / 275 / L /1dated 17-03-2012, two different Taluka of Ahmedabad Taluka are formed as Ahmedabad (East) and Ahmedabad (West) and accordingly, Nikol Village was covered within the Taluka boundaries of Ahmedabad City (East) as is expressly corroborated and evidenced by certified mutation entry No. 8261 dated 03-05-2012.

4.25 It has been observed by us that, vide circular of the Revenue Department, Sachivalay, Gandhinagar the Taluka Ahmedabad City(East) and Taluka Ahmedabad City(West) in Revenue District Ahmedabad were reorganized and new Taluka were formed and accordingly land of Revenue village-Nikol is now made part of Taluka Asarva.

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4.26 It has been observed by us that, the joint holder of said land within the meaning of Sub Section 25 of Section 3 of the Land Revenue Code namely Dineshchandra Ambalal Patel had died intestate on 18-12-2014 leaving behind him his lineal descendants as (1) Sudhaben Wd/o. Dineshchandra, (2) Kalpesh Dineshchandra and (3) Nilesh Dineshchandra and hence, their names were brought on the revenue record upon succession right as is expressly corroborated and evidenced by certified mutation entry No. 10475 dated 03-03-2015.

4.27 has been observed by us that, the plaintiff Pandubhai Ranchhodbhai Barot and others filed Civil Suit No. 555 / 2003 in the Court of Senior Civil Judge, Ahmedabad Rural, Ahmedabad wherein the injunction was granted on 29-07-2004 but said injunction order did not apply to the land bearing Survey No. 145 / 1 / 2 / 1 and hence, said injunction was vacated for the purpose of land bearing Survey No. 145 / 1 / 2 / 1 as is expressly corroborated and evidenced by certified mutation entry No. 10688 dated 10-06-2015.

4.28 It has been observed by us that, the competent authority and Deputy Collector, Urban Land Ceiling, Ahmedabad passed order bearing No. U. L. C. / Nikol / Survey No. 145 / 1 / 2 / 1 / Vashi /

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2016 dated 07-05-2016 and made observation that, after granting order of status quo as reflected in mutation entry No. 2587, the proceedings under Section 8 (4) of the Urban Land Ceiling Act, 1976 were conducted and thereafter, said Act was repealed and hence, the order of status quo is not existed and hence, the order of status quo as reflected in mutation entry No. 2587 was cancelled as is expressly corroborated and evidenced by certified mutation entry No. 11296 dated 07-05-2016.

4.29 It has been observed by us that, by Sale-Deed dated 10-05-2016 executed by Rajeshkumar Vishnubhai Panchal as Vendor in his capacity as holder of the said agricultural land bearing Survey No. 145 / 1 / 2 / 1 admeasuring 5665 sq. mts., paikee admeasuring 2832.50 sq. mts., in favour of (1) Nareshbhai Ravjibhai Kumbhani (The owner of undivided 30%), (2) Nareshbhai Dahyabhai Nakarani (The owner of undivided 30%), (3) Pareshbhai Mansukhbhai Zalavadiya (The owner of undivided 20%), (4) Bhupatbhai Balubhai Patel (Lakhani) (The owner of undivided 10%) and (5) Ankit Manubhai Radadiya (The owner of undivided 10%) registered in the Office of the Sub – Registrar of Assurances at Ahmedabad-13 (City), under Sr. No. 1113, agricultural land bearing Survey No. 145 / 1 / 2 / 1 admeasuring 5665 sq. mts., paikee admeasuring

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2832.50 sq. mts., was sold to (1) Nareshbhai Ravjibhai Kumbhani (The owner of undivided 30% share), (2) Nareshbhai Dahyabhai Nakarani (The owner of undivided 30% share), (3) Pareshbhai Mansukhbhai Zalavadiya (The owner of undivided 20% share), (4) Bhupatbhai Balubhai Patel (Lakhani) (The owner of undivided 10% share) and (5) Ankit Manubhai Radadiya (The owner of undivided 10% share) and (1) Nilesh Dineshchandra, (2) Kalpesh Dineshchandra and (3) Sudhaben Wd/o. Dineshchandra confirmed the said sale deed.

4.30 By virtue of aforesaid Sale Deed, the names of (1) Nareshbhai Ravjibhai Kumbhani (The owner of undivided 30% share), (2) Nareshbhai Dahyabhai Nakarani (The owner of undivided 30% share), (3) Pareshbhai Mansukhbhai Zalavadiya (The owner of undivided 20% share), (4) Bhupatbhai Balubhai Patel (Lakhani) (The owner of undivided 10% share) and (5) Ankit Manubhai Radadiya (The owner of undivided 10% share) were entered as occupiers 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. 11297 dated 10-05-2016.

4.31 It has been observed by us that, City Mamlatdar, Asarva passed order bearing No. RTS / Nikol / Survey No. 145 / 1 / 2 / 1 / Sudhara

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Hukam / Vashi.1145 / 2016 dated 13-07-2016 and directed to indicate the land bearing Survey No. 145 / 1 / 2 / 1 paikee admeasuring 2833 sq. mts., in the names of purchasers (1) Nareshbhai Ravjibhai Kumbhani (the owner of undivided 30 % share), (2) Nareshbhai Dahyabhai Nakarani (the owner of undivided 30 % share), (3) Pareshbhai Mansukhbhai Zalavadiya (the owner of undivided 20 % share), (4) Bhupatbhai Balubhai Patel (Lakhani) (the owner of undivided 10 % share) and (5) Ankit Manubhai Radadiya (the owner of undivided 10 % share) and indicated remaining 2832 sq. mts., in the names of vendors (1) Nilesh Dienshchandra, (2) Kalpesh Dineshchandra and (3) Sudhaben Wd/o. Dienshchandra as is expressly corroborated and evidenced by certified mutation entry No. 11422 dated 13-07-2016.

4.32 It has been observed by us that, Principal Secretary, Revenue Department (Appeal), Ahmedabad passed order bearing No. MVV / HKP / AMD / 10 / 2008 dated 20-01-2017 and dismissed the revision application filed by the applicant confirming the impugned order dated 26-02-2008 passed by the District Collector, Ahmedabad in Revision Application No. 48 / 2007 is expressly corroborated and evidenced by certified mutation entry No. 11807 dated 22-02-2017.

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4.33 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 Survey No. 145 / 1 / 2 / 1 by merging into Draft Town Planning Scheme No. 103 and land bearing Survey No. 145 / 1 / 2 / 1 is given Final Plot No. 13/3 and its area is fixed to the extent of 3400 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.

4.34 It has been observed by us that, the holder of said land Nilesh Dineshchandra and others had submitted an application to the Collector, Ahmedabad for obtaining non-agricultural use permission and on consideration of the said application, the Collector, Ahmedabad passed order bearing No. CB / NA / S. R. 900 / 2016 dated 28-06-2017and granted non-agricultural use permission to the said land bearing Final Plot No. 13/3 admeasuring 2000 sq. mts., for residential purpose and land admeasuring 1399 for multipurpose total admeasuring 3399 sq. mts., comprised of Survey No. 145 / 1 / 2 / 1 admeasuring 5665 sq. mts., in accordance with THE PROVISION OF SECTION-65, 66, AND 67 OF LAND REVENUE CODE-1879 AND THE PROVISIONS OF RULES -

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100,101 OF THE GUJARAT LAND REVENUE RULES-1972 and as is expressly corroborated and evidenced by certified mutation entry No. 12190 dated 08-08-2017.

4.35 It has been observed by us that, the holder of said land Nareshbhai Ravjibhai Kumbhani and others had submitted an application to the Collector, Ahmedabad for obtaining revised non-agricultural use permission and on consideration of the said application, the Collector, Ahmedabad passed order bearing No. CB / CTS – 1 / N. A. / S. R. 900 / 16 dated 24-02-2018 and granted non-agricultural use permission to the said land bearing Final Plot No. 13/3 admeasuring 2000 sq. mts., for multipurpose comprised of Survey No. 145 / 1 / 2 / 1 admeasuring 5665 sq. mts., in accordance with THE PROVISION OF SECTION-65(A), 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. 12900 dated 12-06-2018.

4.36 It has been observed by us that, the joint holder of said land within the meaning of Sub Section 25 of Section 3 of the Land Revenue Code namely Pareshbhai Mansukhbhai Zalavadiya had died intestate on 19-04-2021 leaving behind him his lineal descendants

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as (1) Nitaben Pareshbhai Zalavadiya W/o., (2) Jay Pareshbhai Zalavadiya and (3) Minor Maitri Paresh Zalavadiya and hence, their names were brought on the revenue record upon succession right as is expressly corroborated and evidenced by certified mutation entry No. 15205 dated 24-06-2021.

4.37 Mutation entry No. 15665 is not pertaining to the land under investigation and hence, it is being dealt with.

4.38 It has been observed by us that, by Sale-Deed dated 03-11-2021 executed by Bhupatbhai Balubhai Lakhani (The owner of 2833 sq. mts., paikee 10% share and as per survey number undivided 5% share) as Vendor in his capacity as holder of the non agricultural land bearing Survey No. 145 / 1 1/ 2 / 1 admeasuring 5665 sq. mts., (As per Survey No admeasuring 2833 sq. mts.,) paikee admeasuring 170 sq. mts., in favour of (1) Pipaliya Dhruv Keshavbhai and (2) Bharatkumar Nathalal Jagani registered in the Office of the Sub – Registrar of Assurances at Ahmedabad-12 (Nikol) under Sr. No. 25112, non agricultural land bearing Survey No. 145 / 1 1/ 2 / 1 admeasuring 5665 sq. mts., (As per Survey No admeasuring 2833 sq. mts.,) paikee admeasuring 170 sq. mts., was sold to (1) Pipaliya Dhruv Keshavbhai and (2) Bharatkumar Nathalal Jagani.

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4.39 By virtue of aforesaid Sale Deed, the names of (1) Pipaliya Dhruv Keshavbhai and (2) Bharatkumar Nathalal Jagani were entered as occupiers 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. 15903 dated 19-02-2022.

4.40 It has been observed by us that, by Sale-Deed dated 25-07-2022 executed by (1) Nareshbhai Ravjibhai Kumbhani, (2) Nareshbhai Dahyabhai Nakarani, (3) Ankit Bhanubhai Radadiya, (4) Nitaben Pareshbhai Zalavadiya as herself and natural guardian of Minor Maitri, (5) Jay Pareshbhai Zalavadiya, (6) Bhupatbhai Balubhai Patel (Lakhani), (7) Pipaliya Dhruv Keshavbhai, (8) Bharatkumar Nathalal Jagani, (9) Nilesh Dineshchandra, (10) Kalpesh Dineshchandra, (11) Sudhaben Wd/o. Dineshchandra as Vendors in their capacity as holders of the non agricultural land bearing Final Plot No. 13/3 admeasuring 3339 sq. mts., (admeasuring 2000 sq. mts., of multipurpose and admeasuring 1399 sq. mts., for commercial purpose) of T. P. Scheme No. 103 comprised of Survey No. 145/1/2/1 admeasuring 5665 sq. mts., in favour of Swastik Buildcon registered in the Office of the Sub – Registrar of Assurances at Ahmedabad-12 (Nikol) under Sr. No. 15752, non agricultural land bearing Final Plot No. 13/3 admeasuring

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3339 sq. mts., (admeasuring 2000 sq. mts., of multipurpose and admeasuring 1399 sq. mts., for commercial purpose) of T. P. Scheme No. 103 comprised of Survey No. 145/1/2/1 admeasuring 5665 sq. mts., was sold to Swastik Buildcon.

4.41 By virtue of aforesaid Sale Deed, the name of Swastik Buildcon 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. 16322 dated 28-07-2022.

4.42 It has been observed by us that, by Sale-Deed dated 20-12-2022 executed by Swastik Buildcon, a partnership firm, through its authorised partner Nareshbhai Dahyabhai Nakarani as Vendor in his capacity as holder of the non agricultural land bearing Final Plot No. 13/3 admeasuring 3339 sq. mts., out of which 2000 sq. mts., for multipurpose and admeasuring 1399 sq. mts., for commercial purpose total admeasuring 3399 sq. mts., of T. P. Scheme No. 103 comprised of Survey No. 145/1/2/1 admeasuring 5665 sq. mts., in favour of Revti Infra, a partnership firm registered in the Office of the Sub – Registrar of Assurances at Ahmedabad-12 (Nikol) under Sr. No. 29836, non agricultural land bearing Final Plot No. 13/3 admeasuring 3339 sq. mts., out of which 2000 sq. mts.,

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for multipurpose and admeasuring 1399 sq. mts., for commercial purpose total admeasuring 3399 sq. mts., of T. P. Scheme No. 103 comprised of Survey No. 145/1/2/1 admeasuring 5665 sq. mts., was sold to Revti Infra, a partnership firm.

4.43 By virtue of aforesaid Sale Deed, the name of Revti Infra, a partnership firm 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. 16618 dated 22-12-2022.

4.44 We have examined that, Swastik Buildcon had leased land bearing Final Plot No. 13/3 paikee admeasuring 12.98 sq. mts., to Torrent Power Ltd., by executing Deed of Lease registered in the Office of the Sub Registrars of Assurances at Ahmedabad – 12 (Nikol) under Sr. No. 30719 dated 29-12-2022.

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

On bare perusal of latest Village Form No. 7, the name of Revti Infra, a partnership firm is appearing as occupier of the said land as defined in Sub Section 16 of Section 3 of Land Revenue Code.

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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.

6.3 Lis pendence / Litigations :

That, the principal of Lis pendence 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 except the details of civil suit discussed in the title report.

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7. **Public Notice :**

As a part of investigation of title, we have published a public notice appeared in the daily newspaper **"GUJARAT SAMACHAR"** dated **21-02-2023** for inviting claim, objection, obligation, charges or lien in, on or upon said land, pursuant to which, we have received an objection dated 24-02-2023 from Vikramkumar Bachubhai Barot contending that, Regular Civil Appeal No. 141 / 2021 is pending in the District Court, Ahmedabad and his Late Mother Indulaben alias Indiraben Bachubhai Barot is daughter of Late Ranchhodbhai Somnath Barot and his mother had not died without issue but his mother has two lineal descendants i. e. the applicant and his sister Kokilaben Bachubhai Barot and hence, objection has been raised against issuance of title clearance certificate.

It is pertinent to note that, on going through the appeal bearing No. 141 / 2021 it transpires that, the Regular Civil Suit No. 274 / 2010 filed by the applicant was dismissed by the court on 12-05-2021 and it is also pertinent to note that, the land bearing Survey No. 145 / 1 paikee admeasuring 5665 sq. mts., was sold on 25-06-2002 by registered sale deed bearing No. 1365 meaning thereby considerable time of about twenty year elapsed after said sale transaction and considering the provision of Article 59 of the

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Indian Limitation Act, Regular Civil Applicaton No. 141 / 2021 may be hardly sustainable in the eye of law and such as objection raised by Vikrambhai Bachubhai Barot is not inconsonance with well settled legal position and hence, said objection is not entertain.

8. **Special Observation :**

8.1 It has been observed by us that, when the land was sold by sale deed bearing No. 1365, dated 25-06-2002, the said land was ancestral property in nature and hence, it was essential to obtain confirmation of legal heirs of vendor but it is a fact that, considerable time about twenty years elapsed after said sale transaction and it is pertinent to note that, as per the provision of Article 59 of Indian Limitation Act, the suit for cancellation of sale deed can be filed within three years from the knowledge about it but the doctrine of notice contained in Section 3 of Transfer of Property Act is important and especially the principle of implied or constructive notice is required to be construed and as per the explanation 1 of Section 3 of Transfer of Property Act, a person is said to have notice about the registered sale deed from date of its registration and mutation entry is also a public record and one has constructive notice about it. Moreover, the Hon'ble Supreme Court of India has established the principle of law laid down in the case of

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Dilboo By Lrs & Anr. Vs/. Dhanraji and others, 2500 7 SCC 702 the person is deemed to have knowledge about sale transaction from the date of its registration and the Hon'ble High Court of Gujarat has also laid down the principle in the case of Becharbhai Zaverbhai Patel V/s. Jasubhai Shivabhai Patel 2013 (1) GLR 398 that the person is deemed to have knowledge about sale deed from the date of its registration and such as on bare perusal of Article 59 of Indian Limitation Act, statutory provision of Section 3 of Transfer of Property Act and above referred case laws, it is crystal clear that, sale deed can be challenged within three years from the date of its registration.

It is pertinent to note that, the Honourable Supreme Court of India has delivered the judgement in civil appeal No.3500 of 2018 (Arising out of Special Leave Petition No. 26401/2007 on 10-04-2018 and made observation in para 12 of the said judgement that, the limitation to challenge the registered sale deed ordinarily would start running from the date on which the sale deed was registered, but in the said case sale deed was executed in fraudulent manner and hence the Honourable Supreme Court has expressed the views that in commuting the period of limitation for any suit would start from the date of knowledge and it is pertinent to note that, as per the provisions of Limitation Act, the time limit

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would start running from the date of knowledge of fraud. It is pertinent to note that, in the case of fraud, facts of individual cases are important for commuting the period of limitation.

In the instant case, sale deed was executed in the Year – 2002 and hence, inference may be drawn that, the legal heirs of vendors were deemed to have knowledge about said sale deed and said sale deed has not been challenged inspite of lapse of about twenty years and hence, any probable claim on their part will suffer from legal infirmity and same shall be hardly sustainable in the eye of law and such as said sale transactions are deemed to be lawful and valid.

8.2 It has been observed by us that, land under investigation had already been converted into non-agricultural land in accordance with provisions of Section 65 of the Land Revenue Code and it is well settle legal position laid down by Hon'ble High Court of Gujarat in the case of Vijaychand Manekchand Sheth V. State of Gujarat 2006 (2) GLR 1567 that the laws related to agricultural land are not applied to non - agricultural land, Moreover the government of Gujarat issued circular dated 03-01-1968 and circular dated 03-02-2005 and instructed that Section 63 and Section 84 (C) of the Tenancy Act, 1948 are not applicable to non –agricultural land.

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8.3 It is pertinent to note that, we have examined available sub registry record of the land under investigation but it is pertinent to note that, entire sub registry record i. e. the sub registry record of thirty years are not available in the concerned government office i. e. the sub registrar of assurances and hence, it is not possible to examined the sub registry record of the entire thirty years of the said land.

8.4 It has been observed by us that, the Regular Civil Appeal No. 141 / 2021 is pending in the District Court for adjudication but it is pertinent to note that, the Hon'ble Supreme Court noted in the decision in Thomson Press (India) Ltd., V/s. Nanak Builders and Investors Pvt. Ltd., that, provision of Section 52 of the Transfer of Property Act, 1882 did not indeed annul the conveyance or the transfer otherwise, rendered it subservient to the rights of the parties to a litigation and the Hon'ble Supreme Court has observed that, the Principal of "Lispendence" is based on "Justice, equity and good conscience. Moreover, A bench comprising Justices B. R. Gavai and City Ravikumar explained that, though the doctrine of "Lispendence" will not invalided the sale transaction of the property which is the subject matter of litigation during the pendency of proceedings, such sale will not operate as against the successful party against the litigation. But the in the instant case Regular Civil Suit No. 274 / 2010 was dismissed by the court against which

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Regular Civil Appeal is pending but original suit which was rejected by the court is barred by the law of the limitation and such as pending civil appeal may hardly be sustainable and however, title of this land is always subject to final outcome of Regular Civil Appeal No. 141 of 2021.

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

1. Usual Declaration-cum-Indemnity is being made on oath by the aforesaid land Owners at the time of dealing with the said land in any manner whatsoever nature.
2. To Fulfillment of all terms and conditions laid down in the Non Agriculture Permission Order.
3. Final outcome of Regular Civil Appeal No. 141 / 2021.
4. Protect lease hold rights of Torrent Power Ltd., as reflected in Deed of Lease bearing No. 30719 dated 29-12-2022.
5. Fulfillment of provisions of the Minority and Guardianship Act.
6. Compliance and Fulfillment of all the terms and conditions mentioned in the orders passed by the revenue authorities as well as all other competent authorities regarding the above referred subject land.

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7. Provision of The Gujarat Tenancy and Agricultural Land Act, 1948.
8. Provision of The Gujarat Land Revenue Rules - 1972 and Provision of The Gujarat Land Revenue Code - 1879.
9. Provision of The Gujarat Town Planning and Urban Development Act with Rules.
10. Terms and condition of Plan approved and Construction Permission granted by Ahmedabad Municipal Corporation is to be complied.
11. Provision being made to safeguard interest of minor family members of HUF if any major members confirming the sale transaction and sale being made as KARTA of HUF for the benefit of estate as provided under the Hindu Law and / or legal necessity.
12. All other laws, acts, rules and regulation in force from time to time and also laws, act, rules and regulation as may be applicable at the time being in force to affect legally and mutation entry of the succession, waive or relinquish rights is being established and mutated in the revenue records and minor family member's undivided right sale or transfer and also all any other sale/transfer transaction with respect of the above referred subject land should be done as per law.

10. Certificate about Legal Opinion :

We opine that, **REVTI INFRA, 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-9 above.

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SCHEDULE

(Description of the land in question)

ALL THAT piece or parcel of the non - agricultural land bearing Final Plot No. 13/3 admeasuring 2000 sq. mts., for multipurpose and admeasuring 1399 sq. mts., for commercial purpose total admeasuring 3399 sq. mts., of T.P. Scheme No. 103 comprised of Survey No. 145/1/2/1 (Holding No. 1852 as defined in Sub Section 17 of Section 3 of the Land Revenue Code) admeasuring 5665 sq. mts., situate, lying and being at Mouje – Nikol Taluka – Asarva in the Registration District of Ahmedabad and Sub - District of Ahmedabad-12 (Nikol) in the State of Gujarat.

DATED THIS 03RD MARCH OF 2023, AHMEDABAD.

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