Chetan Shah & Associates

Advocates

CSA

218, Gold Souk Complex, B/h Sapphire Complex, Opp. Body Line, C. G. Road, Ahmedabad 380 006 Phone : 079-66312256

Ref.No. CSA\JDP\1024\2014 **Date: 4-8-2014**

To,
M/s. Shankheshwar Township
Ahmedabad.

Re: IN THE MATTER OF INVESTIGATION to the titles of non-agriculture land bearing Final Plot No. 15/1 paiki admeasuring 10077 sq.mtrs. of Muthia-Bilasiya-Hanspura Draft T. P. Scheme No. 75 (Revenue Survey No. 106/A/1 admeasuring 16795 sq.mtrs.) situate, lying and being at Mouje : Muthiya, Taluka : Daskroi and Registration Sub-District : Ahmedabad, District : Ahmedabad and belonging to M/s. Shankheshwar Township.

CHETAN SHAH AND ASSOCIATES ADVOCATE AHMEDABAD

In pursuance of your instructions to investigate/verify the titles of aforesaid property, we have caused searches to be taken of relevant revenue records available from the concerned Talati Office, E-Dhara and Registration Records available at the concerned office of the Sub-Registrar of Assurances for a period of last about Thirty years through our search clerk. We have taken root of title for last about Thirty years and verified the documents, papers, writings and records submitted by the owners of the said property and believing the same to be true, genuine and obtained from original sources and relied on the facts stated by the owner/s of the said property and facts mentioned therein believing the same to be true. Our report on title and opinion thereof for his/her/their personal use is as stated hereafter. For detailed facts and particulars, reference may be taken from the documents, papers, writings and records referred to herein below.

1. **Originally, the land bearing Block No.106/A/1 (Survey No. 65, 67/1, 67/2, 286, 288/1, 288/2, 289, 295/2, 290/1, 290/3, 292/2) was independently owners, occupied and possessed by Bhalabhai Lallubhai, Shanabhai Lallubhai, Girdharbhai Lallubhai and Mangalbhai Lallubhai, prior to the year 1980.**

2. **Thereafter, family partition took place by and between the family members of said land for the land in question together with other lands and by virtue of said family partition, the land bearing Block No. 106 came to the share of Girdharbhai Lallubhai and entry to that effect was mutated in the revenue record vide Mutation Entry No. 1511 dated 20-4-1982, which was certified by the competent Authority.**

3. **Thereafter, the co-owner of said land namely Bhalabhai Lallubhai died intestate on 24-3-1985 leaving behind him his legal heirs as (1) Tejaben wd/o. Bhalabhai Lallubhai (2) Ramanbhai Bhalabhai (3) Chandubhai Bhalabhai**

CHETAN SHAH AND ASSOCIATES ADVOCATE AHMEDABAD

(4) Manubhai Bhalabhai and (5) Rajesh Rameshbhai and hence their names were entered in the revenue record upon hereditary rights and entry to that effect was mutated in the revenue record vide Mutation Entry No. 1555 dated 1-4-1985 which was cancelled by the competent Authority.

4. Thereafter, the Mutation Entry No. 1555 dated 1-4-1985 was cancelled by the competent authority on the ground that the son of deceased has expired and therefore it was directed to enter the name of his widow and pursuant to that direction, the name of Madhuben Rameshbhai was entered and entry to that effect was mutated in the revenue record vide Mutation Entry No. 1558 dated 24-10-1985, which was certified by the competent Authority.

5. Thereafter, the co-owner of said land namely Shanabhai Lallubhai died intestate on 20-9-1989 leaving behind him his legal heirs as (1) Arvindbhai Shanabhai (2) Mafatbhai Shanabhai (3) Ilaben Shanabhai (4) Subhadraben Shanabhai and hence their names have been entered in the revenue record upon hereditary rights and entry to that effect was mutated in the revenue record vide Mutation Entry No. 1608 dated 10-11-1989, which was certified by the competent Authority.

6. Thereafter, the co-owner of said land namely Girdharbhai Lallubhai died intestate on 21-1-1996 leaving behind him his legal heirs as (1) Surajben Wd/o. Girdharbhai Lallubhai (2) Madhusudan Girdharbhai (3) Kirtibhai Girdharbhai (4) Kailashben Girdharbhai and hence their names have been entered in the revenue record upon hereditary rights and entry to that effect was mutated in the revenue record vide Mutation Entry No. 1672 dated 20-2-1996, which was certified by the competent Authority.

7. Thereafter, the names of (1) Madhuben Bakorbhai (2) Dharmeshbhai Bakorbhai (3) Kiranbhai Bakorbhai were entered as co-owners of the said land and entry to that effect was mutated in the revenue record vide Mutation Entry No.1674 dated 23-2-1996, which was CANCELLED by the competent authority and hence fresh entry to that effect was again mutated in revenue record vide Mutation Entry No. 1708 dated 25-11-1996, which was certified by the competent Authority.

8. Thereafter, the land bearing Block No. 106 paiki 400 sq.mtrs was acquired for the use of gas pipe line by the Competent Authority, Gas Authority of India Limited (GAIL), Vadodara vide its Order No. B.D./A/C.A.-1/99 dated 21-6-1999 as per the provisions of Section 9 of The Petroleum and Minerals Pipelines Act, 1962 and entry to that effect was mutated in the

CHETAN SHAH AND ASSOCIATES ADVOCATE AHMEDABAD

revenue record vide Mutation Entry No. 1776 dated 24-9-1999, which was certified by the competent Authority.

9. Thereafter, the co-owner of the said land namely Shri Bakabhai Mangaldas Patel died intestate on 25-12-2000 leaving behind him his legal heirs as (1) Madhuben Wd/o. Bakabhai Mangaldas (2) Dharmeshbhai Bakabhai and (3) Kiranbhai Bakabhai and hence their names have been entered in the revenue record of the said land and entry to that effect was mutated in the revenue record vide Mutation Entry No. 1816 dated 29-4-2002, which was certified by the competent Authority.

10. Thereafter, family partition took place by and between the family members of the land in question and by virtue of said family partition, the land bearing Block No. 106 Paiki (Old Revenue Survey Nos. 286, 287 paiki, 290/2 and 290/3) admeasuring 20943 sq.mtrs. came to the share of Madhuben Bakabhai and others and entry to that effect was mutated in the revenue record vide Mutation Entry No. 1821 dated 27-9-2002, which was certified by the competent Authority.

11. Thereafter, the Mamlatdar, Daskroi has passed an order bearing No. RTS/Record Promulgation/08 of 2008 to rectify the erroneous computerized 7/12 record as per manual record and it was directed to write the area of Gujarat Gas Pipeline as 400 sq.mtrs in other right of record of Block No. 106 and entry to that effect was mutated in the revenue record vide Mutation Entry No. 2072 dated 3-7-2008, which was certified by the competent Authority.

12. Thereafter, the owners of the said land namely (A)(1) Surajben Wd/o. Girdharbhai Lallubhai (2) Madhusudan Girdharbhai (3) Kamleshbhai Girdharbhai (4) Kamleshbhai Girdharbhai (5) Kailashben Girdharbhai (B)(1) Ramanbhai Bhalabhai (2) Chandubhai Bhalabhai (3) Manubhai Bhalabhai (4) Madhuben Wd/o. Rameshbhai Bhalabhai (5) Rajeshbhai Rameshbhai (C)(1) Arvindbhai Shanabhai (2) Mafatlal Shanabhai (3) Ilaben Shanabhai (4) Subhadraben Shanabhai have sold and conveyed the land bearing Block No. 106 (Revenue Survey Nos. 65, 286, 287 paiki, 289+289/1, 290/1, 290/2, 290/3 admeasuring 35612 sq.mtrs. and Old Survey Nos. 67/1, 67/2, 288 and 288/2 admeasuring 33893 sq.mtrs. total admeasuring 69505 sq.mtrs. old and new tenure land paiki 11836 sq.mtrs. land (Old Revenue Survey Nos. 289 + 289/1, 290/1) to Pramukhbhai Dahyabhai Patel by sale deed registered in the office of the Sub-Registrar of Assurances under Serial No. 5316 dated 10-6-2008 and entry to that effect was mutated in the revenue record vide Mutation Entry No. 2081 dated 11-9-2008, which was certified by the competent Authority.

CHETAN SHAH AND ASSOCIATES ADVOCATE AHMEDABAD

13. Thereafter, the owners of the said land (1) Madhuben Wd/o. Bakabhai Mangalbhai (2) Dharmeshbhai Bakabhai and (3) Kiranbhai Bakabhai have sold and conveyed the land bearing Block No. 106 (Revenue Survey Nos. 65, 286, 287 paiki, 289+289/1, 290/1, 290/2, 290/3 admeasuring 35612 sq.mtrs. and Old Survey Nos. 67/1, 67/2, 288 and 288/2 admeasuring 33893 sq.mtrs. total admeasuring 69505 sq.mtrs. old and new tenure land paiki land admeasuring 20943 sq.mtrs. (Old Revenue Survey Nos. 289 + 289/1, 290/1) to Pramukhbhai Dahyabhai Patel by sale deed registered in the office of the Sub-Registrar of Assurances under Serial No. 5968 dated 16-10-2007 and entry to that effect was mutated in the revenue record vide Mutation Entry No. 2082 dated 11-9-2008, which was certified by the competent Authority.

14. Thereafter, the co-owner of the said land Balubhai Lallubhai died intestate on 24-3-1985 and therefore, the names of his heirs were entered in the record upon hereditary right vide Mutation Entry No. 1558 dated 24-10-1985. But at the relevant point of time, the name of (1) Raibaben alias vidhyaben, the daughter Bhalabhai Lallubhai i.e. Wd/o. Dahyabhai Ambalal and (3) Manguben alias Mangalaben D/o. Bhalubhai Lallubhai i.e. Wd/o. Parshottamdas Bapalal were not entered in the revenue record inadvertently but out of aforesaid names, Mangalaben died intestate on 2-2-2002 leaving behind her legal heirs as (1) Kamleshkumar Parshottamdas Patel (2) Shakuntalaben Parshottamdas Patel (3) Alpaben Parshottamdas Patel (4) Vilasben Parshottamdas Patel (5) Kalpanaben Parshottamdas Patel and (6) Anjanaben Parshottamdas Patel and hence their names have been entered in the revenue record upon hereditary right and entry to that effect was mutated in the revenue record vide Mutation Entry No. 2109 dated 19-12-2008, which was certified by the competent Authority.

15. Thereafter, the co-owners of the said land of Block No.106 paiki 36326 sq.mtrs paiki namely (1) Surajben Wd/o. of Girdharbhai Lallubhai (2) Madhuben Girdharbhai Patel (3) Kailashben Girdharbhai (4) Ramanbhai Bhalabhai (5) Chandubhai Bhalabhai (6) Raibaben Bhalabhai (7) Kamleshkumar Parshottamdas (8) Shakuntalaben Parshottamdas (9) Alpaben Parshottamdas (10) Vilasben Parshottamdas (11) Kalpanaben Parshottamdas (12) Anjanaben Parshottamdas (13) Madhuben Rameshbhai (14) Rajeshbhai Rameshbhai (15) Arvindbhai Shanabhai (16) Mafatbhai Shanabhai (17) Ilaben Shanabhai (18) Shubhadraben Shanabhai and (19) Manubhai Bhalabhai have voluntarily waived and relinquished their rights, title, share, claim and interest persisting in the said land in favour of Kirtibhai Girdharbhai Patel and Kamleshbhai Girdharbhai Patel and hence their names have been deleted from the revenue record of the said land and entry to that effect was mutated in

CHETAN SHAH AND ASSOCIATES ADVOCATE AHMEDABAD

the revenue record vide Mutation Entry No. 2142 dated 24-7-2009 which was certified by the competent Authority.

16. Thereafter, the co-owner of the said land namely Tejaben Wd/o. Bhalabhai Lallubhai died intestate on 19-10-1998 and hence her name was deleted from the revenue record of said land and entry to that effect was mutated in the revenue record vide Mutation Entry No. 2144 dated 6-8-2009 which was certified by the competent Authority.

17. Thereafter, the District Inspector of Land Records, Ahmedabad had issued K.J.P. S.R No. 34 (Correction Index Form) dated 30-1-2010 and accordingly, the land of Revenue Survey No. 106 of Kirtibhai Girdharbhai and others was divided into Five different Survey Numbers. Accordingly, the following Five Survey Numbers were given :-

Survey Number	Old Area sq.mtrs.	New Area sq.mtrs.	Tenure
106-A-1	50383	16795	O.T.
106-A-2	50383	17605	O.T.
106-A-3	50383	15983	O.T.
106-B-1	19122	2823	O.T.
106-B-2	19122	16289	N.T.

And entry to that effect was mutated in the revenue record vide Mutation Entry No. 2199 dated 25-2-2010, which was certified by the competent Authority.

18. Thereafter, the Deputy Collector, Viramgam Prant has granted the DIVISION of Block No.106 total admeasuring 69505 sq.mtrs. vide order bearing number Adm./ Muthia Block Divisional Revised order / S. R. No. 195 / 09 dated 21-10-2010 and accordingly the land of Block No. 106A admeasuring 50383 sq.mtrs. and Block No. 106B admeasuring 19122 sq.mtrs. aggregating to 32778 sq.mtrs. old and new tenure land paiki land admeasuring 21042 sq.mtrs. land came to be received by (1) Pramukhbhai Dahaybhai Patel, (2) Narottambhai Dahyabhai Patel and (3) Kantibhai Kachardas Patel and old tenure land admeasuring 11736 sq.mtrs. came to be received by Pramukhbhai Dahyabhai Patel. And new tenure land admeasuring 17605 sq.mtrs. came to be received by Kamleshbhai Girdharbhai and entry to that effect was mutated in the revenue record vide Mutation Entry No. 2200 dated 25-2-2010, which was certified by the competent Authority.

19. Thereafter, upon the reconstitution of Ahmedabad City Taluka and Daskroi Taluka of Ahmedabad District vide Resolution No.

CHETAN SHAH AND ASSOCIATES ADVOCATE AHMEDABAD

PFR/102011/275/L/1 dated 17-3-2012, Ahmedabad Taluka is divided into two Talukas as Ahmedabad (East) and Ahmedabad (West) and accordingly Muthiya Village was covered within the Taluka Boundaries of Ahmedabad City (East) and entry to that effect was mutated in the revenue record by Mutation Entry No. 2444 dated 2-5-2012, which was certified by the competent authority.

20. As a part of investigation of title, I had also caused Public Notice appeared in the Daily News Paper "GUJARAT SAMACHAR" dated 20-8-2012, inviting any claim, right, title, interest, objection or obligation, if any in, on or upon the said land. Pursuant to which, I have received an objection from Dharmeshbhai Bakabhai Patel stating that the said land was his ancestral land and said Dharmeshbhai along with other family members have agreed to convey the said land to Minaxiben Vardhilal Shah and executed Agreement for Sale in her favour duly registered in the office of the Sub-Registrar of Assurances under Serial No. 4111 dated 7-10-2005 and thereafter said Minaxiben Vardhilal Shah failed to pay the consideration amount and hence as per her say said Dharmeshbhai Bakabhai and others have sold and conveyed the said land of Survey No. 106 total admeasuring 69505 sq.mtrs. paiki 20943 sq.mtrs. (Old Revenue Survey Nos. 286, 287 paiki, 290/2, 290/3) by Sale Deed registered under Serial No. 5968 dated 16-10-2007. However, said Minaxiben Vardhilal Shah has filed a Special Civil Suit No. 423/07 before the Principal Judge, Ahmedabad Rural by virtue of said Agreement for Sale against Pramukhbhai Dahyabhai Patel and Others and thereafter said Minaxiben Vardhilal Shah and Others have arrived at compromise and accordingly said Minaxiben Vardhilal Shah has executed Deed of Cancellation of Agreement for Sale duly registered in the office of the Sub-Registrar of Assurances under Serial No. 851 dated 26-7-2012. Except which, I have not received any claim/objection from any person(s), in response thereto.

21. It appears that the provisions of the Town Planning Scheme made applicable to the lands of village Muthiya and accordingly the land of Survey No. 106/A/1 was included in Town Planning Scheme No. 75 and allotted Final Plot No. 15/1 admeasuring 10077 sq.mtrs.

22. Thereafter, the District Collector, Ahmedabad has granted non-agriculture use permission of the land of Final Plot No. 15/1 admeasuring 10077 sq.mtrs. vide its Order No.CTS/NA/SR-731/2012 dated 21-8-2012.

23. It is found that said Pramukhbhai Dahyabhai Patel and Others failed to pay the consideration amount and hence said Dharmeshbhai Bakabhai and others have filed Rev. Civil Suit No. 588/2012 before Hon'ble Principal Senior Civil Judge,

CHETAN SHAH AND ASSOCIATES ADVOCATES AHMEDABAD

Ahmedabad Rural for Injunction Order and the said order is still pending before the Hon'ble Court. However, the parties of Regular Civil Suit No. 588/2012 namely Plaintiff 1) Madhuben Wd/o. Bakabhai Mangaldas 2) Dharmeshbhai Bakabhai and 3) Kiranbhai Bakabhai and Defendant 1) Pramukhbhai Dahyabhai Patel 2) Kantibhai Kacharadas Patel 3) Narottambhai Mohanbhai Patel and 4) Minaxiben Vardhilal Shah have compromised in the said matter produced the Pursis below the Exh. 14 before the Hon'ble Court and they stated that they did not want to proceed the case further and they had unconditionally withdrawn the suit and therefore, the Hon'ble 6th Additional Senior Civil Judge, Ahmedabad Rural has disposed off the said suit by passing the order below Exh. 1 on 29-6-2013. Further, the Hon'ble Court has disposed off the Civil Suit Exh. 1 on the basis of withdrawal pursis produced below Exh. 14 by the plaintiff of the said Suit and therefore subsequently application for temporary injunction Exh. 5 has also been disposed off by passing order on 29-6-2013,

24. However, the parties of Special Civil Suit No. 423/07 before the Principal Judge, Ahmedabad Rural for specific performance of contract and permanent injunction order namely Plaintiff Minaxiben Vardhilal Shah and Defendant 1) Madhuben Bakabhai and Other Five have compromised in the said matter produced the Pursis below the Exh. 55 before the Hon'ble Court and they stated that they did not want to proceed the case further and they had unconditionally withdrawn the suit and therefore, the Hon'ble 6th Additional Senior Civil Judge, Ahmedabad Rural has disposed off the said suit by passing the order on 13-7-2012. Further, the Hon'ble Court has disposed off the Civil Suit on the basis of withdrawal pursis produced below Exh. 55 by the plaintiff of the said Suit,

25. Thereafter, the owner of the said land namely 1) Pramukhbhai Dahyabhai Patel (Owner of 75% Share) 2) Kantibhai Kachardas Patel (Owner of 15% Share) and 3) Narottambhai Mohanbhai Patel (Owner of 10% Share) have sold and conveyed the non-agriculture land bearing Final Plot No. 15/1 paiki admeasuring 10077 sq.mtrs. of Muthia-Bilasiya-Hanspura Draft T. P. Scheme No. 75 (Revenue Survey No. 106/A/1 admeasuring 16795 sq.mtrs.) to M/s. Shankheshwar Township by sale deed registered in the office of the Sub-Registrar of Assurances under Serial No. 3741 dated 20-3-2014 and entry to that effect was mutated in the revenue record vide Mutation Entry No. 2646 dated 18-7-2014., which was certified by the competent authority.

26. Thereafter, the Ahmedabad Municipal Corporation has issued Commencement Letter (Raja Chitthi) vide its Nos. 01872/070514/A1844/R0/M1, 01872/070514/A1845/R0/M1 AND 01872/070514/A1846/R0/M1 all dated 4-8-2014.

CHETAN SHAH AND ASSOCIATES
ADVOCATE
AHMEDABAD

27. The aforesaid report/opinion is reference of revenue records and sub-registry records relevant for the purposes to study the devolution of title and to ascertain any charge or encumbrance, and does not contains entire revenue or sub-registry records. It is to be noted that the search of complete registration records is not available due to tearing of pages of Books available for inspection. We have also pursued the copies of papers, documents, statements, affidavit, Indemnity Bond etc. produced/submitted by you and relied on the facts mentioned therein believing the same to be true.

28. We have been informed by you that the said land has not been given in security and neither you nor your predecessor in title, your heirs, assigns, executors, administrators, successors etc. have created any charge or encumbrances of any nature whatsoever thereon, nor the said land is subject matter of any pending proceedings, nor any order, decree, attachment or any order of any court or authority is operating against the said land adversely affecting the title, nor any portion thereof is under acquisition or requisition under any law and there are no other facts or particulars which can adversely affect your title.

In view of aforementioned facts and circumstances and perusal of the deeds, documents, papers, writings and records etc. submitted/ furnished by the owner/s of the said land and believing the same to be true, genuine and obtained from original sources. It appears to us that the titles of the captioned land belonging to M/s.Shankheshwar Township shall be clear, marketable, free from all encumbrances and reasonable doubt subject to :-

[1] Usual Declaration-cum-affidavit on title being made by M/s. Shankheshwar Township and also confirming the aforesaid facts and circumstances

[2] Search of complete registration record is not available due to tearing of pages of Books available for inspection.

Yours faithfully

J. D. PATEL
ADVOCATE

CHETAN SHAH AND ASSOCIATES
ADVOCATE
AHMEDABAD