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V.J. Gohil

Advocate

G/6, Ishwar Amikrupa Flat, Vejalpur, Ahmedabad-380051 (Mo) : 9426375111

To,

Dt. 19-10-2020

Dipakbhai Hasmukhbhai Soni

Umangbhai Haribhai Thakkar

Dharmadev House, Shymal Cross Road,

Satellite, Ahmedabad-380015

TITLE CERTIFICATE - CUM - REPORT

Reg.: Non Agricultural Land bearing Final Plot No. 372 admeasuring 14242 sq. mtrs. of Town Planning Scheme No. 26 (Vasana - North) (Final) (Given in lieu of Survey No. 278 paiki) situate, lying and being at Moje Vasana, Taluka Sabarmati, in the Registration District of Ahmedabad and Sub District of Ahmedabad - 4 (Paldi) and belonging to Dipakbhai Hasmukhbhai Soni & Umangbhai Haribhai Thakkar

As per instructions, we have examined the titles of the above referred property. The information given to us and believing the same to be true, correct and trustworthy and also believing the revenue records/ documents/ copies/ papers etc furnished in its file to be true and genuine, and also upon the information given by the owners that no transfer/ agreement was made in respect of the said property during the period for which the record is not available which would make the titles defective, we hereby give our certificate-cum-report on title as under:

1. It appears that the land bearing Survey No. 278 admeasuring Acre 8 - 32 Gs alongwith Pot Kharaba area admeasuring Acre 0 - 05 Gs, totally admeasuring Acre 8 - 37 Gs i.e. about 36,119 sq. mtrs. was held as 'Inam' land for public religious purposes and vide order of the Mamlatdar dated 10-01-1940, the name of Sardar Saiyad Inam Halderbaksh was entered as occupier in respect of the said land bearing Survey No. 278. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 282 dated 12-01-1940.
2. That the name of Vardhaman Muljibhai was entered as protected tenant in respect of the land bearing Survey No. 278. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 501 dated 20-08-1948.

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3. That said Inamdar Imam Haiderbaksh died intestate on or about 09-03-1948. Hence the name of his heir viz. minor Inamdar Musamiya was entered in the revenue records of the land bearing Survey No. 278. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 506 dated 06-01-1949.
4. That as the said land bearing Survey No. 278 was situated within 2 miles of the territorial jurisdictional limits of the Municipal Corporation, the provisions of the Tenancy Act would not be applicable to it. Hence, in the Village Form no. 7/12 of the said land, the names of those persons who were recorded as protected tenants even though they were not the tenants after 01-06-1953, were removed. Accordingly the name of the protected tenant of land bearing Survey No. 278 was removed.
Note: In the said entry as provided, the name of the protected tenant for land bearing Survey No. 278 is not legible. However, the same may be Vardhaman Muljibhai.
5. That the name of Chaturbhai Shankarbhai was entered as ordinary tenant in respect of the land bearing Survey No. 278 and its effect was made in the revenue records of the said land vide Entry No. 632 dated 30-06-1955.
6. That the name of Manubhai Vardhamanbhai was entered as permanent tenant in respect of the land bearing Survey No. 278 and its effect was made in the revenue records of the said land vide Entry No. 664 dated 08-03-1958.
7. That being aggrieved with the certification of entries regarding mutation of the names of permanent tenants in the revenue records of the concerned land parcels vide Entry nos. 663 to 691, the Inamdar of Vasna village preferred an appeal before the Commissidner, Vadodara, who vide order bearing no. T.N.C. dated 28-04-1960 held and directed that those persons whose names have been entered as permanent tenants vide the impugned entries should not be treated as permanent tenants. Accordingly the name of Manubhai Vardhaman was not to be treated as permanent tenant in respect of the land bearing Survey No. 278 and other lands. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 834 dated 13-02-1963.
8. That as per the Taluka Order No. A.L.T.S.R. dated 18-09-1965, the Village Form No. 7/12 of the land bearing Survey No. 278 admeasuring Acre 8 - 37 Gs was formed and based on the statements of the neighboring occupiers that one 'Al Maula' was cultivating the said land, the

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name of 'Al Maula Pandurik Ishwarlal' was recorded as the occupier of the said land. That said Al Maula Pandurik Ishwarlal gave a statement that he was not the occupier of the said land and instead one Chaturbhai Shankarbhai was the occupier of the said land and accordingly vide Taluka order no. R.T.S. Vashi 1582 dated 01-06-1967 the name of Chaturbhai Shankarbhai was entered as occupier in respect of the said land.

9. That said Chaturbhai Shankarbhai died intestate on or about 07-10-1969. Hence the names of his heirs viz. (1) Pankaj Chaturbhai (2) Kamalaben wd/o Chaturbhai (3) Minors viz. (a) Mayur (b) Kokiben and (c) Bakuben, through their guardian Pankajbhai Chaturbhai, were recorded in the revenue records of the land bearing Survey No. 278. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 1316 dated 06-06-1970.
10. Mutation entry no. 2374 dated 10-01-1980 and Entry No. 2534 dated 31-12-1980 do not pertain to the land of Survey No. 278 and hence have not been dealt with herein.
11. That the Mamlatdar and Agricultural Land Tribunal, Ahmedabad vide order dated 18-11-1982 passed in Case No. 4/82 held the owner of the land bearing Survey No. 278 to be Chaturbhai Shankarbhai Patel through his Power of Attorney holder Harmanbhai Shankarbhai and the tenants to be the heirs of deceased Khodidas Ambalal viz. (1) Jamanaben Khodidas (2) Jashvantlal Khodidas (3) Mahendrabhai Khodidas (4) Kantaben Khodidas (5) Kusumben Khodidas (6) Jayantilal Khodidas and (7) Arunaben Khodidas and accordingly directed that the said tenants pay a purchase price of Rs. 16,105/- in six installments to the owner under the provisions of the Tenancy Act and upon such payment being made, they would be entitled to purchase the said land as a Restricted Tenure Land. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 2734 dated 10-01-1982. However the said entry was cancelled. The effect of the said entry was once again made in the revenue records of the said land vide Entry No. 2985 dated 14-03-1986. However the said entry was also cancelled as an appeal was pending before the Gujarat Revenue Tribunal bearing no. 352/86 wherein an injunction/stay order dated 01-04-1986 was passed.
12. That upon implementation of the Town Planning Scheme No. 26 to the land of Village Vasna, the Durasti was made by the District Inspector of Land Records vide order bearing no. K.J.P. S.R. 10/7809 dated 06-10-1978 for land bearing Survey No. 278. However the details are not legible.

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13. Mutation entry no. 2905 dated 11-12-1988 does not pertain to the land bearing Survey No. 278 and hence has not been dealt with herein.
14. That the mutation of entry no. 2985 dated 14-03-1986 was challenged before the Gujarat Revenue Tribunal in appeal No. 352/86 and the said appeal came to be dismissed. Hence, mutation of the contents of Entry no. 2985 dated 14-03-1986 was once again made in the revenue records of the land bearing Survey No. 278 vide Entry No. 3262 dated 17-03-1988. However the said entry was also cancelled with the direction that since an order in appeal had been passed, a fresh mutation entry be made. The effect of the said entry was once again made in the revenue records of the said land vide Entry No. 3316 dated 20-08-1988.
15. That the said tenants Jamnaben Khodidas and others having paid the purchase price of Rs. 16,105/- under the provisions of Section 32-G of the Tenancy Act, their name was directed to be recorded as owners in the revenue records of the land bearing Survey No. 278 by the Mamlatdar and Agricultural Land Tribunal vide order bearing no. 4/82 dated 29-02-1988. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 3263 dated 17-03-1988. However the said entry was also cancelled in accordance with entry no. 3262. The effect of the said entry no. 3263 was once again made in the revenue records of the land bearing Survey No. 278 vide Entry No. 3317 dated 20-08-1988. However the said entry was also cancelled.
16. That the note of 'Marji' tenants is recorded in the column of other rights in respect of the land bearing Survey No. 278 and other lands. However consequent to the abolition of the 'devasthan inams' the inam land holding was abolished and those persons who were tilling the inam lands at such time were declared to be either permanent or ordinary tenants of the concerned land parcels. Hence, since such declaration of rights/ status as ordinary or permanent tenants was already made in respect of the concerned land parcels, the note and status of 'Marji tenants/ tillers was directed to be removed from the revenue records of the land bearing Survey No. 278 and other lands vide Taluka Order no. R.T.S. Vashi dated 15-07-1988. Mutation entry to the said effect was made in the revenue records of the said land vide Entry no. 3304 dated 15-07-1988. However the said entry was cancelled pursuant to the order of the Mamlatdar and Agricultural Land Tribunal bearing no. 1977 dated 02-03-1989.

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17. That the mutation entry nos. 2985 and 3316 were cancelled pursuant to the order of the Gujarat Revenue Tribunal dated 28-02-1990 in Case No. 352/86 with a direction that a fresh mutation entry be made with regard to the details contained therein. Accordingly as per the order of the Mamlatdar bearing no. S.R./Jamin/Vashi 2442 dated 13-06-1960, a fresh mutation was made in the revenue records to the effect that the said tenants (1)Jamanaben Khodidas (2)Jashvantilal Khodidas (3) Mahendrabhai Khodidas (4) Jayantilal Khodidas (5) Kantaben Khodidas (6)Kusumben Khodidas and (7)Arunaben Khodidas had paid the purchase price of Rs.16,105/- to the owner Pankajbhai Chaturbhai and others for purchase of the land bearing Survey No. 278 under the provisions of Section 32 - G of the Tenancy Act and accordingly vide order of the Mamlatdar and Agricultural Land Tribunal passed in Case no. 4/82 dated 10-11-1982, they were held to be the owners and occupiers of the said land subject to the restrictions of a Restricted Tenure Land as per the provisions of Section 43 of the Tenancy Act. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 3505 dated 14-06-1990. Similarly mutation entry no. 3506 dated 14-06-1990 was made to the above effect in respect of earlier mutated and cancelled mutation Entry no. 3317 dated 20- 08-1988.
18. That said Jamanaben Khodidas died intestate on or about 12-11-1990. Hence the names of her heirs viz. (1) Jayantilal Khodidas (2) Jashvantilal Khodidas (3) Mahendrabhai Khodidas (4)Kantaben Khodidas (5) Kusumben Khodidas and (6) Arunaben Khodidas were recorded as heirs in the revenue records of the said land bearing Survey No. 278. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 3932 dated 03-09-1995.
19. That said Jayantilal Khodidas Patel died intestate on or about 28-12-1996 and without having any children and without having been married. Hence his name was removed from the revenue records of the land bearing Survey No. 278. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 4234 dated 01-09-1999.
20. That an appeal was preferred before the Dy. Collector, Land Reforms and Appeal, against the order of the Mamlatdar and Agricultural Land Tribunal dated 10-11-1982 as mutated in Entry no. 3505 dated 14-06-1990, whereby the Mamlatdar and Agricultural Land Tribunal had sanctioned the purchase of the land bearing Survey No. 278 by tenants Jamanaben Khodidas and others subject to the restrictions of a Restricted Tenure Land. The Dy. Collector, Land Reforms and Appeal vide order dated 16-03-2001 passed in Ganot Appeal no. 19/

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2001 held and directed that the land of Survey No. 278 would be held by the purchasers without the restrictions of a Restricted Tenure Land and as old tenure land. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 4380 dated 10-04-2001.

21. That said (1) Jashvantlal Khodidas Patel (2) Mahendrabhai Khodidas Patel (3) Kantaben Khodidas Patel (4) Kusumben Khodidas Patel and (5) Arunaben Khodidas Patel entered into an Agreement for Sale dated 07-01-2006 in respect of the land bearing (A) Survey No. 278 paiki area admeasuring 23,737 sq. mtrs. and (B) Survey No. 278 paiki area admeasuring 12,382 sq. mtrs. now given (1) Final Plot No. 224 admeasuring 3665 sq. mtrs. and (2) Final Plot No. 313 admeasuring 5448 sq. mtrs. in favour of (1) Bharatbhai Vitthalbhai Patel and (2) Deepak Hasmukhbhai Soni and the said Agreement for Sale was registered before the Sub Registrar, Ahmedabad - 4 (Paldi) at Serial No. 170 on 07-01-2006. In the said Agreement for Sale the family members of Jashvantbhai Patel viz. (1) Kokilaben w/o Jashvantbhai Patel (2) Vishal Jashvantbhai Patel (3) Mitesh Jashvantbhai Patel and (4) Mukul Jashvantbhai Patel and family members of Mahendrabhai Patel viz. (5) Vidyaben Mahendrabhai Patel (6) Vaishali Mahendrabhai Patel (7) Minors (a) Kalpit Mahendrabhai and (b) Sweety Mahendrabhai, through their guardian Mahendrabhai Khodidas Patel, joined as Confirming Party and confirmed the said sale in favour of the purchasers mentioned.
22. That said (1) Jashvantlal Khodidas Patel (2) Mahendrabhai Khodidas Patel (3) Kantaben Khodidas Patel (4) Kusumben Khodidas Patel and (5) Arunaben Khodidas Patel, all through their Power of Attorney Holders viz. (a) Mahendrabhai Vitthalbhai Patel and (b) Bipinbhai Dahyabhai Soni entered into an Agreement for Sale in respect of the land bearing Survey No. 278 paiki now given Final Plot No. 224 admeasuring 3665 sq. mtrs. in Town Planning Scheme No. 26 in favour of Devanand Co-operative Housing Society Ltd. and the same was registered before the Sub Registrar, Ahmedabad - 4 (Paldi) at Serial No. 6612 on 14-07-2006. In the said Agreement for Sale the earlier agreement rights holders viz. (1) Bharatbhai Vitthalbhai Patel and (2) Deepak Hasmukhbhai Soni joined as confirming party upon the understanding that they would be entitled to receive the agreed consideration for sale of the said land. However, the said Agreement for Sale came to be cancelled vide a Deed of Cancellation dated 06-11-2007 registered before the Sub Registrar, Ahmedabad - 4 (Paldi) at Serial No. 11479 on 06-11-2007.
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23. That said (1) Jashvantlal Khodidas Patel (2) Mahendrabhai Khodidas Patel (3) Kantaben Khodidas Patel (4) Kusumben Khodidas Patel and (5) Arunaben Khodidas Patel, all through their Power of Attorney Holders viz. (a) Mahendrabhai Vitthalbhai Patel and (b) Bipinbhai Dahyabhai Soni sold and conveyed the land bearing Survey No. 278 as under :

Survey No.	T.P. Scheme	Final Plot	Area
No.	No.	(Sq. Mtrs.)	
278 paiki			23,737 sq. mtrs.
278 paiki	26	313	5,448 sq. mtrs.
278 paiki	26	224	3,665 sq. mtrs.
Total			32,850 sq. mtrs.

To (1) Umangbhai Haribhai Thakkar (Having 60% share) and (2) Deepakbhai Hasmukhbhai Soni (Having 40% share) vide a sale deed dated 06-11-2007 registered before the Sub Registrar, Ahmedabad - 4 (Paldi) at Serial No. 11484 on 06-11-2007. In the said sale deed, the agreement rights holder viz. Bharatbhai Vitthalbhai Patel who had acquired rights under a registered Agreement for Sale registered at Serial No. 178 on 07-01-2006, joined as Confirming Party No. 1 and confirmed the said sale in favour of the purchasers as mentioned. Further, the family members of Jashvantbhai Patel viz. (1) Kokilaben w/o Jashvantbhai Patel (2) Vishal Jashvantbhai Patel (3) Mitesh Jashvantbhai Patel and (4) Mukul Jashvantbhai Patel and family members of Mahendrabhai Patel viz. (5) Vidyaben Mahendrabhai Patel (6) Vaishali Mahendrabhai Patel (7) Minors (a) Kalpit Mahendrabhai and (b) Sweetie Mahendrabhai, through their guardian Mahendrabhai Khodidas Patel, All Nos. (1) to (7) through their Power of Attorney Holders viz. (a) Mahendrabhai Vitthalbhai Patel and (b) Bipinbhai Dahyabhai Soni joined as Confirming Party No. 2 and confirmed the said sale in favour of the purchasers mentioned. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 4948 dated 31-01-2008.

24. That a suit had been instituted by the Custodian of Evacuee Properties against Amjadalli Gazafarali Bukhari and others in respect of certain land parcels of the Village Vasna and

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- further, Civil Appeal Nos. 5865-5867 of 2014 (Arising out of SLP (C) No. 10930-10932/2008) and others had been filed before the Supreme Court of India against the order dated 01-11-2007 passed by the Hon'ble High Court of Gujarat in MCA No. 2706 of 2006 in SCA No. 15239 of 2006. In the said matters, in view of the Memorandum dated 21-12-2006 issued by the Government of Gujarat, the Supreme Court vide order dated 30-06-2014 set aside the impugned order dated 01-11-2007 passed in the Public Interest Litigation and held that the said MCA No. 2706 of 2006 in SCA No. 15239 of 2006 should not have been entertained by the Hon'ble High Court as the said issue had already been settled pursuant to the Memorandum dated 21-12-2006 and further, pursuant to the such Memorandum being issued, the said Shri Bukhari who was claiming some interest in the properties in the village Vasna had also withdrawn the SCA 21996/2005 without challenging the said Memorandum. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 5726 dated 21-02-2015.
25. That as per the order of the District Collector, Ahmedabad bearing no. CB/Pra.Sa.Pa/Premium/Vasna/S.R./Block No. 278 Paiky 360/2016 dated 13-08-2019, upon payment of the determined premium amount, the land bearing Survey No. 278 was released from the restrictions of a Restricted Tenure Land for agricultural use and the land bearing Survey No. 278 now given Final Plot No. 372 admeasuring 14242 sq. mtrs. in the Town Planning Scheme No. 26 was released from the restrictions of a Restricted Tenure Land for Non Agricultural Residential and Commercial Use purpose. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 6142 dated 22-08-2019.
26. That the Non Agricultural Use permission for Multipurpose use was granted in respect of the land bearing Survey No. 278 paiki now given Final Plot No. 372 admeasuring 14242 sq. mtrs. in the Town Planning Scheme No. 26 by the District Collector, Ahmedabad vide order bearing no. Order No. 1202/07/18/023/2019 dated 19-09-2019. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 6148 dated 19-09-2019.
27. That the City Mamalatdar Sabarmati, Ahmedabad vide order bearing no. Sabarmati/RTS/Sudhara Order/Vasna/SR/8/2020/Vasi.23/2020 dated 09-06-2020. Mutation entry to the said effect was made in the revenue records of the said land vide Entry No. 6204 dated 12-06-2020.
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28. Advocate P.B. Mahavar file Civil Suit No. 863/2017 for and on behalf of his client Amjadali Gazafarali Bukhari V/s Jasvantlal Khodidas patel and other 15
- (i) In the year 2005, the Parliament introduced the Act called the Displaced Persons Claims and Other Laws Repeal Act, 2005 repealing five Acts namely, the Administration of Evacuee Property Act, 1950, the Displaced Persons (Claims) Act, 1950, the Evacuee Interest (Separation) Act, 1951, the Displaced Persons (Claims) Supplementary Act, 1954 and the Displaced Persons (Compensation and Rehabilitation) Act, 1954. In view of the Repealing Act and in the absence of saving clause in the Repealing Act, the above referred suit no. C. O. Case No. 1482/1957 has been rendered infructuous.
- (ii) The State Govt. has further observed that the village form no. 6 for lands of Village Vasna are under the control of District Revenue Authorities since the year 1925. The properties purchased by persons in Vasna Village have been promulgated from time to time. The Town Planning Schemes have been finalized long back. The Govt. has further observed that the claim that the entire village Vasna was given in Inam and thereby the Inamdars were the owners of the entire village Vasna is false.
- (iii) Thereafter the Hon'ble High Court of Gujarat vide order dated 01-11-2007 passed in MCA No. 2706 of 2006 in SCA No. 15239 of 2006 had granted status quo in respect of lands of village Vasna.
- (vi) Against above order dated 01-11-2007, several appeals were filed before the Hon'ble Supreme Court of India being Civil Appeal Nos. 5865-5867 of 2014 and others. The Hon'ble Supreme Court of India has vide its judgment 30-06-2014 quashed and set aside the Judgment dated 01-11-2007 passed by Hon'ble High Court of Gujarat in MCA No. 2706 of 2006 in SCA No. 15239 of 2006. The Hon'ble Supreme Court has further observed that the Memorandum dated 21-12-2006 issued by the State Govt. is final and the entire matter has become infructuous and moreover Shri Bukhari who is claiming right in the Vasna Village lands had filed a SCA no. 21996 of 2005 before the Hon'ble Gujarat High Court and he had subsequently withdrawn the petition on 18-12-2009 after the Memorandum dated 21-12-2006 was passed and without challenging the Memorandum.
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- (v) In view of the Memorandum dated 21-12-2006 issued by the Govt. of Gujarat and the Judgment dated 30-06-2014 passed the Hon'ble Supreme Court of India, the above objections does not survive and hence we have ignored the said objections.

In view of what is stated above, we hereby opine that the title of above referred Non Agricultural Land bearing Final Plot No. 372 admeasuring 14242 sq. mtrs. of Town Planning Scheme No. 26 (Vasana - North) (Final) (Given in lieu of Survey No. 278 paiki) situate, lying and being at Moje Vasana, Taluka Sabarmati, in the Registration District of Ahmedabad and Sub District of Ahmedabad - 4 (Paldi) and belonging to Dipakbhai Hasmukhbhai Soni & Umangbhai Haribhai Thakkar shall be clear and marketable and free from reasonable doubts without encumbrances subject to:-

- [1] Fulfillment of the terms and conditions of the N.A. Use permission order.
- [2] Provisions of The Town Planning and Urban Development Act and use as per Zone of AMC and plans of construction being sanctioned by AMC and provisions of Town Planning Scheme No. 26 (Vasna North) (Final).

DATED THIS 19TH DAY OF OCTOBER, 2020

V.J. GOHIL
V.J. GOHIL (Advocate)
ADVOCATE