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Ref: No. 105/2022/HHD/KHD of 2023 Date:

REPORT ON TITLE

Re: IN THE MATTER OF VERIFICATION OF TITLE to the Non Agricultural Land situate, lying and being at Shela (sim), Taluka Sanand, in the Registration District Ahmedabad and Sub District Sanand, bearing Survey/Block No. 335/2/A/1, admeasuring about 11943 sq.mts., included in Draft Town Planning Scheme No. 1 (Shela) and allotted/given Final Plot No. 67/2/1, admeasuring about 7166 sq.mts.

We have undertaken the work of verification of title with respect to the Land above referred to, by taking necessary searches with the available revenue and sub registry records (Index-II) for a period of last about more than thirty years. We have caused necessary searches to be taken accordingly. We have taken root of title commencing from about 1985, prior to more than thirty years. Our Report on Title is stated hereafter. For detailed facts and particulars reference may be taken from the documents, papers, writings and records referred to herein below.



A. Description of the Property:

- (1) Property under reference is Non Agricultural Land situate, lying and being at Shela (sim), Taluka Sanand, in the Registration District Ahmedabad and Sub District Sanand, bearing Survey/Block No. 335/2/A/1, admeasuring about 11943 sq.mts., included in Draft Town Planning Scheme No. 1 (Shela) and allotted/given Final Plot No. 67/2/1, admeasuring about 7166 sq.mts. (Hereinafter referred to as the "Said Land").

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- (2) The land of Block No. 335/part/2/A came in existence upon bifurcation of Block No. 335/part/2 in 3 parts as stated in Para B(6)(ii) hereinbelow.
- (3) The land of Block No. 335 has been granted permission – revised permission for multipurpose Non Agricultural Use by order of Collector Shri, Ahmedabad, bearing No. 4485/07/04/024/2022, dated 30th July, 2022, read with order dated 3rd August, 2022, bearing No. CB/N.A./Table – 3/Sudhara Hukam/S.No. 335/2/A/1/Shela/22 as per the terms and conditions stipulated therein. (*Reference: Revenue Entry Nos. 7026, dated 30th July, 2022 and 7041, dated 25th August, 2022*).
- (4) The Development Permission for construction on the Said Land has been granted by Ahmedabad Urban Development Authority on 10th/12th August, 2022, bearing No. PRM/66/7/2022/127 as per the terms and conditions stipulated therein. (*Reference: Copy of the Said Permission*).

B. Devolution:

- (1) Much prior to the year, 1985, the Land of old Block No. 335 was registered in the revenue records in the name of Joitaram Bapuram Patel.
- (2) Said Joitaram Bapuram died and names of Magan Joitaram, Ratilal Maganlal, Dasharatlal Maganlal, Jayantilal Maganlal and Jasubhai Maganlal were entered in the revenue records. (*Reference: Revenue Entry No. 871, dated 28th October, 1980*).
- (3) Thereafter, Said Magan Joitaram, Ratilal Maganlal, Dasharatlal Maganlal, Jayantilal Maganlal and Jasubhai Maganlal sold and conveyed the land of Block No. 335/part, admeasuring about 60905 sq.mts., to Savitaben Govindbhai Patel and Hasmukhbhai Govindbhai Patel, by or under a Sale Deed dated 6th July, 1981, registered with the office of the Sub Registrar of Assurances, under Sr. No. 8312, in the manner and for the consideration recorded therein. (*Reference: Revenue Entry No. 1018, dated 11th June, 1982*). The remaining land, admeasuring about 18009 sq.mts., was previously sold and conveyed to Ibrahim Usmanbhai, by a Sale Deed dated 10th April, 1980, registered with the office of the Sub Registrar of Assurances, under Sr. No. 1019 in the manner and for the consideration recorded therein.



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- (4) Thereafter, Said Savitaben Govindbhai Patel and Hasmukhbhai Govindbhai Patel sold and conveyed the Said Land of Block No. 335/part, admeasuring about 60905 sq.mts., to (1) Dushyant Manishankar Pandya, (2) Dipak Parmandbhai Nimbark and (3) Hitesh Rasiklal Vyas, by or under Sale Deed dated 14th December, 2006, registered with the office of the Sub Registrar of Assurances, under Sr. No. 5138, in the manner and for the consideration recorded therein. *(Reference: Revenue Entry No. 2133, dated 18th December, 2006).*
- (5) Prior to completion of sale above referred to Said Savitaben Govindbhai and another agreed to sell part admeasuring 31703 sq.yds., of land of Block No. 335 to Savita Govindbhai Patel Charitable Trust, by an Agreement for Sale dated 7th March, 2005, registered with the office of the Sub Registrar of Assurances, under Sr. No. 557. Said Agreement for Sale has been cancelled by an Agreement for Cancellation dated 5th June, 2006, registered with the office of the Sub Registrar of Assurances, under Sr. No. 2104.
- (6)(i) It appears that Said Land of Block No. 335 has been sub divided and/or renumbered as 335/part/1, admeasuring about 18009 sq.mts., being the land sold to Ibrahim Usmanbhai and 335/part/2, admeasuring about 60905 sq.mts., being the land sold to Said Dushyant Manishankar Pandya and two others.

Note:

No Entry or Order for such subdivision or renumbering has been found.

- (ii) The land of Block No. 335/part/2 has been bifurcated – sub divided in three parts as follows; by order of DILR, Ahmedabad, dated 8th March, 2011, bearing No. DSO/P.R.K. D.U. PTRK/11/Dursti Patrak No. 35 + 36.

Sr. No.	Block No.	Area in sq.mts.	Owner
1.	335/part/2/A	20302	Dushyant Manishanker Pandya
2.	335/part/2/B	20302	Dipak Parmanandbhai Nimbark
3.	335/part/2/C	20301	Hitesh Rasiklal Vyas



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- (iii) Such bifurcation was also reduced in writing in form of Deed of Partition/Separation dated 30th March, 2013, executed by all three co-owners and registered with the office of the Sub Registrar, under Sr. No. 2028.
- (7) Thereafter, Said Dushyant Manishankar Pandya sold and conveyed the land admeasuring about 11943 sq.mts., of Block No. 335/part/2/A, bearing proposed Final Plot No. 67/2/1, admeasuring about 7166 sq.mts., to Shri Kalp Pranavbhai Patel, by or under a Sale Deed dated 29th May, 2014, registered with the office of Sub-Registrar of Assurances, under Sr. No. 3412, in the manner and for the consideration recorded therein. *(Reference: Revenue Entry Nos. 4696, 4697 and 4698 respectively, all dated 9th January, 2015).*
- (8) The Said Land of Block No. 335/part/2/A has been sub divided into three parts as follows; by order of District Inspector Land Records, Ahmedabad dated 16th September, 2015, bearing No. D.S.O./D.R.K./N.A. Durasthi/K.J.P. S.R. No. 105/15-16.

Sr. No.	Hissa No.	Area in sq.mts.	Owner(s)
1.	1	11943	Kalp Pranavbhai Patel
2.	2	5572	Shri Jalaram Education Medical Charitable Trust
3.	3	2787	Shivsankalp Estate Developers Pvt. Ltd.

(Reference: Revenue Entry No. 4820, dated 22nd September, 2015).

- (9) Accordingly, Said Land being Block No. 335/part/2/A (335/2/A/1, Hissa No. 1, admeasuring about 11943 sq.mts., in the revenue records stood in the name of Kalp Pranavbhai Patel.
- (10) Said Kalp Pranavbhai Patel sold and conveyed the Said Property to Kavisha Aer LLP, a Limited Liabilities Partnership Firm, registered under the provisions of the Limited Liabilities Partnership Act, 2008, on 8th June, 2021, under No. AAX-3168, represented through its Partner Rameshbhai Kantibhai Patel, by or under a Sale



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Deed dated 20th April, 2023, registered with the office of the Sub Registrar of Assurances, under Sr. No. 9496, in the manner and for the consideration recorded therein. To support and supplement the said sale, Said Kalp Pranavbhai Patel executed a Power of Attorney in favour of Said Kavisha Aer LLP, on the same day, registered with the office of the Sub Registrar of Assurances, under Sr. No. 9503. (Reference: Revenue Entry No. 7270, dated 21st April, 2023). Said Revenue Entry is as on date pending for certification.

- (11) Accordingly, Said Kavisha Aer LLP has become entitled to the Said Land.

C. Litigations and Proceedings:

- (1) The proceeding under Gujarat Prevention of Fragmentation of Consolidation of Holdings Act, were initiated by the Deputy Collector and Prant Officer, bearing Case No. 73/82, in favour of said Savitaben Govindbhai and another referred to in Para B(3) hereinabove and as per order dated 26th September, 1983, such sale and Revenue Entry No. 1018 were declared cancelled. (Reference: Revenue Entry No. 1102, dated 29th November, 1983).
- (2) Said Savitaben Govindbhai and another preferred appeal before Secretary, Revenue Department, Ahmedabad. The Secretary, Revenue Department by his order dated 23rd April, 1984, bearing No. S.R.D. Case No. 70/1984 observed that the sale is in violation of Section 31(1)(D) and the Case was remanded.
- (3) On remand, the Deputy Collector, Dholka Branch has declare the said sale void and imposed penalty of Rs. 100=00 on the parties by their order dated 30th September, 1986. (Reference: Revenue Entry No. 1315, dated 10th December, 1986). Against said order said Savitaben Govindbhai and another filed a Revision Application before the Government of Gujarat bearing Revision Application No. SRD/CON/AMD/3/87 of 1987. Said Revision Application is dismissed by the Government, by their order dated 20th April, 1990.
- (4) In the meantime the Non Agricultural Use Permission granted by the Taluka Panchayat, Sanand, dated 3rd August, 1982 was also cancelled by the Said Government in Suomoto Revision Proceedings by their order dated 30th August, 1990, bearing order No. S.R./RHI/BKHP



/AMP/23/87. Against order passed in Revision Application referred to in Para 4 hereinabove, said Savitaben Govindbhai and another filed Writ Petition bearing No. 5757/1990. Against order of cancellation of N.A. Order they filed Writ Petition bearing No. 7011/1990. Original Owners Said Dashrathbhai Maganlal and others also filed Writ Petition bearing No. 5183/1990. All the said three Petitions are clubbed and single order was passed by the Hon'ble High Court on 25th April, 2000. Under the said order the Hon'ble High Court has cancelled all the previous order and remand the same to the Chief Secretary for fresh decision.

- (5) The Revenue Department (Review) Government of Gujarat by their order dated 7th December, 2000 had approved the sale completed in favour of the Said Savitaben Govindbhai and another vide Entry No. 1018 and cancelled the order of Deputy Collector dated 30th September m 1986. They also cancelled the Revision Application and cancellation order of Non Agricultural Use Permission.
- (6) Against the above order the original owners Dashrathbhai Maganbhai and others filed Special Civil Application No. 13134 of 2001 before the Hon'ble High Court.

During Pendency of all above proceedings, the original owners sold the Said Land to Vasibhai Haribhai and six others, by Sale Deed dated 26th June, 1995, registered with the office of the Sub Registrar of Assurances, under Sr. No. 2473. Said Second Purchasers – their heirs also filed Civil Application No. 13380/2006. Both the Said Applications were rejected by the Hon'ble High Court with cost by their order dated 23rd August, 2006. Under such proceedings it was observed and mentioned by the learned Single Judge of the Hon'ble High Court as the Second Purchasers have no case and all such proceedings by the original owners and Second Purchaser were initiated only with a view to gain undue advantage.

- (7) Against such order the original owners filed Latest Patent Application No. 1875 of 2007 and said Second Purchasers had filed Latest Patent Application No. 1065 before Hon'ble Hight Court of Gujarat. The Hon'ble Hight Court of Gujarat, had rejected both the Application and confirmed the order or Single Bunch of the Hon'ble High Court dated 23rd August, 2006.

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- (8) The original Owners had also filed Regular Civil Suit No. 6 of 1986. Such Suit was dismissed by the Hon'ble Civil Court for non appearance of the Plaintiff.

In the Said Suit a status quo was asked for by the Plaintiff which, was rejected by the Hon'ble Civil Court. Against such order of rejection the original owners preferred Appeal bearing Miscellaneous Civil Appeal No. 98 of 1986 before the Court of Second Joint District Judge Saheb, Ahmedabad Rural at Narol. Said Appeal was also dismissed with cost by order dated 11th 1987.

- (9) Said Second Purchasers – their heirs filed Special Civil Suit No. 132/2007 before the Court of Hon'ble Principle Senior Civil Judge, Ahmedabad (Rural) against the original Owner and Said Savitaben Govindbhai and another demanding status-quo under Exhibit 5. Learned Judge has dismissed the same by order dated 22nd August, 2008. Said Suit has been dismissed for default, as appears in the Government portal.

Such order was challenged by the Second Purchasers before the Hon'ble High Court by way of appeal from order No. 43/2009, which was also dismissed by order dated 15th June, 2009 by the Hon'ble High Court, treating the same to be abuse all process of law.

In the order passed by Hon'ble High Court of Gujarat in LPA 1065 of 2007, passed on 14th August, 2012, at Para No. 4 thereof, it was also observed by the Hon'ble Court that such Special Civil Suit No. 132/2007 was filed by the Second Purchasers, suppressing the judgment of the learned single judge of the High Court passed on 23rd August, 2006 referred to at Para C(6) hereinabove.



- (10) One Shardaben daughter of Maganbhai Joitaram Patel and two others filed Special Civil Suit No. 14 of 2017 (old Special Civil Suit No. 298 of 2006) before the Additional Senior Civil Judge Saheb, Sanand. The same was withdrawn by Shardaben daughter of Maganbhai Joitaram Patel and two others unconditionally.

- (11)(a) Said Sellers had also initiated proceedings to challenge the Mutation Entry Nos. 2388 and 1018, however, the same had been dismissed by Deputy Collector, under his order bearing No. RTS/Appeal No. 93/07

dated 6th June, 2008. (Reference: Mutation Entry No. 3269, dated 18th August, 2008).

- (b) The Sellers preferred an appeal before District Collector against the order referred to in clause 9(a) above, and the District Collector dismissed the said appeal and upheld the said order under his order bearing No. LB/Re.A No. 146/2008, dated 15th December, 2009. (Reference: Mutation Entry No. 3491, dated 6th January, 2010).
- (12) As informed to us no other proceedings have been initiated or pending in respect of the land in question. We have relied on the same.
- D. ROC Search:
As per the ROC search report carried out by Maulik Bhavsar & Associates, Company Secretaries, on 21st April, 2023, there exists no charge in the name of Said Kavisha Aer LLP.
- E. Public Notice:
(1) As a part of investigation of Title, we gave public notice appeared in the daily newspaper "Divya Bhaskar", on 8th May, 2022, (in the name of Previous Owner being Kalp Pranavbhai Patel), inviting claims, if any, in upon or to the Said Land from any person whomsoever. We have not received any claim/objection in response thereto.
- F. Disclaimer:
(1) The aforesaid Report is reference of available revenue records and sub registry records, relevant for the purposes to study devolution of title and to ascertain any charge or encumbrance, and does not contain entire revenue or sub registry records. We have relied upon the same without going into the details or further legal validation/scrutiny of records and proceedings referred to therein and implication thereof. We have assumed the documents provided to us as genuine.
- (2) As reported by our Search Clerk/ Search Advocate, who has taken search of the revenue and sub registry records, it is found that some of the record is not maintained properly or damaged and not available. Search may lack or miss some particulars. Therefore, it is required that Usual Declaration-cum-Indemnity on Title to be made.



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- (3) As informed to us, Said Land has not been given in security nor created any charge or encumbrance of any nature whatsoever thereon, nor the Said Land is subject matter of any pending litigations and/or proceedings, nor above any order, decree, attachment or any order of any court or authority is operating against the Said Land adversely affecting the title thereto. We have relied upon the same and hereby disclaim any liability in respect thereof.
- (4) Said Land is non agricultural land. Therefore, we have not examined the laws relating to agricultural lands and implications thereof.
- (5) We have further relied on the Declaration-cum-Indemnity on Title made by Rameshbhai Kantibhai Patel, as the authorized Partner of KAVISHA AER LLP, dated 21st April, 2023, attested before Notary Public.
- (6) This Certificate and Report on Title is based on the available searches taken with the Revenue Records and available Records of the Sub Registrar (Index II) only for the period of from 30 years. However, where possible we have endeavored to ascertain the title beyond such period of 30 years. We disclaim any liability in respect thereof.

IN VIEW OF WHAT HAS BEEN STATED HEREINABOVE, we are of the Opinion that the Title of KAVISHA AER LLP to the land above referred to in the manner aforesaid is clear and free from all encumbrances and reasonable doubt, subject to Town Planning Scheme and Zoning, subject to the terms and conditions of Non Agricultural Permission and Development Permission, subject to name of Kavisha Aer LLP to be entered in the revenue and other relevant records, subject to Usual Declaration-Cum-Indemnity on Title being made, subject to above devolution on title, our comments, note(s) and observations(s) and subject to and any other laws, acts, rules and regulations as may be applicable to the Said Land.

DATED THIS 21ST DAY OF APRIL, 2023

H. Desai & Co
ADVOCATES & SOLICITORS

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