

Date : 01 - 07 - 2022

TITLE CLEARANCE CERTIFICATE

Reg.: Non-Agricultural land admeasuring 3703 Sq. Mts bearing **Revenue Survey No. 538** & land admeasuring 3642 Sq. Mts bearing **Revenue Survey No. 539**, totaling to 7345 Sq. Mts being Final Plot No. 293 of T P Scheme No. 43 of village Sim of **Ankodia**, Taluka Vadodara of District and Registration Sub District, Vadodara .

My opinion and Certificate regarding title of Non-Agricultural land admeasuring 3703 Sq. Mts bearing Revenue Survey No. 538 & land admeasuring 3642 Sq. Mts bearing Revenue Survey No. 539, totaling to 7345 Sq. Mts being Final Plot No. 293 of T P Scheme No. 43 of village Sim of Ankodia, Taluka Vadodara of District and Registration Sub District, Vadodara, is asked for. For that purpose, I have been supplied with the Photocopies of Village Form No. 7 & 12 since 1961-62, all Entries in Form No. 6, Form No. 8-A, Zone Certificate, copy of Sale Deed dated 23/04/2021, Form B under T P Act, NA Order, Development Permission, etc.

2) History of Title regarding Land bearing R. S. No. 538

a) From the documents supplied to me and more particularly from the Revenue Records, I found that land bearing R. S. No. 538 admeasuring Acre 1-21 Gunthas (Hect. 0-61-71 Sq. Mts) was mutated in the name of Mahijibhai Kashibhai vide entry no. 220 dated 12/09/1954. As per the said entry, Mahijibhai Kashibhai purchased this land by a Sale Deed from Shantilal Revashankar.



b) As per entry no. 702 dated 13/01/1957, name of Prabhudas Girdharbhai was deleted from the column of other rights of the Revenue Records. As per the said entry, Prabhudas Girdharbhai was not cultivating the land and was not having the possession for the last Two years and therefore, his name was deleted.

c) As per entry no. 1002 dated 11/09/1964, charge of Ankodia Vividh Karyakari Sahakari Mandali was recorded in the column of other rights of the Revenue Records. Patel Mahijibhai Kashibhai had taken loan from the said Mandali and therefore, the charge of the Mandali was recorded. As per entry no. 1093 dated 01/12/1967, the charge of the Mandali was deleted from the Revenue Records. The said entry was passed as per the No Due Certificate issued by Ankodia Vividh Karyakari Sahakari Mandali.

d) As per entry no. 1181 dated 30/12/1969, charge of Bank of Baroda, Koyali branch was recorded in the column of other rights of the Revenue Records. Patel Mahijibhai Kashibhai took the loan from the Bank of Baroda and therefore, the charge was recorded. However, vide entry no. 1208 dated 24/12/1970, the said charge was removed from the Revenue Records. The said entry was passed as per the No Due Certificate issued by Bank of Baroda, Koyali branch.

3) History of Title regarding Land bearing R. S. No. 539

a) As per entry no. 223 dated 13/02/1954, name of Bai Mani-Wd/o Mahashankar Haribhai was entered in the Revenue Records of this land. As per this entry, Mahashankar Haribhai died and therefore, as the heir name of Bai Mani was entered.

b) As per entry no 540, name of Prabhudas Girdharbhai alongwith Bai Mani-Wd/o Mahashankar Haribhai was entered as the Cultivator of the land.



c) Bai Mani-Wd/o Mahashankar Haribhai sold this land to Patel Jethabhai Prabhudas Girdharbhai by a Sale Deed dated 21/07/1955 and therefore, name of Patel Jethabhai Prabhudas was entered in the Revenue Records vide entry no 586 dated 21/10/1955.

d) Vide entry no. 998 dated 11/09/1964, charge of Ankodia Vividh Karyakari Sahakari Mandali Ltd. was recorded in the column of other rights of the Revenue Records. However vide entry no 1139, the charge of the said Mandali was deleted from the Revenue Records. The said entry was passed as per No Due Certificate issued by the Mandali.

e) Patel Jethabhai Prabhudas sold this land to Patel Mahijibhai Kashibhai by a Sale Deed dated 02/04/1970 and therefore, vide entry no. 1206 dated 23/11/1970, name of Patel Mahijibhai Kashibhai was entered in the Revenue Records. Thus, Mahijibhai Kashibhai became the owner of the land bearing R. S. No. 538 and R. S. No. 539.

Common Entries for land bearing R. S. No. 538 & 539

4) As per entry no 1443/8 dated 01/02/1978, charge of Bank of Baroda, Koyali branch was recorded in the column of other rights of the Revenue Records. The said charge was recorded as Mahijibhai Kashibhai had taken loan from the Bank. Similarly vide entry no 1511 dated 28/11/1978, and entry no 1574/3 dated 14/10/1979, the charges of Bank of Baroda Koyali branch were recorded in the column of other rights of Revenue Records. The said charges were recorded as Mahijibhai Kashibhai had taken loan from the Bank. The charges of Bank of Baroda, Koyali branch were removed from the Revenue Records vide entries no. 1742 dated 05/11/1984, 1872 dated 25/09/1986, 2323 dated



16/11/1994 and 4219 dated 07/09/2015. The said entries were passed as per the No Due Certificate issued by the Bank.

5) As per entry no. 2303 dated 16/04/1994, names of 1) Shantaben Mahijibhai Patel, 2) Muljibhai Mahijibhai Patel, 3) Chandubhai Mahijibhai Patel, 4) Maganbhai Mahijibhai Patel, 5) Pravinbhai Mahijibhai Patel, 6) Harshadbhai Mahijibhai Patel, 7) Vipinbhai Mahijibhai Patel, 8) Vasantleela Mahijibhai Patel, and 9) Niruben Mahijibhai Patel were entered in the Revenue Records during the lifetime and as per the Application of Patel Mahijibhai Kashibhai. Vide this entry, name of Patel Mahijibhai Kashibhai was deleted from the Revenue Records.

6) As per entry no 3798 dated 19/06/2012, Patel Chandubhai Mahijibhai died on 28/03/2012 and therefore, names of his heirs 1) Urmilaben-Wd/o Chandubhai Mahijibhai Patel and 2) Patel Heenaben-D/o Chandubhai Mahijibhai were entered in the Revenue Records.

7) As per entry no. 4048 dated 21/07/2014, Patel Shantaben Mahijibhai died on 23/09/2001 and therefore, her name was deleted from the Revenue Records.

8) As per entry no. 4399 dated 04/04/2017, Patel Muljibhai Mahijibhai died on 22/02/2017, and therefore, names of his heirs 1) Patel Vimlaben-Wd/o Muljibhai Mahijibhai, 2) Patel Rashmikaben-D/o Muljibhai Mahijibhai, 3) Patel Shaileshbhai Muljibhai, 4) Patel Arunaben-D/o Muljibhai, and 5) Patel Jayeshbhai Muljibhai were entered in the Revenue Records.

9) As per entry no 4474 dated 31/08/2017, 1) Patel Vasantleela Mahijibhai, 2) Patel Niruben Mahijibhai, 3) Patel Rashmikaben Muljibhai, and 4) Patel Arunaben Muljibhai have released and relinquished their right, title, and interest from these



lands by a registered Release Deed dated 23/08/2017. This Release Deed is registered with Sub Registrar Vadodara at Sr. No. 1164 and the names of these persons were deleted from the Revenue Records vide this entry. I have been supplied with the copy of the Release Deed.

10) Patel Pravinbhai Mahijibhai died on 30/08/2020 leaving behind him, Patel Shankuntalaben-Wd/o Pravinbhai Mahijibhai, Nileshbhai Pravinbhai, and Jalpeshbhai Pravinbhai. Names of all these heirs are entered in the Revenue Records vide entry no 4910 dated 22/09/2020.

11) Patel Jalpeshbhai Pravinbhai, S/o late Patel Pravinbhai Mahijibhai has asked for separation of his share in these lands and therefore, a Memorandum of Partition dated 24/10/2020 is executed and share of Patel Jalpeshbhai Pravinbhai totally admeasuring 680 Sq. Mts was separated. However, name of Patel Jalpeshbhai Pravinbhai is entered in the Revenue Records and therefore, this Certificate is given for the entire land totally admeasuring Hect. 1-22-41 Sq. Mts.

12) Under the Provisions of The Bombay Prevention of Fragmentation and Consolidation of Holdings Act, Revenue Survey Number 538 and 539 are consolidated and renumbered as Block Number 522 admeasuring Hect. 1-22-41 Sq. Mts.

13) Land owners Patel Maganbhai Mahijibhai and others have executed one Agreement for Sale dated 24/10/2020 in favour of 1) Khushbu Jaiminkumar Patel, 2) Jatin Arvindbhai Patel, 3) Mehul Ashokbhai Patel, 4) Kapil Hariharbhai Patel, and 5) Ronak Navnitbhai Patel agreeing to sale 11561 Sq. Mts of this land, out of 12241 Sq. Mts. Therefore, subject to the rights under the Agreement for Sale, this Certificate is given.



14) Public Notice inviting objections regarding title of this land was published in Gujarat Samachar, Sandesh, and Divya Bhaskar dailies dated, 23/09/2020 and in response thereof I received the following objections.

i) Sarojben M Mistry by submitting the objections informed that she had given the amount for this land to Jalpeshbhai Pravinbhai Patel and she has sent a copy of Promissory Note dated 29/08/2012. Except the Promissory Note she has not sent copy of any document, such as Agreement, etc. and therefore, by writing a letter dated 16/10/2020, by REGD Post AD I called upon her to send the copy of the document/Agreement by which her right in the land has been created. In spite of receipt of the said letter, she has not sent any reply or any copy of the document. Even the alleged Promissory Note is dated 29/08/2012 i.e. more than 8 years old. Therefore, I am of the opinion that there is no legal right of Sarojben in this land.

ii) Shivlal Paragchand Goyal has sent the objections through Advocate A S Nakum stating that Jalpeshbhai Pravinbhai Patel had taken some amount from him and he has to recover the huge amount from Jalpeshbhai Pravinbhai Patel. According to him, he will have a charge over this land for his outstanding amount recoverable from Jalpeshbhai Pravinbhai Patel. Alongwith the objections, he has not sent any document in support of the objections and therefore, by writing a REGD Post AD letter dated 16/10/2020, I called upon Advocate A S Nakum to send me the document/evidence in support of the objections. In response to the said letter, I have not received any document/reply. To my opinion, there is no legal force in the objections given by Shivlal P Goyal.

iii) Rajivbhai Narsinhbhai Patel has sent the objections through Advocate Abhirajsinh B Solanki stating that Jalpeshbhai Pravinbhai Patel had taken some amount from him and agreed to



sale his share in this land to him. According to him, he will have a first right to purchase the share of Jalpeshbhai Pravinbhai Patel in this land. In the objections, he has also mentioned about the executions of some writings by Jalpeshbhai Pravinbhai Patel in his favour. Alongwith the objections, he has not sent any document in support of the objections and therefore, by writing a REGD Post AD letter dated 16/10/2020, I called upon Advocate Abhirajsinh B Solanki to send me the document/evidence in support of the objections. In response to the said letter, I received a reply from Advocate Abhirajsinh B Solanki alongwith a copy of a Voucher dated 25/10/2018 alleged to have been signed by Jalpeshbhai Pravinbhai Patel for receiving Rs. 50,000/- from Rajivbhai Narsinhbhai Patel. However, he has not sent copy of any document/Agreement executed by Jalpeshbhai Pravinbhai Patel for this land or his share in this land. To my opinion, there is no legal force in the objections given by Rajivbhai Narsinhbhai Patel.

Except these, I have not received any objections from anybody.

15) Heirs of Patel Mahijibhai Kashibhai - 1) Patel Maganbhai Mahijibhai, 2) Heirs of Patel Pravinbhai Mahijibhai - 2/1 Patel Shakuntalaben Pravinbhai, 2/2 Patel Nileshbhai Pravinbhai, & 2/3 Patel Jalpeshbhai Pravinbhai, 3) Patel Harshadbhai Mahijibhai, 4) Patel Vipinbhai Mahijibhai, 5) Heirs of Patel Chandubhai Mahijibhai - 5/1 Patel Urmilaben-Wd/o Chandubhai Mahijibhai, & 5/2 Patel Hinaben-D/o Chandubhai Mahijibhai & W/o Jalvantbhai Patel, and 6) Heirs of Patel Muljibhai Mahijibhai - 6/1 Patel Vimlaben-Wd/o Muljibhai, 6/2 Patel Shaileshbhai Muljibhai, & 6/3 Patel Jayeshbhai Muljibhai, sold these lands bearing R. S. No. 538 admeasuring Hect. 0-61-71 Sq. Mts and R. S. No. 539 admeasuring Hect. 0-60-70 Sq. Mts (total Hect. 01-22-41 Sq. Mts) of village Ankodia to 1) Khushbu Jaiminkumar Patel, 2) Jatin Arvindbhai Patel, 3) Mehul Ashokbhai Patel, 4) Kapil Hariharbhai Patel, and 5) Ronak Navnitbhai Patel by a registered



Sale Deed dated 23/04/2021. This Sale Deed is registered with Sub Registrar Vadodara-8 at Sr. No. 649 on the same day. Names of the Purchasers are entered in the Revenue Records vide entry no. 4978 dated 23/04/2021 and certified on 01/06/2021.

16) I have been supplied with Form-B issued under Gujarat Town Planning & Urban Development Act from which I found that these lands bearing R. S. No. 538 and 539 (Block No. 522) admeasuring 12241 Sq. Mts is included in Draft T P Scheme No. 43 (Undera-Ankodia) and a Final Plot No. 293 totally admeasuring 7345 Sq. Mts is allotted.

17) Lands owners Khushbu Jaiminkumar Patel and others have applied for Permission for Non-Agriculture Residential Use and Collector, Vadodara has given the said Permission vide Order No. 753/19/02/020/2021 dated 31/07/2021 for land bearing R. S. No. 538 admeasuring 3703 Sq. Mts and vide Order No. 1076/19/02/020/2021 dated 20/09/2021 for land bearing R. S. No. 539 admeasuring 3642 Sq. Mts. The Permission for NA use is given for the land area as per the Final Plot under T P Scheme. Revenue Entry No. 5019 dated 31/07/2021 and Revenue Entry No. 5039 dated 20/09/2021 have been passed to this effect.

18) Land owners have obtained a Development Permission No. UDA/Plan-4/Permission/21/2021 dated 16/05/2022 from Vadodara Urban Development Authority for this land bearing F. P. No 293 of T P Scheme No. 43 admeasuring 7345 Sq. Mts. As per this Permission, land owners are permitted to construct 26 Residential Houses in this land.

19) Land owners Khushbu Jaiminkumar Patel and 4 others have formed a Partnership firm named Bhagyalaxmi Buildcon. Land owners Khushbu Jaiminkumar Patel and four others have entered into a Development Agreement dated 09/06/2022 with



Bhagyalaxmi Buildcon, a Partnership firm. This Development Agreement is registered with Sub Registrar Vadodara-4 at Sr. No. 6716. By this Development Agreement, the land owners have given the Development rights in this land to Bhagyalaxmi Buildcon, a Partnership firm. Bhagyalaxmi Buildcon has organized a Scheme of Bungalows named "Aurum Villa".

20) Search was taken by deputing my man with the office of Sub Registrar Vadodara for the years 1990 till 01/10/2020 and thereafter on 28/06/2022 for the years 2020 and 2021 with Sub Registrar Vadodara-8 and search is taken on 29/06/2022 for the years 2021 till 29/06/2022 with the office of Sub Registrar Vadodara-4. As per the search report, no adverse entry or entry regarding any encumbrance is found.

21) Looking to the above discussion and documents, I am of the opinion and I hereby certify that title of Non-Agricultural land admeasuring 3703 Sq. Mts bearing Revenue Survey No. 538 & land admeasuring 3642 Sq. Mts bearing Revenue Survey No. 539, totaling to 7345 Sq. Mts being Final Plot No. 293 of T P Scheme No. 43 of village Sim of Ankodia, Taluka Vadodara of District and Registration Sub District, Vadodara, is clear and/or marketable and free from encumbrance, in the hands of 1) Khushbu Jaiminkumar Patel, 2) Jatin Arvindbhai Patel, 3) Mehul Ashokbhai Patel, 4) Kapil Hariharbhai Patel, and 5) Ronak Navnitbhai Patel and **subject to** the rights of Bhagyalaxmi Buildcon, a Partnership firm, created under the Development Agreement dated 09/06/2022.

Date: 01/07/2022

NIRAMAY K. PARIKH
B. Com., LL. B.
ADVOCATE : GUJARAT HIGH COURT
001, G.F., Sarjanam Appartment,
21, Vrundavan Society, Ellora Park,
VADODARA - 390 023.

Niramay K. Parikh
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Advocate