TITLE REPORT

MOUJE : NIKOL

Revenue Survey No. 9/2 paikee 1

T. P. Scheme No. 119,F. P. No. 9 paikee

DINESH B. PATEL

ADVOCATE

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TITLE REPORT

To,

OM CORPORATION, A PARTNERSHIP FIRM

Having its office at : 16, Shivalay Banglows,

Opp. Vallabh Bunglows, Nikol, Ahmedabad.

SUBJECT : IN THE MATTER OF INVESTIGATION OF TITLE to the non - agricultural land bearing Final Plot No. 9 paikee admeasuring 9035 sq. mts. paikee western sided land admeasuring 4517.55 sq. mts., of T.P. Scheme No. 119 comprised of Survey No. 9/2 paikee 1 (Holding No. 2124) admeasuring 9035 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 **OM CORPORATION, A PARTNERSHIP FIRM**, we have carried out the work of the title investigation of the non - agricultural land bearing Final Plot No. 9 paikee admeasuring 9035 sq. mts. paikee western sided land admeasuring 4517.55 sq. mts., of T.P. Scheme No. 119 comprised of Survey No. 9/2 paikee 1 (Holding No. 2124) admeasuring 9035 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 **OM CORPORATION, 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:**

OM CORPORATION, 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. 9 paikee admeasuring 9035 sq. mts. paikee western sided land admeasuring 4517.55 sq. mts., of T.P. Scheme No. 119 comprised of Survey No. 9/2 paikee 1 (Holding No. 2124) admeasuring 9035 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. 9

Note : We have examined that, Talati, Nikol has issued certificate dated 20-10-2022 and certified that, the papers relating to mutation entry No. 1005, 1006, 1007, 1008, 1341, 2553, 2554, 4225, 4309, 5425 and 5802 are not available in the record of the said office.

4.1 It has been observed by us that, the land bearing Survey No. 9 admeasuring Acre. 6-08 Guntha was occupied by (1) Ranchhodbhai Khodabhai and (2) Narsidas Sevakram prior to the Year – 1952-53 meaning thereby they were the occupiers 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 mutation entry No. 178 dated 26-05-1959.

4.2 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

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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 order bearing No. LND dated 26-12-1966 is expressly evidenced and corroborated by mutation entry No. 851 dated 05-01-1967.

4.3 It has been observed by us that, the holder of said land within the meaning of Sub Section 25 of Section 3 of the Land Revenue Code namely Narsibhai Sevakram had died intestate on 10-12-1955 leaving behind him his lineal descendants as (1) Manekben Wd/o. Narsibhai Sevakram, (2) Kamlaben Wd/o. Satyanarayan Narshibhai and (3) Lilavatiben D/o. Satyanarayan Narshibhai and hence, their names were brought on the revenue record upon succession right as is expressly corroborated and evidenced by certified mutation entry No. 1005 dated 20-07-1970.

4.4 It has been observed by us that, the joint holders of the said land namely (1) Kamlaben Wd/o. Satyanarayan Narshibhai and (2) Lilavatiben D/o. Satyanarayan Narshibhai had voluntarily waived and relinquished their right, title, claim and share persisting in the land bearing Survey No. 9 in favour of Manekben Wd/o.

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Narsibhai Sevakram and hence, their names were deleted from the revenue record as is expressly corroborated and evidenced by certified mutation entry No. 1006 dated 20-07-1970.

Note: We have examined that, the Government of Gujarat in the Revenue Department had issued circular dated 17-10-2017 instructing that, when the holder of the agricultural land enters into family partition during survival at the first time and land is distributed to his legal heirs or some legal heirs waived their right and such mutation entries have been certified then no insist can be made for registered document at the time of granting non agricultural use permission and however, provisions of the Gujarat Stamp Act, 1958 would always be applicable in such cases.

Note: However, it would always be advisable, right should be waived by co-owner by executing registered deed of release.

4.5 It has been observed by us that, the name of Manekben Wd/o. Narshibhai Sevakram was standing as occupier of the said land but her Late brother in law Shankarlal Sevakram was having ½ share in the said land and upon submission of copy of Civil Suit No. 61 / 1948, the names of legal heirs of Shankarlal Sevakram (1) Dahiben Wd/o Shankarlal, (2) Jagjivan Shankarlal, (3) Parshottam Shankarlal were entered as joint holders of the

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said land within the meaning of Sub Section 25 of Section 3 of the Land Revenue Code is expressly evidenced and corroborated by mutation entry No. 1007 dated 20-07-1970.

4.6 It has been observed by us that, the joint holder of the said land namely Dahiben Wd/o. Shankarlal Sevakram had voluntarily waived and relinquished her right, title, claim and share persisting in the land bearing Survey No. 9 in favour of (1) Jagjivan Shankarlal and (2) Parshottam Shankarlal and hence, her name was deleted from the revenue record as is expressly corroborated and evidenced by certified mutation entry No. 1008 dated 20-07-1970.

4.7 It has been observed by us that, the owners of the said land had entered into family partition of the land bearing Survey No. 4 and Survey No. 9 by executing Deed of Partition registered in the Office of the Sub Registrar of Assurances at Ahmedabad under Sr. No. 7010 dated 29-01-1972, and by virtue of the said family partition the land bearing Survey No. 9 came to the share of Ranchhodbhai Khodidas and land bearing Survey No. 4 came to the share of (1) Jagjivan Shankarlal and (2) Parshottam Shankarlal and Manekben Narsibhai was given Rs. 11,543/- in cash towards her share as is expressly corroborated and evidenced by certified mutation entry No. 1341 dated 05-09-1974.

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4.8 It has been observed by us that, the holder of said land within the meaning of Sub Section 16 of Section 3 of the Land Revenue Code namely Ranchhodbhai Khodidas Prajapati had died intestate on 16-02-1996 leaving behind him his lineal descendants as (1) Bhikhiben Wd/o. Ranchhodbhai Khodidas Prajapati, (2) Ashokbhai Ranchhodbhai Prajapati, (3) Rameshbhai Ranchhodbhai Prajapati, (4) Rajendrakumar Ranchhodbhai Prajapati, (5) Shardaben Ranchhodbhai Prajapati and (6) Lilaben Ranchhodbhai Prajapati and hence, their names were brought on the revenue record upon succession right as is expressly corroborated and evidenced by certified mutation entry No. 2553 dated 20-04-1996.

4.9 It has been observed by us that, the joint holders of the said land namely (1) Shardaben Ranchhodbhai Prajapati and (2) Lilaben Ranchhodbhai Prajapati had voluntarily waived and relinquished their right, title, claim and share persisting in the land bearing Survey No. 9 in favour of their brothers (1) Ashokbhai Ranchhodbhai Prajapati, (2) Rameshbhai Ranchhodbhai Prajapati and (3) Rajendrakumar Ranchhodbhai Prajapati and hence, their names were deleted from the revenue record as is expressly corroborated and evidenced by certified mutation entry No. 2554 dated 20-04-1996.

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4.10 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 Bhikhiben Wd/o. Ranchhodbhai Khodidas had died intestate on 22-08-2006 and hence, her name was deleted from the revenue record as is expressly corroborated and evidenced by certified mutation entry No. 4225 dated 19-09-2006.

Note : It is pertinent to note that, on demise of Hindu Female, heirship mutation entry should have been entered in the revenue record but in the instant case the legal heirs of Late Bhikhiben Ranchhodbhai had already been brought in the revenue record vide mutation entry No. 2553 dated 20-04-1996.

4.11 It has been observed by us that, by Sale-Deed dated 16-10-2006 executed by (1) Ashokbhai Ranchhodbhai Prajapati, (2) Rameshbhai Ranchhodbhai Prajapati and (3) Rajendrakumar Ranchhodbhai Prajapati as Vendors in their capacity as holders of the said agricultural land bearing Survey No. 9 admeasuring 25091 sq. mts., paikee undivided admeasuring 10033 sq. mts., towards western side in favour of Chunilal Gordhanbhai Patel registered in the Office of the Sub – Registrar of Assurances at Ahmedabad-7 (Odhav) under Sr. No. 8045, agricultural land

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bearing Survey No. 9 admeasuring 25091 sq. mts., paikee undivided admeasuring 10033 sq. mts., towards western side was sold to Chunilal Gordhanbhai Patel.

By virtue of aforesaid Sale Deed, the name of Chunilal Gordhanbhai Patel 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. 4309 dated 24-11-2006.

4.12 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 / Sudharo / Kshatiyaadi / SR No – 1074 / 08 dated 22-09-2008 for rectification the errors as is expressly corroborated and evidenced by certified mutation entry No. 5425 dated 27-09-2008.

4.13 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. 65 vide their order bearing No. DSO /

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DRK / Nikol / Durasti Patrak / 09 dated 13-07-2009 and City Mamlatdar, Ahmedabad passed order bearing No. RTS / KJP / SR No. / V.2318 / 09 dated 16-07-2009 and land bearing Survey No. 9 admeasuring 25091 sq.mts., was divided into two sub divisions in accordance with the Provision of Section 117 (A) of Land Revenue Code and accordingly land admeasuring 10033 sq.mts., was given Survey No. 9/1 which is standing in the name of Chunilal Gordhanbhai Pansuriya (Patel) and land admeasuring 15058 sq.mts., was given Survey No. 9/2 which is standing in the name of (1) Rameshbhai Ranchhodbhai Prajapati, (2) Ashokbhai Ranchhodbhai Prajapati and (3) Rajendrakumar Ranchhodbhai Prajapati as is expressly corroborated and evidenced by certified mutation entry No. 5802 dated 16-07-2009.

4.14 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.

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4.15 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.

4.16 It has been observed by us that, the name of tenant Chunilal Lallubhai was not deleted by way of posting mutation entry in the revenue record and hence, the proceedings under section 32 – (1) (B) of the Tenancy Act were initiated and Tenancy Case No. 5 / 2021 took place and during the course of hearing, it was established that, Chunilal Lallubhai was not a protected tenant during the period from 01-08-1956 and 01-04-1957 and as per Amended Act No. 5 / 1973 on 03-03-1973 meaning thereby it was not proved that, he was tenant as defined in section 4 of the Tenancy Act, 1948 and the Mamlatdar and ALT, Asarva passed order on 28-05-2021 for the said purpose and notice issued under section 32(1) (B) was withdrawn as is expressly corroborated and evidenced by certified mutation entry No. 15118 dated 31-05-2021.

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Note : We have examined that, in pursuance of the land bearing Survey No. 9/1, the proceeding under section 32-1(B) of the

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Tenancy Act, 1948 were initiated and Tenancy Case No. 11/2021 took place wherein the Mamlatdar and ALT, Asarva passed order on 03-01-2022 inter alia directing to withdraw the notice issued under section 32-1(B) of the Tenancy Act, 1948.

4.17 It has been observed by us that, the Deputy Collector (Land Reforms and Appeal) Ahmedabad passed order in Tenancy Appeal Case No. 31 / 2021, Tenancy Review Case No. 50/2021, Tenancy Appeal Case No. 8/2022 and Tenancy Review Case No. 3/2022 on 14-07-2022 and dismissed the appeal bearing No. 31 / 2021 and 8 / 2022 filed under section 74 of the Tenancy Act, 1948 confirming the order dated 28-05-2021 and 03-01-2022 passed by the Mamlatdar and ALT, Asarva in Tenancy Case No. 5 / 2021 and Tenancy Case No. 11 / 2021 respectively as is expressly corroborated and evidenced by certified mutation entry No. 16295 dated 20-07-2022.

4.18 It has been observed by us that, the Deputy Collector (Land Reforms and Appeal) Ahmedabad passed order in Tenancy Appeal Case No. 31 / 2021, Tenancy Review Case No. 50/2021, Tenancy Appeal Case No. 8/2022 and Tenancy Review Case No. 3/2022 on 14-07-2022 and dismissed the appeal bearing No. 31 / 2021 and 8 / 2022 filed under section 74 of the Tenancy Act, 1948 confirming

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the order dated 28-05-2021 and 03-01-2022 passed by the Mamlatdar and ALT, Asarva in Tenancy Case No. 5 / 2021 and Tenancy Case No. 11 / 2021 respectively as is expressly corroborated and evidenced by certified mutation entry No. 16296 dated 20-07-2022.

4.19 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. 9/2 admeasuring 15058 sq.mts., by merging into Draft Town Planning Scheme No. 119 and land bearing Survey No. 9/2 is given Final Plot No. 9 and its area is fixed to the extent of 9035 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.

4.20 It has been observed by us that, the holder of said land Rameshbhai Ranchhodbhai Prajapati 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. 5371 / 07 / 14 / 004 / 2022 dated 13-09-2022 and granted non-agricultural use permission to the said land bearing Final Plot No. 9 paikee admeasuring 9035 sq. ms., comprised of Survey No. 9/2

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admeasuring 15058 sq.mts., for multipurpose in accordance with THE PROVISION OF SECTION-65, 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. 16423 dated 13-09-2022.

Note : We have examined that, after T. P. Deduction land bearing Survey No. 9/2 was separated as Survey No. 9/2 paikee 1 and 9/2 paikee 2 and it is pertinent to note that, land bearing Survey No. 9/2 paikee 2 is for T. P. Deduction.

4.21 It has been observed by us that, by Sale-Deed dated 03-02-2023 executed by (1) Rameshbhai Ranchhodbhai Prajapati, (2) Ashokbhai Ranchhodbhai Prajapati and (3) Rajendrakumar Ranchhodbhai Prajapati as Vendors in their capacity as holders of the said Non-agricultural land bearing Survey/Block No. 9/2 paikee 1 merging into Draft Town Planning Scheme No. 119 and given Final Plot No. 9 paikee and its area is fixed to the extent of 9035 sq. mts., paikee land admeasuring 4517.55 sq. mts., towards western side in favour of OM CORPORATION, A Partnership Firm registered in the Office of the Sub – Registrar of Assurances at Ahmedabad-12 (Nikol) under Sr. No. 2501, Non-agricultural land

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bearing Survey No. 9/2 admeasuring 15058 sq.mts., by merging into Draft Town Planning Scheme No. 119 and land bearing Survey No. 9/2 is given Final Plot No. 9 paikee and its area is fixed to the extent of 9035 sq. mts., paikee land admeasuring 4517.55 sq. mts., towards western side was sold to OM CORPORATION, A Partnership Firm.

By virtue of aforesaid Sale Deed, the name of OM CORPORATION, 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. 16753 dated 07-02-2023.

Note : the plaintiff Legal heirs of Chunilal Lallubhai namely Dasharathbhai Bhulabhai Patel had filed RTS Appeal and objected to cancelled the aforesaid mutation entry and on procedure of the aforesaid appeal the City Deputy Collector (East) passed order bearing No. RTS/Nikol/Takrari Case No. 21/2023 dated 03-04-2023 and dismissed the appeal filed by plaintiff and certifying mutation entry No. 16753.

4.22 It has been observed by us that, the Gujarat Revenue Tribunal, Ahmedabad passed order bearing No. REVISION/AMD/296/2022 dated 14-03-2023 and dismissed the revision application filed

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by applicant as is expressly corroborated and evidenced by certified mutation entry No. 16995 dated 28-04-2023.

4.23 It has been observed by us that, the mistakes in the village form 7/12 of the said land were noticed and hence, the Mamlatdar, Asarwa, Ahmedabad passed order bearing No. iORA/21/0714/2023 dated 26-04-2023 for rectification the errors and enter the name of Rameshbhai Ranchhodbhai Prajapati, Ashokbhai Ranchhodbhai Prajapati and Rajendrabhai Ranchhodbhai Prajapati as a occupier of remaining land as is expressly corroborated and evidenced by certified mutation entry No. 17014 dated 03-05-2023.

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 OM CORPORATION, A Partnership Firm is appearing as occupier of the said land as defined in Sub Section 16 of Section 3 of Land Revenue Code.

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.

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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 mentioned in para 8.5 of this title report.

7. Public Notice :

As a part of investigation of title, we have published a public notice appeared in the daily newspaper **"DIVYA BHASKAR** on **26th May, 2023** for inviting claim, objection, obligation, charges or lien in, on or upon said land, pursuant to which, we have not received any claim or objection in response thereto.

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8. Special Observation :

8.1 It has been observed by us that, when the land was sold by sale deed bearing No. 8045 dated 16-10-2006, 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 sixteen 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 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

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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 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.

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In the instant case, sale deed was executed in the Year – 2006 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 sixteen 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, as reflected in mutation entry No. 1006 dated 20-07-1970 (1) Kamlaben Wd/o. Satyanarayan Narshibhai and (2) Lilavatiben D/o. Satyanarayan Narshibhai, mutation entry No. 1008 dated 20-07-1970 Dahiben Wd/o. Shankarlal Sevakram and mutation entry No. No. 2554 dated 20-04-1996 (1) Shardaben Ranchhodbhai Prajapati and (2) Lilaben Ranchhodbhai Prajapati had waived their rights, but not by registered document and it is pertinent to note that, the Hon'ble Supreme Court in the case of Kale V/s. Deputy Director of Consolidation, reported in AIR 1976 SC 807 made observation that, even a family arrangement may be oral and in each case no registration is necessary. Moreover, the Hon'ble High Court of Gujarat also made observation to that effect, in case of Anandiben Jamabhai Patel V/s. State of Gujarat and Other. Moreover, Supreme Court of India had delivered judgement in Civil Appeal No. 784 / 2010 on 01-05-2019 in case of Thulsidhara and others

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V/s. Naryanappa and others and laid down the principal of laws and in the case of family partition and released of right from agricultural land, registration is not mandatory and the Government of Gujarat has also issued such instruction by issuing circular dated 14-03-2016 and 17-10-2017.

8.3 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.

8.4 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.

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8.5 We have examined that, Regular Civil Suit No. 79 / 1996 was filed by the plaintiff pertaining to the said land in the Court of Additional Senior Civil Judge, Ahmedabad Rural at Ahmedabad subsequently, the plaintiff produced withdrawal pursis below Exh. 198 and the court passed order on 12-03-2022 below Exh. 1 and disposed of the said suit as withdrawn.

Note : We have examined that, Appeal From Order bearing No. 420 / 1997 was filed in the Hon'ble High Court of Gujarat but subsequently said Appeal From Order was disposed of as withdrawn by the Hon'ble High Court of Gujarat.

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. 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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4. Provision of The Gujarat Tenancy and Agricultural Land Act, 1948.
5. Provision of The Gujarat Land Revenue Rules - 1972 and Provision of The Gujarat Land Revenue Code - 1879.
6. Provision of The Gujarat Town Planning and Urban Development Act with Rules.
7. Terms and condition of Plan approved and Construction Permission granted by Ahmedabad Municipal Corporation is to be complied.
8. 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.
9. 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, **OM CORPORATION, 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. 9 paikee admeasuring 9035 sq. mts. paikee western sided admeasuring 4517.55 sq. mts., of T. P. Scheme No. 119 comprised of Survey No. 9/2 paikee 1 (Holding No. 2124) admeasuring 9035 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 14TH JULY OF 2023, AHMEDABAD.

DINESH B. PATEL G/1220/2003 AHMEDABAD ADVOCATE

DINESH B. PATEL
ADVOCATE