

To,

Ref. : 5272

N B Project, a partnership firm

C-42, Royal Orchid, Corporate Road,
Satellite, Ahmedabad.

Ref: In the matter of investigation to the title of non agricultural land bearing Final Plot No. 46 / 2 admeasuring 3638 sq. mtrs. of Town Planning Scheme No. 236 (Ognaj-Lilapur) compromised of Survey No. 1506 / 2 admeasuring 6063 sq. mtrs. situate, lying and being at Mouje : Ognaj, Taluka : Ghatlodiya, in the Registration District of Ahmedabad Sub District - Ahmedabad - 8 (Sola) belonging to **N B Project, a partnership firm**, Registered Office at : C-42, Royal Orchid, Corporate Road, Satellite, Ahmedabad.

We refer to instructions by owners of the said land to give an opinion on title to the captioned land, by taking necessary searches from the revenue and Sub-Registry records for a period of last about Thirty Years. We have caused necessary searches to be taken accordingly through our search clerk. We have taken root of title commencing from about last Thirty Years from now. Our report on title and opinion thereof is as stated hereafter. For detailed facts and particulars reference may be taken from the documents, papers, writings and the records referred to herein below.

1. That, the land in question was owned by (1) Udyan Girjaprasad, (2) Kirtidev Girjaprasad, (3) Tanumati Girjaprasad as herself and natural guardian of Minor Achyut Girjaprasad meaning thereby they were occupiers of the said land prior to the year – 1957 within the meaning of Sub Section 16 of Section 3 of Land Revenue Code and said fact is corroborated by mutation entry No. 42 dated 27-10-1956 which was certified by the competent authority.

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2. That, Gordhan Gangaram was the tenant of the said land and on conclusion of the proceedings initiated under tenancy Act, The Additional Mamlatdar and A.L.T. passed order in Tribunal Case No. 202 on 14-3-1963 and prescribed the purchased price of Rs. 319 of said land and tenant was considered as deemed purchaser of the said land on the condition of paying purchaser price within 8 months and interest prescribed their in to landlord directing to record charge of land lord in other rights of record of 7/12 abstract of the said land and entry to that effect was mutated in the revenue record by mutation entry No. 937 dated 08-04-1963 which was certified by the competent authority on 27-08-1963.

3. That, the tenant of the said land had paid the purchase price of the said land to the landlord and hence The Mamlatdar and A.L.T. issued purchase certificate in Format No. 9 in accordance with the provision of rule 18 of Gujarat Tenancy Rules -1956 inter alia directing to delete the charge of landlord from other rights of record of 7/12 abstract of the said land and entry to that effect was mutated in the revenue record by mutation entry No. 1441 dated 15-09-1971 which was certified by the competent authority.

4. That, the land in question was standing as new tenure land in the revenue record and hence the occupier of the said land had submitted an application to the Mamlatdar Dascroi for converting the said land into old tenure land for agricultural purpose and hence the Mamlatdar and A.L.T. passed order bearing No. Jamin /Juni Sharat / V / 173 / 97 dated 06-01-1997 and released land in question from the restriction laid down by the statutory provision of section 43 of Tenancy Act with a condition liable for premium for non agricultural use and entry to that effect was



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mutated in the revenue record by mutation entry No. 4602 dated 19-2-1997 which was certified by the competent authority.

5. Thereafter, the owner of the said land namely Gordhanbhai Gangaram had died intestate on 05-01-1997 leaving behind him his legal heirs as (1) Jiviben Wd/o. of Gordhanbhai Gangarambhai, (2) Kantilal Gordhanbhai, (3) Ratilal Gordhanbhai, (4) Arvindbhai Gordhanbhai, (5) Harshadbhai Gordhanbhai, (6) Madhuben Gordhanbhai and (7) Ramilaben Gordhanbhai and hence their names were brought on the revenue record of the said land upon succession right and entry to that effect was mutated in the revenue record of the said land vide mutation entry No. 4618 dated 13-3-1997 which was certified by the competent authority.

6. Thereafter, the owner of the said land namely (1) Jiviben Gordhandas, (2) Ratibhai Gordhandas, (3) Kantibhai Gordhandas, (4) Arvindbhai Gordhandas, (5) Harshadbhai Gordhandas through their power of attorney holder Shri Shubhash Shantilal had sold and conveyed old tenure agricultural land bearing Survey No. 1506 admeasuring 8701 sq.mtrs to Ognaj Samudayik Sahakari Khaeti Mandali by Sale Deed registered in the office of Sub-Registrar of Assurances At Ahmedabad – 2 (Vadaj) under Sr. No. 252, dated 18-1-1997.

7. Thereafter, the owner of the said land namely (1) Jiviben W/d of Gordhanbhai Gangarambhai, (2) Kantilal Gordhanbhai, (3) Ratilal Gordhanbhai, (4) Arvindbhai Gordhanbhai, (5) Harshadbhai Gordhanbhai, (6) Madhuben Gordhanbhai, (7) Ramilaben Gordhanbhai had sold and conveyed the old tenure agricultural land bearing Survey No. 1506 admeasuring 8701 sq.mtrs to Lalabhai Shardulbhai by Sale Deed registered in the office of

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Sub - Registrar of Assurances At Ahmedabad-2 (Vadaj) under Sr. No. 1816, dated 28-4-1997 and entry to that effect was mutated in the revenue record by mutation entry No. 4653 dated 16-05-1997 which was certified by the competent authority.

8. That, being aggrieved and dissatisfied by the order dated 19-04-1999 passed by the City Deputy Collector, Ahmedabad, Ognaj Samudayik Kheti Sahakari Mandali Ltd., filed Revision Application No. 95 / 1999 before the District Collector, Ahmedabad under the provisions of Rule -108(6) of Gujarat Land Revenue Rules -1972 wherein The Collector, Ahmedabad passed order on -15-03-2000 and disallowed there vision application confirming the order passed by the City Deputy Collector, Ahmedabad and entry to that effect was mutated in the revenue record by mutation entry No. 5608 dated 21-2-2003 which was certified by the competent authority on 07-05-2003.

9. That, the plaintiff Ognaj Samudayik Sahakari Kheti Mandali Ltd., filed Special Civil Suit No. 205 / 1998 against defendants Jiviben Gordhandas and others in the court of Civil Judge (S.D.) Ahmedabad (Rural at Ahmedabad) praying for restraining the defendants from alienation of the land in question inter alia praying for declaration of Sale Deed No. 1816 as unlawful and null and void and in the context of said civil suit, Lis Pendency was registered in the office of sub registrar of assurances at Ahmedabad under Sr. No. 147 dated 10-01-2003 and entry to that effect was mutated in the revenue record by mutation entry No. 5694 dated 09-06-2003 which was cancelled by the competent authority on -10-11-2008.



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10. In the context of standing instruction of the Government, at present upon conducting the process of promulgation of computerized 7/12, on ascertaining from computerized 7/12 and Village Form No. 6, the mistakes were noticed and hence the Mamlatdar Daskroi passed order bearing No. R.T.S / Record promulgation /76/09 dated -15-2-2009 and directed to delete entry No. 5694 from occupier of revenue record of Survey No. 1506 and entry to that effect was mutated in the revenue record by mutation entry No. 8548 dated 25-03-2009 which was certified by the competent authority on 17-06-2009.
11. Thereafter, upon the reconstitution of Ahmedabad City and Daskroi Taluka of Ahmedabad District by Resolution No. PFR/ 102011/275/L/1 dated 17-03-2012, two different Taluka of Ahmedabad Taluka are formed as Ahmedabad (East) and Ahmedabad (West) and accordingly, Ognaj Village was covered within the Taluka Boundaries of Ahmedabad City (West) and entry to that effect was entered in the revenue record by mutation entry No. 10083 dated 03-05-2012 which was certified by the competent authority on 05-05-2012.
12. That, the Hon'ble Civil Judge passed order in Special Civil Suit No. 205/98 on 30-11-1998 and the order of status quo granted earlier was confirmed till the disposal of the suit and entry to that effect was mutated in the revenue record by mutation entry No. 10504 dated 28-06-2013 which was cancelled by the competent authority on 11-9-2013.
13. That, the Provisions of the Gujarat Town Planning and Urban Development Act-1976 were made applicable to the land bearing Survey No. 1506 admeasuring 8701 sq.mts., by merging into



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Balchandbhai K. Patel
ASSOCIATES (Advocates)

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Draft Town Planning Scheme No. 236 (Ognaj - Lilapur) and the land bearing Survey No. 1506 is given Final Plot No. 46/1 and 46/2 paikie 46/2 and its area is fixed to the extent of 3638 sq. mts., and Form-F is issued in accordance with the provision of Rules 21 & 35 of the Gujarat town planning Act and urban Development Rules-1979 enacted under the said act.

14. That, the land in question was standing as new tenure land for non agricultural purpose and hence the occupier of the said land had submitted an application to The District Collector Ahmedabad for removing the said restriction and after consideration of the said application, The District Collector Ahmedabad passed order bearing No. A.C.B / TNC-3 / PREMIUM / OGNAJ / SR-273 / 2015 Dated : 28-09-2015 and released the land in question by converting into old tenure land for non agricultural purpose and entry to that effect was mutated in the revenue record by mutation entry No. 11293 dated 29-9-2015 which was cancelled by the competent authority on 16-12-2015.
15. Thereafter, the owners of the said land had submitted an application to the District Collector, Ahmedabad for obtaining non-agricultural use permission for the said land in accordance with the provision of Section 65 of the Land Revenue Code and after consideration of the said application, the District Collector, Ahmedabad passed Order bearing No. C.B. / A.D.M / B.KHE / TATKAL / S.R.339 / 2015 dated 13-01-2016 and granted non-agricultural use permission to the land bearing Final Plot No. 46/1 and 46/2 admeasuring 5221 sq. mtrs. for Residential purpose and entry to that effect was entered in the revenue record of the said land vide mutation entry No. 11452 dated 05-03-2016, which was duly certified by the competent authority on 02-05-2016.



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16. Thereafter, the owner of the said land namely Lalabhai Shardulbhai had sold and conveyed the non agricultural land bearing Final Plot No. 46/2 admeasuring 3638 sq.mtrs., to (1) Kirtiben Mehulkumar Zunza, (2) Krishna Namankumar Trapsiya by Sale Deed registered in the office of Sub-Registrar of Assurances At Ahmedabad -8 (Sola) under Sr. No. 19053, dated 19-12-2017 and entry to that effect was mutated in the revenue record by mutation entry No. 12426 dated 03-01-2018 which was certified by the competent authority on 05-03-2018.
17. On bare perusal of the case in hand, it transpires that the plaintiff produced purses vide Exh. 141 before the court and declare that he did not want to proceed with the suit and hence Principal Senior Civil Judge, Ahmedabad passed order below Exh. 1 on 02-10-2014 and disposed of Suit No. 205 of 1998 as withdrawn.
18. On bare perusal of record of the case in hand, it transpires that the notice of cancellation of Lis Pendency was registered in the office of Sub Registrar of Assurances at Ahmedabad-8 (Sola) under Sr. No. 13765 dated 23-07-2018 whereby Lis Pendency No. 147 dated 10-01-2003 was cancelled.
19. On bare perusal of record of the case in hand it transpires that Ognaj Samudayik Sahakari Kheti Mandali Ltd., had executed Deed of Declaration registered in the office of Sub Registrar of Assurances at Ahmedabad -13 (City) under Sr. No. 2335 dated - 06-12-2014 and declared that Sale Deed No. 252 dated : 18-01-1997 was null and void or voidable ab initio and ownership right of Lalabhai Shardulbhai was admitted by the said declaration.



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20. Thereafter Hon. Mamlatdar, Ghatlodiya was passed Order No. CITY / GHATLODIYA / E-DHARA / SUDHARA HUKAM / SR-61 / 2018, dated : 19-04-2018 to continue running name of Lalabhai Shardulbhai in revenue record of land bearing Survey No. 1506, Final Plot No. 46/1 admeasuring 1583 sq.mtrs. and entry to that effect was mutated in the mutation register by Entry No. 12687 dated 26-04-2018. which was certified by the competent authority on 30-05-2018.
21. Thereafter, the owner of the said land namely Lalabhai Shardulbhai had sold and conveyed the non agricultural land bearing Final Plot No. 46/1 admeasuring 1583 sq.mtrs. of Mouje - Ognaj to Laxmiben Popatbhai Bharwad by Sale Deed registered in the office of Sub-Registrar of Assurances At Ahmedabad - 8 (Sola) under Sr. No. 5451, dated 22-03-2018 and entry to that effect was mutated in the revenue record by mutation entry No. 12689 dated 26-04-2018 which was certified by the competent authority on 15-06-2018.
22. 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. 168 vide their order bearing No. K. J. P. / S.R No. 1237 dated 05-07-2018 and land bearing Survey No. 1506 admeasuring 8701 sq. mtrs. was divided into two sub divisions in accordance with the Provision of Section 117 of Land Revenue Code and accordingly (A) land admeasuring 2638 sq.mts., was given Survey No. 1506/1 which is standing in the names of Laxmiben Popatbhai Bharwad and (B) land admeasuring 6063 sq.mts., was given Survey No. 1506/2 which is standing in the names of Kirtiben Mehulkumar Zunza & Krishna Namankumar Trapsiya and entry to that effect was mutated in



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the revenue record by mutation entry No. 12807 dated 09-07-2018 which was certified by the competent authority on 19-09-2018.

23. Thereafter, the owners of the said land namely Kirtiben Mehulkumar Zunza & Krishna Namankumar Trapsiya had submitted an application to the District Collector, Ahmedabad for obtaining non-agricultural use permission for the said land in accordance with the provision of Section 65 of the Land Revenue Code and after consideration of the said application, the District Collector, Ahmedabad passed Order bearing No. CB / LAND-1 / N.A. / S.R.-590 / 2018 FMPS NO. 408833 dated 01-12-2018 and granted non-agricultural use permission to the land bearing Final Plot No. 46 / 2 admeasuring 364 sq.mtrs. of Town Planning Scheme No. 236 allotted in lieu of Revenue Survey No. 1506 / 2 of Mouje - Ognaj for multipurpose and entry to that effect was entered in the revenue record of the said land vide mutation entry No. 13057 dated 31-12-2018, which was duly certified by the competent authority on 22-02-2019.

24. Thereafter, the owner of the said land namely Kirtiben Mehulkumar Zunza & Krishna Namankumar Trapsiya had sold and conveyed the non agricultural land bearing Final Plot No. 46 / 1 admeasuring 3638 sq.mtrs. of Town Planning Scheme No. 236 allotted in lieu of Revenue Survey No. 1506 / 2 admeasuring 6063 sq.mtrs. of Mouje - Ognaj to **N B Project, a partnership firm** by Sale Deed registered in the office of Sub-Registrar of Assurances At Ahmedabad - 8 (Sola) under Sr. No. 22345, dated 07-12-2018 and entry to that effect was mutated in the revenue record by mutation entry No. 13060 dated 04-01-2019 which was certified by the competent authority on 05-03-2019.



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25. As a part of investigation of title, we have published a public notice appeared in the daily news paper "**GUJARAT SAMACHAR**" dated 26-4-2018 on the name of former land owner for inviting any claim, objection, obligation, charges or lien in, on or upon the said land, Pursuant to which, we have not received any claim / objection in response thereto.

In view of what is stated above from that and from the information given to us except that what is stated herein above, the said land has not been given in security nor created any charge or encumbrance of any pending proceedings, nor any order, decree, attachment or 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 which adversely affects the title of the said land and believing the same to be true, correct and trustworthy and also believing the documents/papers/copies /orders/documentary evidences etc. furnished in the case file shown to us to be true and genuine and also based upon the information given by owner/s that nothing was done in respect of the said land during the period of its occupancy and for which the record is not available, which would make the title defective; It appears that the titles of the captioned land belonging to **N B Project, a partnership firm** is clear and marketable, Salable and free from encumbrances and reasonable doubts Subject to:-

- (1) Affidavit on title being made by **N B Project, a partnership firm**.
- (2) Fulfillment of the Provisions of relevant laws for the time being in force and fulfillment of provisions of Gujrat town planning and urban development act -1976 and rules made there under.
- (3) Fulfillment of the terms and conditions laid down in N.A. Order.



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SCHEDULE

ALL THAT piece or parcel of immovable property of non agricultural land bearing Final Plot No. 46 / 2 admeasuring 3638 sq. mtrs. of Town Planning Scheme No. 236 (Ognaj-Lilapur) compromised of Survey No. 1506 / 2 admeasuring 6063 sq. mtrs. situate, lying and being at Mouje : Ognaj, Taluka : Ghatlodiya, in the Registration District of Ahmedabad Sub District - Ahmedabad - 8 (Sola).

Date : July 14, 2021.

Place : Ahmedabad.

Manish Kanubhai Patel, Advocate

Enrolment No. G / 1504 / 2006.

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