

HOUSE "M", MONDEAL RETAIL PARK, BETWEEN ISKCON TEMPLE AND RAJPATH CLUB, S. G. HIGHWAY,
BODAKDEV, AHMEDABAD - 380059. PHONE : (O) 079 - 29710100, 29710200 E-mail : janiandco@gmail.com

REF. NO. 12241/2021

To,

Atithi Gokul Construction LLP.

TITLE CERTIFICATE CUM TITLE REPORT

Reg.:- Non Agricultural land bearing (i) Final Plot No. 209 paiki + 211 admeasuring 8,356 Sq. mtrs. (given in lieu of Survey No. 477/1/1 admeasuring 4,184 Sq. mtrs. and Survey No. 477/3 admeasuring 6,073 Sq. mtrs.) and (ii) Final Plot No. 212 admeasuring 7,163 Sq. mtrs. (given in lieu of Survey No. 478 admeasuring 11,934 Sq. mtrs.); in Draft Town Planning Scheme No. 56 (Sola - Gota- Ognaj), situate, lying and being at Moje Gota Taluka Ghatalodiya and in the Registration District of Ahmedabad and Sub District of Ahmedabad - 08 (Sola) and belonging to Bhavanbhai Jivanbhai Bharwad.



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As per instructions, we have examined the title of the above referred land and have caused to be taken searches (partly manual and partly computerized up to the date of Search i.e. 10-02-2023) of *available* revenue and registration record for last 30 years through our search clerk and from that and from the information given to us and believing the same to be true, correct and trustworthy and also believing the revenue record/ documents/copies/papers etc. furnished in his/its file to be true and genuine, and also based upon the information given by owners that no transfer/agreement was made in respect of the said land during the period for which the record is not available which would make the title defective, we hereby give our certificate cum report on title as under:-

**(A) History of land bearing Survey No. 477/1/1:-**

- 1) That land bearing Survey No. 477/1 admeasuring Acre 03-00 Gs. was "Sarkari Padtar" Land since the year 1956.
- 2) That as per Letter bearing No. L.N.D./ 1673/ 5133/ G dated 22-01-1973 issued by Government of Gujarat, the land bearing Survey No. 477/1 and other lands were reserved for "Re-location of Slums". Mutation Entry to the said effect was made in the revenue record vide Entry No. 1345 dated 07-05-1973.
- 3) That as per order bearing No. Jamin/ Kayami Nikal/ 5/71 passed by City Deputy Collector, Ahmedabad, the land bearing Survey No. 477/1 was re granted to Babaji Lalluji subject to payment of price of Rs. 800/- per Acre. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1692 dated 01-04-1982. The said land was re-granted as New and Indivisible Tenure Land.
- 4) That pursuant to Resolution bearing no. J.M.N.-3982 - 50828-A dated 24-04-1981 passed by Revenue Department, the Collector, Ahmedabad by his order bearing No. C.B./ L.N.D./ C/ 593/3 dated 03-06-1981, ordered to enter the name of Name of Babaji Lalluji Thakor as occupier and the said land bearing Survey No. 477/1 was granted to Babaji Lalluji Thakor as Old Tenure. Mutation Entry to the said effect was made in the revenue record vide Entry no. 1795 dated 26-11-1984.
- 5) That said Babaji Lalluji died intestate on 14-09-1988. Hence name of his only heir viz. Bhikhiben d/o Babaji Lalluji was entered in the revenue record of the said land bearing Survey no. 477/1. Mutation Entry to the said effect was



made in the revenue record vide Entry No. 1959 dated 24-09-1988.

- 6) That Mutation Entry No. 1795 was made on the basis of order of Collector, Ahmedabad dated 03-06-1981. However upon inquiry it was found that the Collector's order dated 03-06-1981 was without any basis. Hence Deputy Collector, Viramgam Prant by his order bearing no. R.T.S./ Review/ Case No. 73/87, ordered to cancel the mutation entry no. 1795. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1970 dated 29-03-1989.
- 7) That said land was New and Indivisible Tenure land, so said Bhikhiben d/o Babaji Lalluji had made an application to grant the permission to sell the said land to Hitesh M. Shah and Kalaben Nathalal. The Collector, Ahmedabad by his order bearing No. C.B./ L.N.D./ 2/3-4687/Vashi dated 29-05-1997, granted permission to sell the said land bearing Survey No. 477/1 admeasuring 12,140 Sq. mtrs. to Hitesh M. Shah and Kalaben Nathalal as Old Tenure for Agricultural purpose upon payment of Premium Amount. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2383 dated 06-11-1997.
- 8) That said Bhikhiben d/o Babaji Lalluji through her Power of Attorney holder Mahendra Chandulal sold and conveyed the said land bearing Survey No. 477/1 paiki admeasuring 6,070 Sq. mtrs. to Kalaben Nathalal by sale deed which was registered before the Sub Registrar on 10-06-1997. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2388 dated 12-12-1997.

**Note:-** We have not been provided with the copy of above referred Sale Deed.



- 9) That said Bhikhiben d/o Babaji Lalluji through her Power of Attorney holder Mahendra Chandulal sold and conveyed the said land bearing Survey No. 477/1 paiki admeasuring 6,070 Sq. mtrs. to Hitesh Mahendrakumar by sale deed which was registered before the Sub Registrar on 12-06-1997. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2389 dated 12-12-1997.
- Note:-** We have not been provided with the copy of above referred Sale Deed.
- 10) That said land bearing Survey No. 477/1 admeasuring 12,140 Sq. mtrs. was belonging to Hitesh M. Shah and Kalaben Nathalal. However portion of said land bearing Survey No. 477/1 paiki admeasuring 4,184.36 Sq. mtrs. was in possession of Bhavanbhai Bharwad. Hence a Memorandum of Understanding was executed between them on 15-11-1998 for entering the name of Bhavanbhai Bharwad on the said land bearing Survey No. 477/1 paiki admeasuring 4,184.36 Sq. mtrs. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2535 dated 06-08-1999 which was cancelled.
- 11) That effect of above referred Mutation Entry No. 2535 dated 06-08-1999 was again made in the revenue record vide Entry No. 2610 dated 14-03-2000, which was certified on 04-05-2000.
- 12) That one Sanjaybhai Chinubhai Zaveri had made an application for creating easementary rights with respect to said land bearing Survey No. 477/1, as in the sale deed Registered at Serial No. 3255 with respect to land bearing Survey No. 476, it was mentioned that the occupier had granted easementary right to the owner of land bearing Survey No. 476 from the land bearing Survey No. 477/1. Mutation Entry to the said effect was made in the revenue



record vide Entry No. 2937 dated 17-04-2003, against which an objection was raised by Hiteshbhai Mahendrakumar and others. The Mamlatdar by his order bearing No. R.T.S./Takarri Case No. 18/2004 dated 21-09-2004, cancel the said mutation entry.

13) That effect of above referred order bearing No. R.T.S./Takarri Case No. 18/2004 dated 21-09-2004 passed by Mamlatdar, wherein the mutation entry no. 2937 was cancelled was again made in the revenue record vide Entry No. 3228 dated 09-11-2004.

14) That being aggrieved by Certification of Mutation Entry No. 2610, one Kalaben Nathala and others had filed appeal before the Prant Officer, Viramgam Prant. The Prant Officer, Viramgam Prant by his order bearing No. R.T.S./ Appeal/ Case No. 142/06 dated 03-04-2007, ordered to cancel the mutation entry no. 2610 and to delete the name of Bhavanbhai Bharwad from the revenue record of the said land. Mutation Entry to the said effect was made in the revenue record vide Entry No. 3768 dated 29-05-2007.

15) That as per order of Mamlatdar, Daskroi bearing No. R.T.S./ Record Promulgation/ 72/08 dated 03-10-2008, the errors that were found during the record promulgation process on comparison and verification of the manual and computerized 7/12 forms, were directed to be rectified. Accordingly mutation entry no. 2388 and entry no. 2389 was ordered to be enter in the revenue record of the said land bearing Survey No. 477/1. Mutation entry to the said effect was made in revenue record vide Entry No. 4177 dated 27-12-2008.

16) That as per order bearing No. D.S.O./ D.R.K./ Pu.P./ Gota/ 2009 dated 30-03-2009 passed by D.I.L.R. Ahmedabad, hissa



durasti of land bearing Survey No. 477/1 was made in the following manner:-

| Sr. No. | Survey No. | Area (in Sq. mtrs.) | Occupier Names                                                   |
|---------|------------|---------------------|------------------------------------------------------------------|
| 1.      | 477/1/1    | 4,184               | Hiteshkumar<br>Mahendrakumar                                     |
| 2.      | 477/1/2    | 7,956               | (1) Kalaben<br>Nathabhai and (2)<br>Hiteshkumar<br>Mahendrakumar |

Mutation Entry to the said effect was made in the revenue record vide Entry No. 4232 dated 14-04-2009.

- 17) That vide Resolution bearing No. PFR/102011/275/L/1 dated 17-03-2012 of the revenue department, the reorganization of Taluka City and Taluka Dascroi of Ahmedabad District had taken place and accordingly two new talukas i.e. Ahmedabad (East) and Ahmedabad (West) were formed and village Gota of Dascroi Taluka then falls under Ahmedabad city (West). Mutation Entry to the said effect was made in the revenue record of the said land by Entry No. 5271 dated 03-05-2012.
- 18) That vide circular of the Revenue Department, Taluka Ahmedabad City (East) and Taluka Ahmedabad City (West) in Revenue District Ahmedabad were reorganized and new Talukas were formed and accordingly land of Moje Gota which formed part of Taluka Ahmedabad City (West) is now made part of Taluka Ghatalodiya.
- 19) That Heirs of Talashibhai Dahyabhai viz. (1) Bhikhabhai Talashibhai (2) Heirs of Chandubhai Harishbhai and Dhuliben Chandubhai viz. (a) Jitendrabhai Chandubhai (b) Jitendrabhai Chandubhai (3) Harshadbhai Haribhai (4) Jagdishbhai Haribhai had executed Confirmation Deed with



respect to land bearing Survey No. 477/1/1 admeasuring 4,184 Sq. mtrs. and Survey No. 477/1/2 admeasuring 7,956 Sq. mtrs. in favour of (1) Kalaben Nathalal and (2) Hiteshkumar Mahendrakumar Shah. The said Confirmation Deed was registered before the Sub Registrar of Ahmedabad -08 (Sola) at Serial No. 13501 on 13-09-2017.

**Note:-** We have not been provided with copy of above referred Confirmation Deed.

- 20) That Heirs of Talashibhai Dahyabhai viz. (1) Bhikhabhai Talashibhai (2) Heirs of Chandubhai Harishbhai and Dhuliben Chandubhai viz. (a) Jitendrabhai Chandubhai (b) Jitendrabhai Chandubhai (3) Harshadbhai Haribhai (4) Jagdishbhai Haribhai had executed Indemnity Bond with respect to land bearing Survey No. 477/1/1 admeasuring 4,184 Sq. mtrs. and Survey No. 477/1/2 admeasuring 7,956 Sq. mtrs. in favour of (1) Kalaben Nathalal and (2) Hiteshkumar Mahendrakumar Shah. The said Indemnity Bond was registered before the Sub Registrar of Ahmedabad -08 (Sola) at Serial No. 13502 on 13-09-2017.

**Note:-** We have not been provided with copy of above referred Indemnity Bond.

- 21) That on implementation of Draft Town Planning Scheme No. 56 (Sola- Gota- Ognaj), the land bearing Survey No. 477/3 admeasuring 6,070 Sq. mtrs. and Survey No. 477/1 paiki admeasuring 4,184 Sq. mtrs. were jointly given Final Plot No. 209 paiki + 211 admeasuring 8,356 Sq. mtrs.
- 22) That District Collector, Ahmedabad by his order bearing No. C.B./ Na.Sha./ Premium/ Gota/ Survey No./ Block No. 477/1/1/ S.R. 709/18 dated 19-06-2019, released the said land bearing Final Plot No. 209 p. + 211 paiki admeasuring 3,410 Sq. mtrs. in Draft Town Planning Scheme No. 56 (Sola- Gota- Ognaj) (given in lieu of Survey No. 477/1/1) from

restrictions of New and Indivisible Tenure for Non Agricultural use. Mutation Entry to the said effect was made in the revenue record vide Entry No. 7988 dated 20-06-2019.

- 23) That said Hiteshkumar Mahendrabhai sold and conveyed the said land bearing Final Plot No. 209 p. + 211 paiki admeasuring 3,410 Sq. mtrs. in Draft Town Planning Scheme No. 56 (Sola- Gota- Ognaj) (given in lieu of Survey No. 477/1/1) to Bhavanbhai Jivanbhai Bharwad by sale deed which was registered before the Sub Registrar of Ahmedabad - 08 (Sola) at Serial No. 1541 on 17-07-2019. Mutation Entry to the said effect was made in the revenue record vide Entry No. 8014 dated 19-07-2019.
- 24) That Non Agricultural use permission for Multipurpose use for said land bearing Final Plot No. 209 paiki + 211 paiki admeasuring 3,410 Sq. mtrs. in Draft Town Planning Scheme No. 56 (Sola- Gota- Ognaj) (given in lieu of Survey No. 477/1/1) was granted by Collector, Ahmedabad by his order bearing No. 84/07/17/057/2020 dated 15-01-2020. Mutation Entry to the said effect was made in the revenue record vide Entry No. 8218 dated 15-01-2020.



**(B) History of land bearing Survey No. 477/3:-**

- 1) That land bearing Survey No. 477/3 admeasuring Acre 01-20Gs. was "Sarkari Padtar" Land since the year 1956.
- 2) That as per Letter bearing No. L.N.D./ 1673/ 5133/ G dated 22-01-1973 issued by Government of Gujarat, the land bearing Survey No. 477/3 and other lands were reserved for "Re-location of Slums". Mutation Entry to the said effect was made in the revenue record vide Entry No. 1345 dated 07-05-1973.

3) That Mutation Entry No. 1692 dated 01-04-1982 does not pertain to the said land. Hence not dealt with herein.

4) That as per order bearing No. Jamin/ Kayami Nikal dated 15-05-1971 passed by City Deputy Collector, Ahmedabad, the land bearing Survey No. 477/3 was re granted to Shankaji Jalaji subject to payment of possession right value.

Thereafter upon payment of Possession right value on 20-03-1955, the Collector, Ahmedabad vide its Letter bearing No. C.B./ L.N.D./ Re. Vashi/ 599 dated 21-04-1995, ordered to enter the name of legal heirs of Decease Shankaji Jalaji in the revenue record of the said land bearing Survey No. 477/3. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2198 dated 26-04-1995. The said land was re-granted as New and Indivisible Tenure Land.

5) That said Shankarji Jalaji died intestate on 18-03-1985. Hence names of his heirs viz. (1) Mahotji Shankarji (2) Chandaben Shankarji (3) Isaben Shankarji (4) Leelaben Shankarji (5) Bhalaji Shankarji and (6) Kashiben wd/o Shankarji Jalaji were entered in the revenue record of the said land bearing Survey No. 477/3. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2243 dated 15-03-1996.

6) That said Bhalaji Shankarji died intestate on 15-10-1991. Hence names of his heirs viz. (1) Vihaji Bhalaji (2) Madhiben Bhalaji (3) Kaliben Bhalaji and (4) Chanchiben wd/o Bhalaji Shankarji were entered in the revenue record of the said land bearing Survey No. 477/3. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2244 dated 15-03-1996.

- 7) That as per order of Mamlatdar, Daskroi bearing No. R.T.S./ Record Promulgation/ 72/08 dated 03-10-2008, the errors that were found during the record promulgation process on comparison and verification of the manual and computerized 7/12 forms, were directed to be rectified. Accordingly names of (1) Mafaji Galaji and (2) Manguben Galaji were deleted and names of (1) Natvarji Ramaji (2) Champaben Ramaji (3) Kalaji Ramaji (4) Kantiji Ramaji (5) Kanuji Ramaji (6) Bajiben wd/o Mafaji Galaji (7) Rameshbhai alias Govaji Mafaji (8) Kapilaben Mafaji (9) Jijiben Mafaji (10) Mohanji Kanuji and (11) Vinaben Kanuji were ordered to be entered in the revenue record of the said land bearing Survey No. 477/3. Mutation entry to the said effect was made in revenue record vide Entry No. 4177 dated 27-12-2008.
- Note:-** The details mentioned in above Mutation Entry is not matching with the revenue records. We have not been provided with documents on the basis of which Mutation Entry No. 4177 is entered in revenue records.
- 8) That on implementation of Draft Town Planning Scheme No. 56 (Sola- Gota- Ognaj), the land bearing Survey No. 477/3 admeasuring 6,070 Sq. mtrs. and Survey No. 477/1 paiki admeasuring 4,184 Sq. mtrs. were jointly given Final Plot No. 209 paiki + 211 admeasuring 8,356 Sq. mtrs.
- 9) That said land was New and Indivisible Tenure Land and the land owners had executed Power of Attorney in favour of Bhavanbhai Jivanbhai Bharwad. The said Bhavanbhai Jivanbhai Bharwad had made an application to release the said land bearing Survey No. 477/3 from restrictions of New and Indivisible Tenure Land. The Deputy Collector, Viramgam Prant by his order bearing No. Jamin/ Sharat Bhang/ C- 5578/10 dated 16-02-2010, ordered to enter the name of Shree Sarkar without any compensation in the



revenue record of the said land bearing Survey No. 477/3 as there was violation of conditions of grant of said land. Mutation Entry to the said effect was made in the revenue record vide Entry No. 4444 dated 18-02-2010.

10) That on implementation of order bearing dated 16-02-2010 passed by Deputy Collector, Viramgam Prant, and preparation of S - Form, the 7/12 form of the said land bearing Survey No. 477/3 was mistakenly closed. Hence Mamlatdar, Daskroi by his order bearing No. E- Dhara/ Sudhara Hukam/ Gota/ 10/ SR - 299/10 dated 09-04-2010, ordered to prepare new S- Form of the said land bearing Survey No. 477/3 and held Shree Sarkar as occupier. Mutation Entry to the said effect was made in the revenue record vide Entry No. 4494 dated 09-04-2010.

11) That being aggrieved by order bearing dated 16-02-2010 passed by Deputy Collector, Viramgam Prant, said Mahotaji Shankarji through his POA holder Dineshbhai Bhavanbhai Bharwad had filed a Revision Application before the Gujarat Revenue Tribunal. The Gujarat Revenue Tribunal by its order bearing No. Appeal/ Revision Application/ AA/15 /10 dated 16-04-2010, granted status quo with respect to order bearing dated 16-02-2010 passed by Deputy Collector, Viramgam Prant. Mutation Entry to the said effect was made in the revenue record vide Entry No. 4654 dated 23-08-2010.

12) That vide Resolution bearing No. PFR/102011/275/L/1 dated 17-03-2012 of the revenue department, the reorganization of Taluka City and Taluka Dascroi of Ahmedabad District had taken place and accordingly two new talukas i.e. Ahmedabad (East) and Ahmedabad (West) were formed and village Gota of Dascroi Taluka then falls under Ahmedabad city (West). Mutation Entry to the said

effect was made in the revenue record of the said land by Entry No. 5271 dated 03-05-2012.

- 13) That vide circular of the Revenue Department, Taluka Ahmedabad City (East) and Taluka Ahmedabad City (West) in Revenue District Ahmedabad were reorganized and new Talukas were formed and accordingly land of Moje Gota which formed part of Taluka Ahmedabad City (West) is now made part of Taluka Ghatalodiya.
- 14) That Gujarat Revenue Tribunal by its order bearing No. AA/15/10 dated 21-12-2012, ordered to cancel the order dated 16-02-2010 passed by Deputy Collector, Viramgam Prant as land occupier were ready to pay premium amount to the Government and also ordered to Collector to pass appropriated order as per prevailing rule, regulation and laws with respect to the same. Mutation Entry to the said effect was made in the revenue record vide Entry No. 5494 dated 02-02-2013.
- 15) That effect of above referred Mutation Entry No. 5494 was again made in the revenue record vide Entry No. 5695 dated 04-10-2013.
- 16) That said Kashiben wd/o Shankarji died intestate on 22-09-1997. Hence name of Kashiben wd/o Shankarji was deleted from the revenue record of the said land bearing Survey No. 477/3. Mutation Entry to the said effect was made in the revenue record vide Entry No. 6507 dated 16-03-2016.
- 17) That said Mahotji Shankarji died intestate on 04-02-2016 and his daughter viz. Jayaben Mahotji died intestate on 16-12-2004. Hence names of their heirs viz. (1) Manguben Mahotji (2) Popatji Mahotji (3) Shakariben Mahotji (4) Parbatji Mahotji (5) Rekhaben Prahladi and (6) Ajay Prahladi were



entered in the revenue record of the said land bearing Survey No. 477/3. Mutation Entry to the said effect was made in the revenue record vide Entry No. 6516 dated 19-03-2016.

18) That District Collector, Ahmedabad by his order bearing No. C.B./ Na.Sha./ Premium/ Gota/ Survey No./ Block No. 477/3/ S.R. 708/18 dated 08-04-2019, released the said land bearing Final Plot No. 209 p. + 211 paiki admeasuring 4,946 Sq. mtrs. in Draft Town Planning Scheme No. 56 (Sola- Gota- Ognaj) (given in lieu of Survey No. 477/3) from restrictions of New and Indivisible Tenure for Non Agricultural use. Mutation Entry to the said effect was made in the revenue record vide Entry No. 7884 dated 18-04-2019.

19) That said (1) Chandaben Shankarji (2) Isaben Shankarji (3) Leelaben Shankarji (4) Vihaji Bhalaji (5) Madhiben Bhalaji (6) Kaliben Bhalaji (7) Chanchiben wd/o Bhalaji (8) Manguben Mahotji (9) Popatji Mahotji (10) Shakariben Mahotji (11) Parbatji Mahotji (12) Rekhaben Prahladi and (13) Ajay Prahladi sold and conveyed the said land bearing Final Plot No. 209 p. + 211 paiki admeasuring 4,946 Sq. mtrs. in Draft Town Planning Scheme No. 56 (Sola- Gota- Ognaj) (given in lieu of Survey No. 477/3) to Bhavanbhai Jivanbhai Bharwad by sale deed which was registered before the Sub Registrar of Ahmedabad - 08 (Sola) at Serial No. 778 on 15-04-2019. Mutation Entry to the said effect was made in the revenue record vide Entry No. 7887 dated 26-04-2019.

20) That Non Agricultural use permission for Multipurpose use for said land bearing Final Plot No. 209 p. + 211 paiki admeasuring 4,946 Sq. mtrs. in Draft Town Planning Scheme No. 56 (Sola- Gota- Ognaj) (given in lieu of Survey No. 477/3) was granted by Collector, Ahmedabad by his order bearing No. 2151/07/17/057/2019 dated 18-11-2019.

Mutation Entry to the said effect was made in the revenue record vide Entry No. 8139 dated 18-11-2019.

**(C) History of land bearing Survey No. 478:-**

- 1) That land bearing Survey No. 478 admeasuring Acre 02-38Gs. was "Sarkari Padtar" Land since the year 1956.
- 2) That upon repayment of loan, earlier charge of Tagavi stands released with respect to said land bearing Survey No. 478. Mutation Entry to the said effect was made in the revenue record vide Entry No. 966.
- 3) That as per Letter bearing No. L.N.D./ 1673/ 5133/ G dated 22-01-1973 issued by Government of Gujarat, the land bearing Survey No. 478 and other lands were reserved for "Re-location of Slums". Mutation Entry to the said effect was made in the revenue record vide Entry No. 1345 dated 07-05-1973.
- 4) That as per order bearing No. Jamin/ Kayami Nikal/ 5/71 passed by City Deputy Collector, Ahmedabad, the land bearing Survey No. 478 was re granted to Babaji Lalluji subject to payment of price of Rs. 800/- per Acre. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1692 dated 01-04-1982. The said land was re-granted as New and Indivisible Tenure Land.
- 5) That pursuant to Resolution bearing no. J.M.N.-3982 - 50828-A dated 24-04-1981 passed by Revenue Department, the Collector, Ahmedabad by his order bearing No. C.B./ L.N.D./ C/ 593/3 dated 03-06-1981, ordered to enter the name of Babaji Lalluji Thakor as occupier and the said land bearing Survey No. 478 was granted to Babaji Lalluji Thakor



as Old Tenure. Mutation Entry to the said effect was made in the revenue record vide Entry no. 1795 dated 26-11-1984.

- 6) That said Babaji Lalluji died intestate on 14-09-1988. Hence name of his only heir viz. Bhikhiben d/o Babaji Lalluji was entered in the revenue record of the said land bearing Survey no. 478. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1959 dated 24-09-1988.
- 25) That Mutation Entry No. 1795 was made on the basis of order of Collector, Ahmedabad dated 03-06-1981. However upon inquiry it was found that the Collector's order dated 03-06-1981 was without any basis. Hence Deputy Collector, Viramgam Prant by his order bearing no. R.T.S./ Review/ Case No. 73/87, ordered to cancel the mutation entry no. 1795. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1970 dated 29-03-1989.
- 7) That Bhikhiben d/o Babaji Lalluji agreed to sell the said land bearing Survey No. 478 admeasuring 11,934 Sq. mtrs. to Manojbhai Becharbhai Bharwad by Agreement for Sale which was Notarized before the Notary Public M.N. Amin at Serial No. 640/1994 on 06-08-1994.
- 8) That said Manojbhai Becharbhai Bharwad had instituted Special Civil Suit No. 502/2007 before Principal Civil Judge, Ahmedabad (Rural) against (1) Bhikhiben Jivanji Thakor and (2) Mukeshji Jivanji Thakor. In the said suit plaintiff had claimed that he has right, title and interest in the said suit land as the Defendant No. 1 had agreed to sell the said land to Plaintiff and one Agreement for Sale has also been executed between them on 06-08-1994 and paid huge Consideration Amount to the defendant no. 1. Moreover the possession has also been delivered by the Defendant No. 1 to the plaintiff. The Plaintiff alleged that the defendant no. 1 is

not executing sale deed in his favour and hence the present suit is filed. Hence the plaintiff had prayed to declare he has right, title and interest in the said land and also had prayed for to execute sale deed in his favour.

Thereafter said Special Civil Suit no. 502/2007 was converted into the Civil Suit No. 755/2007.

Thereafter Mutual Settlement was arrived at between the parties to the said suit, and consequently Compromise Pursis submitted to the Hon'ble Court, wherein the Defendants accepted the transaction entered between the plaintiff and them and also agreed to execute sale deed in favour of the Plaintiff. Hence 2<sup>nd</sup> Additional Senior Civil Judge, Ahmedabad (Rural) by its order dated 02-02-2008, allowed the said Compromise Pursis and consequently said suit is disposed off as withdrawn and Decree be drawn in terms of Compromise.

- 9) That said Bhikhiben Babaji Lalluji agreed to sell the said land bearing Survey No. 478 admeasuring 11,934 Sq. mtrs. to Kanubhai Patel by Agreement for Sale which was registered before the Sub Registrar of Ahmedabad - 02 (Vadaj) at Serial No. 13575 on 04-12-2007.

That subsequently said Agreement for Sale registered at Serial No. 13575 was cancelled by Cancellation Deed which was registered before the Sub Registrar of Ahmedabad -02 (Vadaj) at Serial No. 8087 on 09-04-2008.

**Note:-** We have not been provided with the copy of said Agreement for Sale and Cancellation Deed.

- 10) That one Jagatsinh Mahipatsinh Jadeja through his power of attorney holder Maheshbhai M. Lakhani had instituted Regular Civil Suit No. 452/2009 before Principal Senior Civil Judge, Ahmedabad (Rural) against (1) Bhikhiben Jivanbhai Thakor (2) Mukeshji Jivanji Thakor and (3) Manojbhai Becharbhai Bharwad. In the said suit the plaintiff had



claimed that he has right, title and interest in the said land as Defendant No. 1 had agreed to sell the said suit land to him and executed Agreement for Sale on 13-02-1991 against huge consideration. The plaintiff had alleged that the said Defendant No. 1 had executed one agreement for sale in favour of Defendant No. 3 and both the defendants had collusively filed Civil Suit and by mutual settlement they had drawn decree in their favour. Hence the plaintiff had prayed for to restrain defendant from selling, transferring and mortgaging the said suit land to third parties.

That Hon'ble Court, vide its order dated 10-02-2010, granted status quo and restrained the defendants from selling, transferring and mortgaging the said suit land to third parties.

That being aggrieved by the above referred order dated 10-02-2010 passed by Hon'ble Court, said (1) Bhikhiben Jivaji Thakor and (2) Manojbhai Becharbhai Bharwad had filed Civil Miscellaneous Application No. 28/10 before 2<sup>nd</sup> Additional District Judge, Ahmedabad (Rural). The 2<sup>nd</sup> Additional District Judge, Ahmedabad (Rural) vide its order dated 08-11-2011 rejected the said Civil Miscellaneous Application and upheld the order dated 10-02-2010, where in status quo was granted against the Defendants till final disposal of the suit.

That as per the online Case status of said Regular Civil Suit No. 452/2009, it is disposed off on 10-02-2023. However we have not been provided with copy of papers relating to disposed off the said suit.

- 11) That said land was New and Indivisible Tenure Land and the land owners had executed Power of Attorney in favour of Dineshbhai Bhavanbhai Bharwad. The said Dineshbhai Bhavanbhai Bharwad had made an application to release the said land bearing Survey No. 478 from restrictions of New and Indivisible Tenure Land. The Deputy Collector,

Viramgam Prant by his order bearing No. Jamin/ Sharat Bhang/ C- 5579/10 dated 16-02-2010, ordered to enter the name of Shree Sarkar without any compensation as there was violation of Conditions; in the revenue record of the said land bearing Survey No. 478. Mutation Entry to the said effect was made in the revenue record vide Entry No. 4443 dated 18-02-2010.

- 12) That being aggrieved by order bearing dated 16-02-2010 passed by Deputy Collector, Viramgam Prant, said Bhikhiben Babaji through her POA holder Dineshbhai Bhavanbhai Bharwad had filed a Revision Application before the Gujarat Revenue Tribunal. The Gujarat Revenue Tribunal by its order bearing No. Appeal/ Revision Application/ AA/14 /10 dated 16-04-2010, granted status quo with respect to order bearing dated 16-02-2010 passed by Deputy Collector, Viramgam Prant. Mutation Entry to the said effect was made in the revenue record vide Entry No. 4655 dated 23-08-2010.
- 13) That on implementation of Draft Town Planning Scheme No. 56 (Sola- Gota- Ognaj), the land bearing Survey No. 478 admeasuring 11,934 Sq. mtrs. was given Final Plot No. 212 admeasuring 7,163 Sq. mtrs.
- 14) That vide Resolution bearing No. PFR/102011/275/L/1 dated 17-03-2012 of the revenue department, the reorganization of Taluka City and Taluka Dascroi of Ahmedabad District had taken place and accordingly two new talukas i.e. Ahmedabad (East) and Ahmedabad (West) were formed and village Gota of Dascroi Taluka then falls under Ahmedabad city (West). Mutation Entry to the said effect was made in the revenue record of the said land by Entry No. 5271 dated 03-05-2012.



- 15) That vide circular of the Revenue Department, Taluka Ahmedabad City (East) and Taluka Ahmedabad City (West) in Revenue District Ahmedabad were reorganized and new Talukas were formed and accordingly land of Moje Gota which formed part of Taluka Ahmedabad City (West) is now made part of Taluka Ghatalodiya.
- 16) That Gujarat Revenue Tribunal by its order bearing No. AA/14/10 dated 21-12-2012, ordered to cancel the order dated 16-02-2010 passed by Deputy Collector, Viramgam Prant as land occupier were ready to pay premium amount to the Government and also ordered to Collector to pass appropriated order as per prevailing rule, regulation and laws with respect to the same. Mutation Entry to the said effect was made in the revenue record vide Entry No. 5495 dated 02-02-2013.
- 17) That effect of above referred Mutation Entry No. 5495 was again made in the revenue record vide Entry No. 5696 dated 04-10-2013.
- 18) That District Collector, Ahmedabad by his order bearing No. C.B./C.T.S. - 2/ Na.Sha./ Premium/ Gota/ Survey No./ Block No. 478S.R. 255/2012-13/ EWMS No. 2471 dated 15-06-2015, released the said land bearing Final Plot No. 212 admeasuring 7,163 Sq. mtrs. in Draft Town Planning Scheme No. 56 (Sola- Gota- Ognaj) (given in lieu of Survey No. 478) from restrictions of New and Indivisible Tenure for Non Agricultural use. Mutation Entry to the said effect was made in the revenue record vide Entry No. 6228 dated 19-06-2015.
- 19) That Non Agricultural use permission for Commercial purpose for land bearing Final Plot No. 212 admeasuring 7,163 Sq. mtrs. in Draft Town Planning Scheme No. 56 (Sola- Gota- Ognaj) (given in lieu of Survey No. 478) was granted

by Collector, Ahmedabad by his order bearing No. C.B./ A.D.M/ T.B.Kh./ Tatkai/ C -65/ S.R. 223/ 2015 dated 06-08-2015. Mutation Entry to the said effect was made in the revenue record vide Entry No. 6308 dated 10-09-2015.

- 20) That said Bhikhiben d/o Babaji Lalluji sold and conveyed the said land bearing Final Plot No. 212 admeasuring 7,163 Sq. mtrs. in Draft Town Planning Scheme No. 56 (Sola- Gota- Ognaj) (given in lieu of Survey No. 478) to Bhavanbhai Jivanbhai Bharwad by sale deed which was registered before the Sub Registrar of Ahmedabad - 08 (Sola) at Serial No. 10198 on 01-10-2015. Mutation Entry to the said effect was made in the revenue record vide Entry No. 6398 dated 31-12-2015.

That (1) Radhaben Jivanji Thakor (2) Shaileshbbhai Jivanji Thakor (3) Sangitaben Shaileshkumar Thakor and (3) Gitaben Jivanji Thakor had confirmed the sale deed registered at Serial No. 10198 by Confirmation Deed which was registered before the Sub Registrar of Ahmedabad - 08 (Sola) at Serial No. 10199 on 01-10-2015.



- 21) That pursuant to Judgment and Decree passed in favour of Manojbhai Becharbhai Bharwad in Civil Suit No. 755/2077 (old Special Civil Suit No. 502/2007), said Manojbhai Becharbhai Bharwad had right to purchase the said land bearing Survey No. 478, however the said land was New Tenure and so, Manojbhai Becharbhai Bharwad could not purchase the said land. The said land was converted to N.A. use by payment of necessary permission and thereafter it was purchased by the Bhavanbhai Jivanbhai Bharwad. The said Manoj Becharbhai Bharwad had executed Indemnity Bond cum Confirmation Deed dated 16-02-2023 Notarized before Notary Public Mahendra U. Vora at Serial No. 77 dated 16-02-2023 in favour of Bhavanbhai Jivanbhai Bharwad, whereby Manoj Becharbhai Bharwad has



confirmed the ownership of Bhavanbhai Jivanbhai Bharwad of said land bearing Survey No. 478 and he has also waived his all rights in respect of Judgment and Decree passed in Civil Suit No. 755/2077 (old Special Civil Suit No. 502/2007).

➤ **Common History:-**

- 1) Thus said Bhavanbhai Jivanbhai Bharwad became owner of Non Agricultural land bearing (i) Final Plot No. 209 paiki + 211 admeasuring 8,356 Sq. mtrs. (given in lieu of Survey No. 477/1/1 admeasuring 4,184 Sq. mtrs. and Survey No. 477/3 admeasuring 6,073 Sq. mtrs.) and (ii) Final Plot No. 212 admeasuring 7,163 Sq. mtrs. (given in lieu of Survey No. 478 admeasuring 11,934 Sq. mtrs.); in Draft Town Planning Scheme No. 56 (Sola - Gota- Ognaj).
- 2) That Plan for making residential cum commercial construction on the land of Final Plot No. 209/1+211,212 totally admeasuring about 15,519 sq. mtrs. [Given in lieu of Survey No. 477/1/1, 477/3 and 478] forming part of Town Planning scheme No. 56 is sanctioned by Ahmedabad Municipal Corporation (AMC) vide its order bearing No. BHNTI/NWZ/021121/CGDCRV/A5341/R0/M1 having serial (Rajachitthi) No. 07354/021121/A5341/R0/M1 dated 13-01-2023.
- 3) That it has been agreed between the Bhavanbhai Jivanbhai Bharwad and Atithi Gokul Construction LLP, that Atithi Gokul Construction LLP shall develop the said entire land admeasuring 15,519 Sq. mtrs. in different phases. Therefore said Bhavanbhai Jivanbhai Bharwad had entered into development agreement with respect to Phase 1 land admeasuring 5,208 Sq. mtrs. forming part of land bearing (i) Final Plot No. 209 paiki + 211 admeasuring 8,356 Sq. mtrs.

(given in lieu of Survey No. 477/1/1 admeasuring 4,184 Sq. mtrs. and Survey No. 477/3 admeasuring 6,073 Sq. mtrs.) and (ii) Final Plot No. 212 admeasuring 7,163 Sq. mtrs. (given in lieu of Survey No. 478 admeasuring 11,934 Sq. mtrs.); in Draft Town Planning Scheme No. 56 (Sola - Gota-Ognaj), with Atithi Gokul Construction LLP. The said Development Agreement dated 04-02-2023 was registered before the Sub Registrar of Ahmedabad - 08 (Sola) at Serial No. 2543 on 04-02-2023.

- 4) That as per the said approved plan, Developer viz. M/s. ATITHI GOKUL CONSTRUCTION LLP has commenced commercial cum residential construction for Phase - 1 land admeasuring 5,208 Sq. mtrs. on the land of Final Plot No. 209/1+211,212 [Given in lieu of Survey No. 477/1/1, 477/3 and 478] forming part of Town Planning scheme No. 56 and named the said project as "HIGHLINE"
- 5) That we have published a Public Notice inviting objections against issuance of a clear title certificate in the daily newspaper "Gujarat Samachar" on 18-08-2021 and in response to the same; we have not received any objection from anyone till date.

In view of what is stated above, we hereby opine that the title of above referred Non Agricultural land bearing (i) Final Plot No. 209 paiki + 211 admeasuring 8,356 Sq. mtrs. (given in lieu of Survey No. 477/1/1 admeasuring 4,184 Sq. mtrs. and Survey No. 477/3 admeasuring 6,073 Sq. mtrs.) and (ii) Final Plot No. 212 admeasuring 7,163 Sq. mtrs. (given in lieu of Survey No. 478 admeasuring 11,934 Sq. mtrs.); in Draft Town Planning Scheme No. 56 (Sola - Gota- Ognaj), situate, lying and being at Moje Gota Taluka Ghatalodiya and in the Registration District of Ahmedabad and Sub District of Ahmedabad - 08 (Sola) and belonging to



Bhavanbhai Jivanbhai Bharwadshall be clear and marketable and free from reasonable doubts without encumbrances subject to:-

- [1] Usual declaration cum Indemnity bond being made at the time of transfer of the said land.
- [2] Fulfillment of terms and conditions laid down in N.A. use permission orders.
- [3] Provisions of The Town Planning and Urban Development Act and use as per Zone of appropriate authority and plans of construction being sanctioned by appropriate authority and provisions of applicable Town Planning Scheme.
- [4] Development Rights granted in favour of Atithi Gokul Construction LLP for Phase - 1 land admeasuring 5,208 Sq. mtrs. by virtue of Development Agreement registered at Serial No. 2543 on 04-02-2023.

DATED THIS 17<sup>th</sup> DAY OF FEBRUARY, 2023

*Hursh P. Jani*  
ATTORNEY-AT-LAW

**Note of caution and disclaimer:**

- [1] This is to inform that Search of registration record of immediate past about 2-3 months is not available.
- [2] Please note that the registration record of the years 1986 to 2006 of Sub Registrar's office is destroyed/torn out. Hence it cannot be inspected and its search is not available. The records for the years 2007 to 2019 are Computerized. That the computerized record is not well prepared/maintained by State government agency and hence may be erroneous, resulting into our error.
- [3] Please ascertain that the Government Authorities have not put any restrictions in making construction on said land because of any historical monument/religious place/water body/road laying and widening, etc. situated nearby or proposed public transportation system in surrounding areas. Also verify that there is no acquisition/reservation in said land and there are no pending litigations or injunction/status quo granted therein in respect of the said land.
- [4] We are informed that at present no litigation/suits are filed /pending before any Judicial/Quasi Judicial authorities.
- [5] That in Sub Registrar of search we have found an Agreement for Sale dated 16-03-2004 registered before the Sub Registrar of Ahmedabad- 02 (Vadaj) at Serial No. 1544 and Sale Deed dated 24-12-2004 registered before the Sub Registrar of Ahmedabad - 2 (Vadaj) at Serial No. 8076. We have not been provided with the copy of above referred Agreement for Sale and Sale Deed. However it appears that the said Agreement for

Sale and Sale Deed is in respect of Easementary Right granted from land bearing Survey No. 477/1 and 477/2 to the owners of land bearing Survey No. 476. Moreover since Town Planning Scheme has been implemented such Easementary rights get extinguished as Town Planning road is made available to all Final Plot's.

