SUDHIR C. PATEL
ADVOCATE

Court : Ahmedabad Rural Court,
Mirzapur, Ahmedabad-1

Office : 5 & 6, 6th Floor, Sahyog Building,
Opp. Dinbai Tower, Nr. Lucky Restorent,
Lal Darwaja, Ahmedabad-380001.
Mobile : 9825025861
Email : advsudhirpatel1971@gmail.com

Date : 01/02/2019

Ref. No. : 01/2019

To,

SIDDHESWAR DEVELOPERS, a partnership firm

Ahmedabad.

Ref : IN THE MATTER OF INVESTIGATION of title to the non - agricultural land bearing Sub – Plot No. 51/1 of Final Plot No. 51 admeasuring 3793 sq.mts., of T. P. Scheme No. 99 comprised of Survey / Block No. 157 admeasuring 13861 sq.mts., paikee situate, lying and being at Mouje – Chiloda (Naroda) Taluka – Gandhingar in the Registration District of Gandhinagar and Sub - District of Gandhinagar in the State of Gujarat.

TITLE INVESTIGATION REPORT

Pursuant to the request of land owner namely **SIDDHESWAR DEVELOPERS**, a partnership firm we have carried out the work of the title investigation of non - agricultural land bearing Sub – Plot No. 51/1 of Final Plot No. 51 admeasuring 3793 sq.mts., of T. P. Scheme No. 99 comprised of Survey / Block No. 157 admeasuring 13861 sq.mts., paikee situate, lying and being at Mouje – Chiloda (Naroda) Taluka – Gandhingar in the Registration District of Gandhinagar and Sub - District of Gandhinagar in the State of Gujarat presently owned and possessed by **SIDDHESWAR DEVELOPERS**, 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.

1. **Name of the Land owner / s:**

A. **SIDDHESWAR DEVELOPERS,** a partnership firm

2. **Nature of the Land in Question and its Uses :**

(a) **Nature of the said Land**

Freehold and non - agricultural land

(b) **Use of the said Land**

non - agricultural use for residential purpose

3. **Description of the immovable properties under investigation :**

All that piece and parcel of freehold non - agricultural land bearing Sub – Plot No. 51/1 of Final Plot No. 51 admeasuring 3793 sq.mts., of T. P. Scheme No. 99 comprised of Survey / Block No. 157 admeasuring 13861 sq.mts., paikee situate, lying and being at Mouje – Chiloda (Naroda) Taluka – Gandhingar in the Registration District of Gandhinagar and Sub - District of Gandhinagar in the State of Gujarat more particularly described in the **Schedule** here under written (herein after referred to as the **"said Land"**)

4. **Devolution of Title of the Land in Question :-**

4.1 It has been observed by us that, the land under investigation i. e. the land of Survey No. 157 was occupied by (1) Chhotalal Jenidas and (2) Dahyabhai Jenidas by virtue of succession right on demise of Jenidas Prabhudas prior to the Year - 1947 meaning thereby they were the occupiers of the said land within the meaning of Sub Section 16 of Section

3 of the Land Revenue Code and said fact is evidenced and corroborated by mutation entry No. 612 dated 22-03-1946.

4.2 Mutation entry No. 770 and 878 are not pertaining to the land under investigation and hence, they are not being dealt with.

4.3 It has been observed by us that, the holders and owners of the said land had entered into inter se family partition of the land in question together with land of other survey numbers and by virtue of said family partition, the land bearing Survey No. 157 came to the share of Nathalal Prabhudas as is expressly corroborated and evidenced by certified mutation entry No. 976 dated 03-04-1956.

4.4 It has been observed by us that, the land under investigation was standing in the name of Nathabhai Prabhudas, but he became old and upon submission of application to enter the names of (1) Ravjibhai Nathabhai and (2) Keshabhai Natabhai as holders of the said land during survival, their names were entered in the revenue record by deleting the name of Nathabhai Prabhudas from the revenue record of the said land as is expressly corroborated and evidenced by certified mutation entry No. 1440 dated 25-06-1973/

4.5 It has been observed by us that, the holders and owners of the said land had entered into inter se family partition of the land in question together with land of other survey numbers and by virtue of said family partition, the land bearing Survey No. 157 paikee admeasuring Acre. 1-31 Guntha came to the share of Keshabhai Nathabhai and land bearing Survey No. 157 paikee admeasuring Acre. 1-28 Guntha came to the share of Ravjibhai Nathabhai as is expressly corroborated and evidenced by certified mutation entry No. 1803 dated 30-07-1989.

4.6 It has been observed by us that, the joint holder of the said land namely Ravjibhai Nathbhai had died intestate on 15-07-1994 leaving behind him his lineal descendants as (1) Naranbhai Ravjibhai, (2) Navnitbhi Ravjibhai, (3) Punambhai Ravjibhai and (4) Shantaben Wd/o. Ravjibhai Nathabhai and hence, their names were brought on the revenue record upon succession right as is expressly corroborated and evidenced by certified mutation entry No. 1990 dated 28-02-1995.

Note : We have noticed that, the names of Kokilaben Ravjibhai Patel and Sarojben Ravjibhai Patel were not brought on the revenue record upon succession right of Ravjibhai Nathabhai, but subsequently Sale Deed bearing No. 6630 was confirmed by them.

4.7 It has been observed by us that, the joint holder of the said land namely Keshabhai Nathbhai had died intestate on 13-04-2004 leaving behind him his lineal descendants as (1) Nikeshbhai Keshabhai Patel, (2) Lalitaben Keshabhai Patel, (3) Madhuben Keshabhai Patel, (4) Kapilaben Keshabhai Patel, (5) Alkaben Keshabhai Patel and (6) Kashiben Wd/o. Keshabhai Nathabhai and hence, their names were brought on the revenue record upon succession right as is expressly corroborated and evidenced by certified mutation entry No. 2291 dated 04-05-2004.

4.8 It has been observed by us that, the joint holders of the said land namely (1) Lalitaben Keshabhai Patel, (2) Madhuben Keshabhai Patel, (3) Kapilaben Keshabhai Pateld and (4) Alkaben Keshabhai Patel had voluntarily waived and relinquished their right, title, claim and share persisting in the land bearing Survey No. 157 in favour of rest of the joint holders and hence, their names were deleted from the revenue record as is expressly corroborated and evidenced by certified mutation entry No. 2361 dated 20-12-2004.

4.9 It has been observed by us that, the land in question was held by Nikeshbhai Keshabhai Patel and Others in the revenue record and he submitted an application to the revenue authority to enter the name of his lineal descendant namely Ruturaj Nikeshbhai Patel as joint holder of the said land during survival and hence, his name was entered as joint holder as defined in Sub Section 25 of Section 3 of Land Revenue Code as is expressly corroborated and evidenced by certified mutation entry No. 2779 dated 06-02-2008.

4.10 It has been observed by us that, by Sale-Deed dated 04-07-2009 executed by (1) Navnitbhai Ravjibhai Patel, (2) Naranbhai Ravjibhai Patel, (3) Punambhai Ravjibhai Patel, (4) Shantaben Wd/o. Ravjibjai Nathabhai Patel, (5) Nikeshbhai Keshabhai Patel, (6) Ruturaj Nikeshbhai Patel and (7) Kashiben Wd/o. Keshabhai Nathabhai Patel as Vendor in their capacity as holders of the agricultural land bearing Survey No. 157 admeasuring 13861 sq.mts., in favour of (1) Vinubhai Bhikhabhai Nada (The owner of undivided 21.47% share), (2) Balubhai Dahyabhai Rudani (The owner of undivided 51.83% share), (3) Bhanubhai Bhikhabhai Nada (The owner of undivided 10.99% share), (4) Hashmukhbhai Manubhai Kothiya (The owner of undivided 11.78% share) and (5) Govindbhai Nannubhai (The owner of undivided 3.93% share) registered with the Office of the Sub – Registrar of Assurance at Gandhinagar under Sr. No. 6630 the agricultural land bearing Block No. 157 admeasuring 13861 sq.mts., was sold to (1) Vinubhai Bhikhabhai Nada (The owner of undivided 21.47% share), (2) Balubhai Dahyabhai Rudani (The owner of undivided 51.83% share), (3) Bhanubhai Bhikhabhai Nada (The owner of undivided 10.99% share), (4) Hashmukhbhai Manubhai Kothiya (The owner of undivided 11.78% share) and (5) Govindbhai Nannubhai (The owner of undivided 3.93% share).

By virtue of aforesaid Sale Deed, the names of (1) Vinubhai Bhikhabhai Nada (The owner of undivided 21.47% share), (2) Balubhai Dahyabhai Rudani (The owner of undivided 51.83% share), (3) Bhanubhai Bhikhabhai Nada (The owner of undivided 10.99% share), (4) Hashmukhbhai Manubhai Kothiya (The owner of undivided 11.78% share) and (5) Govindbhai Nannubhai (The owner of undivided 3.93% share) were entered as occupiers 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. 3131 dated 08-07-2009.

4.11 It has been observed by us that, being aggrieved and dissatisfied by the certification of mutation entry No. 2361, the appellant Lalitaben Keshabhai filed RTS Appeal No. 76/08 in the court of Prant Officer, Gandhinagar under the Provision of Gujarat Land Revenue Rules 1972 wherein the Prant Officer, Gandhingar passed order on 27-10-2010 and disallowed the appeal inter alia directing to confirm the order of Mamlatdar certifying the mutation entry No. 2361 as is expressly corroborated and evidenced by certified mutation entry No. 3515 dated 18-12-2010.

4.12 It has been observed by us that, being aggrieved and dissatisfied by the order dated 27-10-2010, Lalitaben Keshabhai filed Revision Application No. 36/11 in the court of District Collector Gandhinagar under the Provision of the Gujarat Land Revenue Rules 1972 wherein the District Collector, Gandhinagar passed order on 10-02-2015 and disallowed the appeal inter alia directing to confirm the impugned order dated 27-10-2010 passed by the Prant Officer, Gandhingar as is expressly corroborated and evidenced by certified mutation entry No. 4601 dated 24-02-2015.

4.13 It has been observed by us that, being aggrieved and dissatisfied by the order dated 10-02-2015 passed by the Collector Gandhinagar, the legal heir of deceased Lalitaben Keshabhai namely Samirbhai Vishnubhai Patel and Others filed Revision Application No. 7 / 2015 before the court of Special Secretary (Appeal) Revenue Department Ahmedabad wherein the Additional Secretary, Revenue Department Ahmedabad passed order on 28-08-2017 and allowed the revision application partly and remanded the case to the District Collector Gandhinagar for taking decision de-novo after affording opportunity of hearing to the parties as is expressly corroborated and evidenced by certified mutation entry No. 5140 dated 11-10-2017.

4.14 It has been observed by us that, being aggrieved and dissatisfied by the order dated 10-02-2015 passed by the Collector Gandhinagar, the legal heir of deceased Lalitaben Keshabhai namely Samirbhai Vishnubhai Patel and Others filed Revision Application No. 7 / 2015 before the court of Special Secretary (Appeal) Revenue Department Ahmedabad wherein the Additional Secretary, Revenue Department Ahmedabad passed order on 28-08-2017 and allowed the revision application partly and remanded the case, the District Collector Gandhinagar for taking decision de-novo after affording opportunity of hearing to the parties as is expressly corroborated and evidenced by certified mutation entry No. 5153 dated 17-10-2017.

4.15 It has been observed by us that, the District Collector Gandhinagar passed order bearing No. Sharatbhang Case No. CB/Jamin/Rubru Sunavni / S. R. 31 / 16 / Vashi.22372 to 223778 / 2017 dated 16-09-2017 and directed to recovery the fine of Rs. 2,49,480/- in accordance with the Provision of Section 67 of the Land Revenue Code, 1979 as well as the Provision of Rules 100 and 101 of Gujarat Land Revenue Rules, 1972 considering the violation of Provision of Section 65 of the Land Revenue Code in connection with land under investigation as is expressly corroborated and evidenced by certified mutation entry No. 5159 dated 31-10-2017.

4.16 It has been observed by us that, the amount of Rs. 2,49,480/- towards fine was paid by the owner of the said land and the District Collector Gandhinagar issued certificate in that respect on 25-01-2018 and hence, the charge of said fine was removed from other rights of record of 7/12 abstract of the said land as is expressly corroborated and evidenced by certified mutation entry No. 5228 dated 28-02-2018.

4.17 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. 157 admeasuring 13861 sq.mts., by merging into Draft Town Planning Scheme No. 99 (Chiloda - Naroda) and land bearing Survey No. 157 is given Final Plot No. 51 and its area is fixed to the extent of 8316 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.

4.18 It has been observed by us that, the holder of said land had submitted an application to the District Collector, Gandhingar for obtaining non-agricultural use permission and on consideration of said application, the District Collector, Gandhingar passed order bearing No. CB / Jamin / B.Khe / S.R. 284 /10 / Vashi.7103 to 7118 / 2011 dated 07-05-2011 and granted non-agricultural use permission to the said land bearing Final Plot No. 51 admeasuring 8316 sq.mts., of T. P. Scheme No. 99 comprised of Survey No.157 for residential purpose 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 as is expressly corroborated and evidenced by pencil mutation entry No. 5429 dated 20-12-2018.

4.19 It has been observed by us that, the authority of Ahmedabad Municipal Corporation had granted development permission and issued Commencement Letter bearing No. 00716 / 190318 /A0829 / M1 dated 15-05-2018 and land of Final Plot No. 51 was divided into two sub plots i. e. Sub Plot No. 51/1 and 51/2 and area of Sub Plot No. 51/1 is fixed to the extent of 3793 sq.mts.

4.20 It has been observed by us that, by Sale-Deed dated 28-08-2018 executed by (1) Vinubhai Bhikhabhai Nada (The owner of undivided 21.47% share as per Final Plot land admeasuring 1785.45 sq.mts.,), (2) Balubhai Dahyabhai Rudani (The owner of undivided 51.83% share as per Final Plot land admeasuring 4310.49 sq.mts., paikee 1093.63 sq.mts.) and (3) Bhanubhai Bhikhabhai Nada (The owner of undivided 10.99% share as per Final Plot land admeasuring 913.92 sq.mts.,) as Vendors in their capacity as holder of the non- agricultural land bearing Final Plot No. 51

paikee comprised of Survey No. 157 paikee in favour of Siddheswar Developers, a partnership firm registered with the Office of the Sub – Registrar of Assurance at Ahmedabad-6 (Naroda) under Sr. No. 16015 the non - agricultural land bearing Sub Plot No. 51/1 admeasuring 3793 sq.mts., of Final Plot No. 51 was sold to Siddheswar Developers, a partnership firm.

By virtue of aforesaid Sale Deed, the name of Siddheswar Developers, 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. 5362 dated 14-09-2018.

4.21 It has been observed by us that, the legal heirs of deceased Lalitaben D/o. Keshabhai Nathabhai Patel and W/o. Vishnubhai Ishwarbhai Patel namely (1) Samirbhai Vishnubhai Patel, (2) Sonalben D/o. Vishnubhai Patel and W/o. Manojkumar Patel and (3) Pareshbhai Vishnubhai Patel had executed Deed of Confirmation in favour of (1) Vinubhai Bhikhabhai Nada, (2) Balubhai Dahyabhai Rudani, (3) Bhanubhai Bhikhabhai Nada, (4) Hashmukhbhai Manubhai Kothiya and (5) Govindbhai Nannubhai registered with the Office of the Sub –Registrar of Assurance at Gandhinagar under Sr. No. 20360 dated 05-10-2018 whereby the Sale Deed bearing No. 6630 dated 04-07-2009 was confirmed.

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 Siddheswar Developers, a partnership firm for the purpose of 3793 sq.mts., land (as per Final Plot) is appearing as occupiers 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.

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 pendency 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.

7 Special Observation :

7.1 It has been observed by us that, in the revision application bearing No. 7/2015 filed by legal heirs of deceased Lalitaben Keshabhai Patel namely Samirbhai Vishnubhia Patel and others, the Hon'ble court of Special Secretary, Revenue Department (Appeal) Ahmedabad passed on 28-08-2017 and remanded the said case to the District Collector Gandhinagar for taking fresh decision and said proceedings are pending, but it is a fact that, the legal heirs of deceased Lalitaben Keshabhai executed registered confirmation and confirmed the Sale Deed bearing No. 6630 and hence, the case which has been remanded to the District Collector Gandhingar has became infractuous.

8. Boundaries of the said land :

We have mentioned the details of boundaries of the land in question on the basis of Sale Deed bearing No. 16015 dated 28-08-2018.

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. Affidavit on title being made by Siddheswar Developers, a partnership firm.
2. Fulfilment of terms and conditions laid down in N. A. Order and Gujarat Town Planning and Urban Development Act, 1976 and Rules made there under and Laws applicable and in force to effect legally and properly sale, transfer or any other transaction with respect to the said land.

10. **Certificate :**

We certify that, **SIDDHESWAR DEVELOPERS**, 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-10 above.

SCHEDULE

(Description of the land in question)

ALL THAT piece or parcel of non - agricultural land bearing Sub – Plot No. 51/1 of Final Plot No. 51 admeasuring 3793 sq.mts., of T. P. Scheme No. 99 comprised of Survey / Block No. 157 admeasuring 13861 sq.mts., paikee situate, lying and being at Mouje – Chiloda (Naroda) Taluka – Gandhingar in the Registration District of Gandhinagar and Sub - District of Gandhinagar in the State of Gujarat which is bounded as under :-

In the East : By land of Survey No. 115

In the West : By 12 Mts. T. P. Road

In the North : By land of Survey No. 156 (Final Plot No. 50)

In the South : By land of Survey No. 157 (land of Sub Plot No. 51/2 of Final Plot No. 51).

Date : 01-02-2019

Place : Ahmedabad.

Sudhir C. Patel, Advocate

Note of caution and disclaimer :-

* This is to inform that Search of complete registration records is not available due to destruction of record and tearing of pages of Books available for inspection and hence it cannot be inspected and its search is not available and on that condition the above Title Report/Opinion is issued exclusively for his/her/their/it's personal use.

* 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 lying and widening, etc. situated nearby or proposed public transportation system in surrounding areas. Also verify that there is no acquisition/reservation in said land/property and there are no pending litigations or injunction/status quo granted therein in respect of the said land/property.