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Ref: No. 90/2021/HHD/KHD of 2022 Date:

REPORT ON TITLE

Re: IN THE MATTER OF DUE DILIGENCE ON TITLE to the Non Agricultural Land bearing amalgamated Final Plot No. 71/3+64 (Final Plot Nos. 71/3, admeasuring about 3926 sq.mts., and 64, admeasuring about 8317 sq.mts.), admeasuring about 12243 sq.mts., of Draft Town Planning Scheme No. 1 (Shela), allotted in lieu of (For Final Plot No. 71/3), Block No. 339/C, admeasuring about 6543 and (For Final Plot No. 64), Block No. 332, admeasuring about 13861 sq.mts., situate, lying and being at Shela (sim), Taluka Sanand, in the Registration District Ahmedabad and Sub District Sanand.

We, under the instructions of Hitesh Rasiklal Vyas have undertaken the work of due diligence on title with respect to the Land/s above referred to, by taking necessary searches with the revenue and sub registry records (Index-II) for a period of last about more than thirty years. We have caused necessary searches to be taken accordingly. We have taken root of title commencing from about 1985, prior to more than thirty years up to August, 2021. Our Report on Title is stated hereafter. For detailed facts and particulars reference may be taken from the documents, papers, writings and records referred to herein below.

A. Description:

- (1) The property under reference is the land of amalgamated Final Plot No. 71/3+64, admeasuring about 12243 sq.mts., came in to existence upon amalgamation of Final Plot No. 71/3, admeasuring about 3926 sq.mts., and Final Plot No. 64, admeasuring about 8317 sq.mts., (as referred below) in Draft Town Planning Scheme No. 1 (Shela), allotted in lieu of Block No. 339/C, admeasuring about 6543 sq.mts., and Block No. 332,



admeasuring about 13861 sq.mts., respectively, situate, lying and being at Shela (sim), Taluka Sanand, in the Registration District Ahmedabad and Sub District Sanand.

- (2)(a) Non agricultural permission for multipurpose use with respect to the land of Final Plot No. 64, admeasuring about 8317 sq.mts., has been given as per the order of District Collector, Ahmedabad, dated 22nd June, 2021 bearing No. 1510/07/04/024/2021 as per terms and conditions stipulated therein (*Reference: Revenue Entry No. 6566, dated 22nd June, 2021*) read with a rectification order of District Collector, Ahmedabad dated 9th August, 2021 bearing No. CB/NA/Table-3/Bi.Khe./Kalam-65/Sudhara Hukam/Shela/S.No. 332/2021.
- (b) Non agricultural permission for residential use with respect to the land of Final Plot No. 71/3 admeasuring about 3926 sq.mts., has been given as per the order of District Collector, Ahmedabad dated 15th June, 2016 bearing No. CB/CTS-1/N.A/Shela/S.No. 339/C/S.R. No. 2603/2015 as per terms and conditions stipulated therein. (*Reference: Revenue Entry No. 5002, dated 11th July, 2016*). Subsequently, non-agricultural permission for multipurpose use has been obtained as regards the Said Final Plot No. 71/3 as per the order of Collector, Ahmedabad dated 22nd October, 2021 bearing No. 2391/07/04/024/2021. (*Reference: Revenue Entry No. 6723, dated 22nd October, 2021*).
- (3) Lands of Said Final Plot Nos. 71/3 admeasuring about 3926 sq.mts., and 64 admeasuring about 8317 sq.mts., have been amalgamated as per the order of Development Permission of Ahmedabad Urban Development Authority dated 25th November, 2021 bearing No. 1114LD21220071. (*Reference: Copy of the Said Permission*).

B. Devolution:

I. With respect to Block No. 332, admeasuring about 13861 sq.mts.

- (1) Prior to the year, 1985, the Land of Block No. 332 in the revenue records belonged to Motibhai Kamjibhai. Said Land of Block No. 332 was allotted in lieu of old Survey No. 258 upon implementation of scheme of consolidation in the revenue village shela by the Government. (*Reference: Revenue Entry No. 715, dated 11th April, 1977*).
- (2) Pursuant to family partition, the Said Land came to the names of nephews of Said Motibhai Kanjibhai namely -



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- (1) Kalubhai Umarbhai Malek and
 - (2) Yusubbhai Umarbhai Malek.
- (Reference: Revenue Entry No. 1453, dated 15th June, 1988).

(3)(a) Said –

- (1) Kalubhai Umarbhai Malek and
- (2) Yusubbhai Umarbhai Malek,

represented through their Power of Attorney Bhanuvijaysinhji Mansinhji sold and conveyed Said Land to –
Nurabhai Jamalbhai,

by or under a Sale Deed dated 19th August, 1992, registered with the office of Sub-Registrar of Assurances, under Sr. No. 1469, in the manner and for the consideration recorded therein. (Reference: Revenue Entry No. 1890, dated 20th September, 1994). Said sale is confirmed by Jitendrasinh Mansinh by joining as Confirming Party being the Agreement Holder under an Agreement for Sale dated 7th August, 1992 executed in his favour by Said Kalubhai Umarbhai Malek and another registered before the Sub Registrar of Assurances under Sr. No. 1437. Aforesaid power of attorney in favour of Bhanuvijaysinhji Mansinhji is not available for perusal.

b) Said –

- (1) Yusubbhai alias Isubhai alias Yusufbhai Umarbhai Malek and
- (2) Kalubhai Umarbhai Malek

have confirmed the said sale (and also transactions as regards the Said Land up to the date of the Deed of Confirmation), by or under a Deed of Confirmation dated 10th February, 2021, registered with the office of Sub-Registrar of Assurances, under Sr. No. 1786.

(4) Said –

- (1) Nurabhai Jamalbhai joined by –
 - (a) Sakinaben wife of Nurabhai Jamalbhai,
 - (b) Pirmahammad Nurbhai,
 - (c) Kasamali Nurbhai and
 - (d) Raheman Hussain Nurbhai

sold and conveyed the Said Land to –

- (1) Hasmukhbhai Manubhai Patel,
- (2) Ashokbhai Manubhai Patel,
- (3) Babubhai Mafatbhai Patel and
- (4) Atulbhai Babubhai Patel



by or under a Sale Deed dated 16th August, 1995, registered with the office of Sub-Registrar of Assurances, under Sr. No. 3639, in the manner and for the consideration recorded therein. (Reference: Revenue Entry No. 2017, dated 4th September, 1995).

(5)(a) Said -

- (1) Hasmukhbhai Manubhai Patel represented through his Power of Attorney Ashokkumar Manubhai Patel,
 - (2) Ashokkumar Manubhai Patel,
 - (3) Atulkumar Babubhai Patel, represented through his Power of Attorney Babubhai Mafatlal Patel and
 - (4) Babubhai Mafatlal Patel
- sold and conveyed Said Land to -

- (1) Ashokji Vakhaji Thakor and
- (2) Shantiji Vakhaji Thakor,

by or under a Sale Deed dated 3rd January, 2006, registered with the office of Sub-Registrar of Assurances, under Sr. No. 15, in the manner and for the consideration recorded therein. (Reference: Revenue Entry No. 2661, dated 18th January, 2006).

(6) Said -

Shantiji Vakhaji Thakor died on 21st May, 2010 and names of -

- (1) Savitaben widow of Shantiji Vakhaji Thakor,
- (2) Maheshbhai Shantiji Thakor,
- (3) Dilipbhai Shantiji Thakor and
- (4) Pankajbhai Shantiji Thakor

were entered in the revenue records.

(Reference: Revenue Entry No. 3815, dated 8th April, 2011).

(7) Said Land of Block No. 332 is included in Town Planning Scheme No. 1 (Shela) and given Final Plot No. 64, admeasuring about 8317 sq.mts. (Reference: Copy of 'F' Form).

(8) Thereafter the names of -

- (1) Hansaben wife of Ashokji Vakhaji Thakor,
- (2) Mehul Ashokbhai Thakor,
- (3) Palak Ashokbhai Thakor and
- (4) Ravi Ashokbhai Thakor



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were entered in the revenue records as co-owners to the extent of share of Said Ashokji Vakhaji Thakor. (Reference: Revenue Entry No. 5003, dated 11th July, 2016).

(9) Said –

- (1)(a) Maheshbhai Shantiji Thakore,
- (b) Dilipbhai Shantiji Thakor and
- (c) Pankajbhai Shantiji Thakor,
- (2)(a) Ashokji Vakhaji Thakor,
- (b) Hansaben wife of Ashokji Vakhaji Thakor,
- (c) Mehul Ashokbhai Thakor,
- (d) Palak Ashokbhai Thakor and
- (e) Ravi Ashokbhai Thakor

sold and conveyed the Said Land to –
Hitesh Rasiklal Vyas,

by or under a Sale Deed dated 18th February, 2021, registered with the office of Sub-Registrar of Assurances, under Sr. No. 2472, in the manner and for the consideration recorded therein. (Reference: Revenue Entry No. 6568, dated 23rd June, 2021).

(10) Accordingly, Said Land of Block No. 332 stands in the revenue records in the name Hitesh Rasiklal Vyas.

II. With respect to Block No. 339/C, admeasuring about 6543 sq.mts.,

(1) Prior to the year, 1985, the Land of old Block No. 339 in the revenue records belonged to Usmanbhai Jamalbhai Malek. Said Land of old Block No. 339 was allotted in lieu of old Survey No. 290/1 and 290/2, upon implementation of Scheme of Consolidation by the Government in the Revenue Village Shela. (Reference: Revenue Entry No. 715, dated 11th April, 1977).

(2) On account of oral partition Said Land of old Block No. 339 came in the names of sons of Said Usmanbhai Jamalbhai Malek being Minors –

- (1) Ibrahimbhai Usmanbhai Malek,
- (2) Abdulbhai Usmanbhai Malek and
- (3) Karimad Usmanbhai Malek,

all through their natural guardian Jinnatben Usmanbhai. (Reference: Revenue Entry No. 494, dated 2nd September, 1970).

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(3) Said Abdulbhai Usmanbhai died without issue and his name was deleted from the revenue records. (Reference: Revenue Entry No. 995, dated 15th July, 1982).

(4) On account of oral partition the Said Land came in the name of Ibrahimbhai Usmanbhai Malek
(Reference: Revenue Entry No. 1063, dated 27th February, 1983)

(5) Thereafter names of –

- (1) Naushadalam Ibrahimbhai,
- (2) Javedhusain Ibrahimbhai and
- (3) Irfanhusain Ibrahimbhai

were entered in the revenue records as co-owners.

(Reference: Revenue Entry No. 2578, dated 11th March, 2005)

(6) Said –

- (1) Ibrahimbhai Usmanbhai,
- (2) Naushadalam Ibrahimbhai,
- (3) Javedhusain Ibrahimbhai and
- (4) Irfanhusain Ibrahimbhai

sold and conveyed the Land of old Block No. 339, admeasuring about 19627 sq.mts., to –

- (1) Dushyant Manishankar Pandya,
- (2) Deepak Parmanandbhai Nimbark and
- (3) Hitesh Rasiklal Vyas,

by or under a Sale Deed dated 23rd August, 2010, registered with the office of Sub-Registrar of Assurances, under Sr. No. 8281, in the manner and for the consideration recorded therein. (Reference: Revenue Entry No. 3675, dated 18th September, 2010).

(7)(a) Thereafter Land of old Block No. 339, admeasuring about 19627 sq.mts., is bifurcated as per order/letter of District Inspector, Land Records, Ahmedabad, dated 30th December, 2010, bearing No. DRK/Du./Patrak/10-11-Du. Patrak-36 in three parts as per the following particulars:-

Sr. No.	Block No.	Area (sq.mts.)	Name of holder
1.	339/A	6542	Dushyant Manishankar Pandya



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2.	339/B	6542	Deepak Parmanandbhai Nimbark
3.	339/C	6543	Hitesh Rasiklal Vyas

(Reference: Revenue Entry No. 3780, dated 9th March, 2011).

- (b) Effect of such bifurcation has been reduced into writing by or under a Deed of Partition executed by and between Dushyant Manishankar Pandya, dated 30th March, 2013, registered with the office of the Sub Registrar of Assurances, under Sr. No. 2204.
- (c) Prior to aforesaid bifurcation, the permission of Deputy Collector, Sanand for Block bifurcation has been obtained as per the order dated 11th February, 2011, bearing No. Jamin/Sanand/Block Vibhajan/S.R.52/11. (Reference: Revenue Entry No. 3776, dated 8th March, 2011).
- (8) Said Land of Block No. 339/C is included in Draft Town Planning Scheme No. 1 (Shela) and given Final Plot No. 71/3, admeasuring about 3926 sq.mts., (Reference: Copy of 'F' Form).
- (9) Accordingly, Said Land of Block No. 339/C stands in the revenue records in the name Hitesh Rasiklal Vyas.
- III. Thereafter, as referred hereinabove the lands of Said Final Plot Nos. 71/3 and 64 have been amalgamated and given amalgamated Final Plot No. 71/3 + 64 admeasuring about 12243 sq.mts. belonging to Said Hitesh Rasiklal Vyas.

C. Public Notice:

- (1) As a part of investigation of Title, we gave public notice published in the daily newspapers "Sandesh", "Gujarat Samachar" and "Divya Bhaskar, on 27th August, 2021 [with respect to Block No. 339/C (Corresponding to Final Plot No. 71/3)] and in daily newspapers "Sandesh", "Gujarat Samachar" and "Divya Bhaskar, on 6th September, 2021 [with respect to Block No. 332 (Corresponding to Final Plot No. 64)] inviting claims, if any, in upon or to the Said Lands from any person whomsoever. In response thereto, we have received the following claims/objections:

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- (a) One Harpalsinh Chhatrasinh Vaghela as power of attorney of Sharifaben daughter of Usmanbhai Jamalbhai and wife of Badalkhan Pathan through his Advocate S. H. Patel published a Public Notice of Caution/Warning in daily newspaper Sandesh on 29th August, 2021 interalia claiming that Said Sharifaben has right in the Said Land of Block No. 339/C as the heir of aforesaid Usmanbhai Jamalbhai and the Said Land was their ancestral property. However, Said Land came in the names of (then minors) Karimadbhai Usmanbhai, Ibrahimbhai Usmanbhai and Abdulbhai Usmanbhai and not in the names of any other heirs of Usmanbhai as per aforesaid Revenue Entry No. 494, dated 2nd September, 1970. Further, more than period of 50 years have been passed since the certification of said Revenue Entry No. 494. We have accordingly on the instructions of and on behalf of Said Hitesh Rasiklal Vyas have published a reply to the Said Notice in daily newspaper Sandesh on 25th September, 2021.

Moreover, Mumtazbanu daughter of Usmanbhai Jamalbhai and wife of Kasamkhan Pathan, Fatmaben daughter of Usmanbhai Jamalbhai and wife of Mahmmadmiyan Malik and Madinaben daughter of Usmanbhai Jamalbhai and wife of Jehangir Kureshi being the sisters of Said Sharifabanu by or under a Deed of Confirmation cum Indemnity all dated 4th March, 2017 registered before Sub-Registrar of Assurances under Sr. Nos. 1500, 1501 and 1503 respectively have interalia confirmed that they did not have any right, share, title or interest in the Said Land.

- (b) One Aiyubmiyan Jafarmiyan as power of attorney of Ibrahimbhai Motibhai (heirs of aforesaid Motibhai Kamjibhai) etc. through his Advocate Aabha B. Makwana sent an objection to us dated 13th September, 2021, received by us on 14th September, 2021 interalia claiming and challenging the partition referred in aforesaid Revenue Entry No. 1453, dated 15th June, 1988 which refers the oral partition made by Motibhai Kamjibhai whereby Said Land of Block No. 332 came in the names of his nephews Kalubhai Umarbhai and Yusubbhai Umarbhai. Further, the heirs of deceased Motibhai Kamjibhai being Ibrahimbhai Motibhai Malek and others through their Power of Attorney Aiyubmiyan Jafarmiyan have initiated a Regular Civil Suit No. 8 of 2021 before the Hon'ble Civil Court, Sanand for declaration that the heirs of deceased Motibhai Kamjibhai have right in the Said Land as the



heirs of Motibhai Kamjibhai, for cancellation of transaction effected as regards the Said Land and for permanent injunction.

However, it appears from the Said Revenue Entry No. 1453, dated 15th June, 1988, Said Land came in the names of/transmitted to Said Kalubhai Umarbhai and another during the lifetime of Motibhai Kamjibhai and on account thereof, heirs of deceased Motibhai Kamjibhai may not be said to have share in the Said Land. Further, the said suit appears to be barred by the law of limitation. However, the same is as on date pending for adjudication.

D. Other particulars:

With respect to Block No. 332

- (1) One Samsherbhai Motibhai Malek and Jafarbhai Motibhai Malek (heirs of deceased Motibhai Kamjibhai) through their Power of Attorney Holder Farukbhai Isupbhai alias Yusufbhai challenged the aforesaid Revenue Entry No. 1453 in RTS/Appeal No. 8/18 before Deputy Collector, Sanand Prant, Sanand. However, said appeal was rejected on the grounds of limitation and on merits as per the order dated 15th November, 2018. (Reference: Revenue Entry No. 5740, dated 4th December, 2018). As informed to us no appeal and/or proceedings have been initiated thereafter.
- (2) Said Samsherbhai Motibhai Malek and another through their Power of Attorney Holder Farukbhai Isupbhai alias Yusufbhai confirmed that they do not have any share, right, title and interest in the Said Land of Block No. 332 by or under a Deed of Confirmation dated 10th February, 2021, in favour of Ashokji Vakhaji Thakor and others (erstwhile owners), registered with the office of the Sub Registrar of Assurances, under Sr. No. 1789. They inter alia confirmed the ownership of Said Ashokji Vakhaji Thakor and others to the Said Land.
- (3) Proceedings under Section 84 (C) of the Gujarat Tenancy and Agricultural Land Act, 1948 were initiated as regards the Said Land. However, the said proceedings have been withdrawn as per the order of Mamlatdar and Krushipanch dated 25th November, 2014 in Ganot Case No. 158/2002. (Reference: Revenue Entry No. 4668, dated 1st October, 2014).

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- (4) Charge of deficit stamp duty existed on the Said Land, as per the order of Deputy Collector, Sanand Prant, Sanand dated 1st October, 2019 bearing No. ADM/Stampduty/Kalam – 32 (c)/ D.No. 1469/S.R. 77/2019. (Reference: Revenue Entry No. 6098, dated 15th October, 2019). However, the same has been subsequently cleared/satisfied. (Reference: Revenue Entry No. 6205, dated 28th January, 2020).

E. Disclaimer:

- (1) The aforesaid Report is reference of available revenue records and sub registry records, relevant for the purposes to study devolution of title and to ascertain any charge or encumbrance, and does not contain entire revenue or sub registry records. We have relied upon the same without going into the details or further legal validation/scrutiny of records and proceedings referred to therein and implication thereof. We have further assumed the documents produced before us as genuine.
- (2) As reported by our Search Clerk/ Search Advocate, who has taken search of the revenue and sub registry records, it is found that some of the record is not maintained properly or damaged and not available. Search may lack or miss some particulars. Therefore, it is required that Usual Declaration-cum-Indemnity on Title to be made.
- (3) As informed to us, Said Land/s has/have not been given in security nor created any charge or encumbrance of any nature whatsoever thereon, nor the Said Lands (except the aforesaid litigation initiated with respect to the land of Block No. 332) are subject matter of any pending litigations and/or proceedings, nor above any order, decree, attachment or any order of any court or authority is operating against the Said Land/s adversely affecting the title thereto. We have relied upon the same and hereby disclaim any liability in respect thereof.
- (4) Said Land/s is/are non agricultural lands. Therefore, we have not examined the laws relating to agricultural lands and implications thereof.
- (5) This Certificate and Report on Title is based on the available searches taken with the Revenue Records and available Records of the Sub Registrar (Index II) only for the period of from 30 years from August, 2021. However, where possible we have endeavored to ascertain the



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title beyond such period of 30 years. We disclaim any liability in respect thereof.

IN VIEW OF WHAT HAS BEEN STATED HEREINABOVE, we are of the Opinion that the Title of Hitesh Rasiklal Vyas to the land/s of amalgamated Final Plot No. 71/3/+64 above referred to in the manner aforesaid is clear and free from all encumbrances and reasonable doubt subject to Town Planning Scheme, subject to the terms and conditions of aforesaid Non Agricultural Permissions and Development Permission (as regards amalgamation of Final Plots), subject to aforesaid pending litigation, subject to Usual Declaration-Cum-Indemnity on Title being made, subject to above devolution on title and our note(s) and observations(s), subject to and any other laws, acts, rules and regulations as may be applicable.

DATED THIS 27TH DAY OF JANUARY, 2022

H. Desai & Co
ADVOCATES & SOLICITORS



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