

Holla & Holla
Advocates

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India.

11th February, 2014

Mr. Ramani Sastri
Managing Director
Sterling Developers Private Limited
Level 5, Prestige Nebula,
Opp. Income Tax Office,
Bangalore – 560001.

Sir,

Sub: Legal Opinion regarding the title of Smt. R. Pushpavathi to the properties bearing S.No.9/11 of an extent of 12 guntas and S. No.9/12 of an extent of 9 guntas situated in Agara Village, Begur Hobli, Bangalore South Taluk Bangalore

We have examined the xerox copies of the following documents which were made available by you, which we assume for the purpose of this opinion, to be true copies of genuine originals. The opinion is also based on the information provided by you and your representations to us regarding the above property. This legal opinion is given on such basis only and is limited to the question of title of Smt. R. Pushpavathi to the property.

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LIST OF DOCUMENTS

TITLE DEEDS:

1. 22.09.2003:

The Panchayath Partition Deed executed between Sri A. M. Venkataswamy and Sri. A. M. Mariswamy (sons of Late Sri. Munichikkaiah). An extent of 23 guntas in S.Nos.9/11 and 9/12 was allotted to the share of Sri. A. M. Venkataswamy and an extent of 17 guntas in respect of S.No.9/15 was allotted to the share of Sri. A. M. Mariswamy.

2. 12.11.2003:

Agreement of sale executed by Sri. A. M. Venkataswamy (son of late Sri. Muni Chikkaiah) and his three sons in favour of Sri. D. Kupendra Reddy. The property agreed to be sold is S.No.9/11 of an extent of 12 guntas and S.No.9/12 of an extent of 9 guntas.

3. 28.05.2004:

Sale deed executed by Sri. A.M. Venkataswamy (s/o late Sri. Munichikkaiah) and his three sons in favour of Smt. R. Pushpavathi (d/o late Sri. A.V. Ramaiah Reddy), registered as document No.BAS-1-04765-2004-2005 of Book I and stored in CD No. BASD67 on 02.06.2004, in the office of the Sub Registrar, Bangalore South Taluk. The property sold is S.No.9/11 of an extent of 12 guntas and S.No.9/12 of an extent of 9 guntas.

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4. 08.01.2014:

Deed of confirmation executed by Sri D. Kupendra Reddy in favour of Smt. R. Pushapavathi registered as document No.BMH-1-08508-2013-14 and stored in CD No.BMHD660 on 08.01.2014 in the office of the Sub Registrar, Bommanahalli, Bangalore. By this deed the executant confirms that he has no interest in property S. No.9/11 of an extent of 12 guntas and S.No.9/12 of an extent of 9 guntas and that the sale deed, document No.04765/2004-05 in favour of Smt. R. Pushapavathi is valid and binding on him also.

R.T.C. of S. No.9/11:

5. 09.10.2002:

RTC for the years 1969-70 to 1973-74 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Munichikkaiah is shown as the khathedar and cultivator.

6. 09.10.2002:

RTC for the years 1974-75 to 1978-79 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Munichikkaiah is shown as the khathedar and cultivator.

7. 09.10.2002:

RTC for the years 1979-80 to 1983-84 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Munichikkaiah is shown as the khathedar and cultivator.

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8. 09.10.2002:

RTC for the years 1984-85 to 1988-89 (Mungaru) issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A. M. Venkataswamy is shown as the khathedar pursuant to IHC 40/87-88. Sri. A. M. Mariswamy is shown as the cultivator for the year 1984-85 and Sri. A.M. Venkataswamy is shown as the cultivator for the remaining years.

9. 09.10.2002:

RTC for the years 1989-90 to 1993-94 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A.M. Venkataswamy is shown as the khathedar and cultivator.

10. 09.10.2002:

RTC for the years 1992-93 to 1994-95 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A.M. Venkataswamy is shown as the khathedar and cultivator.

11. 09.10.2002:

RTC for the years 1994-95 to 1996-97 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A.M. Venkataswamy is shown as the khathedar and cultivator.

12. 22.07.2010:

RTC for the year 1997-98 to 2000-2001 issued on behalf of Tahsildar. Bangalore South Taluk, Bangalore. Sri. A. M. Venkataswamy is shown as khatedar and cultivators column is left blank.

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13. 15.12.2010:

RTC for the year 2001-2002 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri A. M. Venkataswamy is shown as the khathedar and cultivator.

14. 15.12.2010:

RTC for the year 2002-2003 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri A. M. Venkataswamy is shown as the khathedar and cultivator.

15. 09.07.2010:

RTC for the year 2003-2004 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri A. M. Venkataswamy is shown as the khathedar and cultivator.

16. 09.07.2010:

RTC for the year 2004-2005 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as the khathedar pursuant to MR 9/2004-05 and she is also shown as the cultivator.

17. 09.01.2012:

RTC for the year 2005-2006 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as the khathedar and cultivator.



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18. 09.01.2012:

RTC for the year 2006-2007 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as the kathedar and cultivator.

19. 09.01.2012:

RTC for the year 2007-2008 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as the kathedar and cultivator.

20. 09.01.2012:

RTC for the year 2008-2009 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as the kathedar and cultivator.

21. 09.01.2012:

RTC for the year 2009-2010 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as the kathedar and cultivator.

22. 09.01.2012:

RTC for the year 2010-2011 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as the kathedar and cultivator.

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23. 09.01.2012:

RTC for the year 2011-12 issued by Village Accountant, Computerised center, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as Khatedar and cultivator.

24. 07.05.2013:

RTC for the year 2012-2013 (mungaru) issued by the Village accountant, Computerized Center, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as Khatedar and the cultivator.

R.T.C of S. No. 9/12:

25. 09.10.2002:

RTC for the years 1969-70 to 1973-74 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Smt. Chikkamma is shown as the khathedar and cultivator.

26. 09.10.2002:

RTC for the years 1974-75 to 1978-79 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Smt. Chikkamma is shown as the khathedar and cultivator.

27. 09.10.2002:

RTC for the years 1979-80 to 1983-84 issued by the Thasildar, Bangalore South Taluk, Bangalore. Smt. Chikkamma is shown as the khathedar and cultivator.

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28. 09.10.2002:

RTC for the years 1984-85 to 1986-87 (mungaru) Sri. A.M. Venkataswamy is shown as the khatedar pursuant to IHC 40/87-88. Smt. Chikkamma is shown as the cultivator for the year 1984-85 and Sri. A.M. Venkataswamy is shown as the cultivator for the years 1985-86 and 1986-87.

29. 09.10.2002:

RTC for the years 1989-90 (mungaru) to 1993-94 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A.M. Venkataswamy is shown as the khatedar and cultivator.

30. 09.10.2002

RTC for the years 1994-95 to 1996-97 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A.M. Venkataswamy is shown as the khatedar and cultivator.

31. 22.01.2010:

RTC for the years 1997-98 to 2000-2001 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A.M. Venkataswamy is shown as khatedar and the cultivator column is left blank.

32. 15.12.2010:

RTC for the year 2001-2002 issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. A.M. Venkataswamy is shown as khatedar and cultivator.

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33. 15.12.2010:

RTC for the year 2002-2003 issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. A.M. Venkataswamy is shown as khatedar and cultivator.

34. 09.07.2010:

RTC for the year 2003-04 issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. A.M. Venkataswamy is shown as khatedar and cultivator.

35. 09.07.2010:

RTC for the year 2004-2005 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as khathedar (pursuant to MR 9/2004-05) and cultivator.

36. 09.07.2010:

RTC for the year 2005-2006 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as khathedar and cultivator.

37. 09.07.2010:

RTC for the year 2006-2007 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as khathedar and cultivator.

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38. 09.07.2010:

RTC for the year 2007-2008 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as khatedar and cultivator.

39. 09.07.2010:

RTC for the year 2008-2009 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as khatedar and cultivator

40. 09.07.2010:

RTC for the year 2009-2010 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavati is shown as khatedar and cultivator.

41. 09.01.2012:

RTC for the year 2010-2011 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk. Smt. R. Pushpavathi is shown as khatedar and cultivator.

42. 09.01.2012:

RTC for the year 2011-2012 (Mungaru) issued by the Village accountant, Computer Center, Bangalore South Taluk. Smt. R. Pushpavathi is shown as khatedar and cultivator.

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43. 07.05.2013:

RTC for the year 2012-2013 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk. Smt. R. Pushpavathi is shown as khatedar and cultivator.

MUTATION REGISTER EXTRACT

44. 25.05.2004:

Mutation Register extract relating to IHC 40/1987-88. The katha of S. Nos.9/11, 9/12 and 15/20 are registered in the name of Sri A.M. Venkataswamy and that of S.No.9/15 in the name of Sri A.M. Mariswamy, on the death of their father Sri Munichikkaiah.

45. 21.06.2004:

Mutation register extract relating to MR No.9/2004-05 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the khata of the property bearing S.Nos. 9/11 of an extent of 12 guntas and 9/12 of an extent of 9 guntas was transferred to the name of Smt. R. Pushpavati on the basis of the sale deed, (document No. 4765/04-05).

FAMILY TREE:

46. Undated:

Family tree of Sri Munichikkaiah and his wife Smt. Tayamma.

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RECEIPTS:

47. 25.11.2004:

Receipt No.4876004 for Rs.50/- towards land revenue issued by the Village Accountant, Bangalore South Taluk, Bangalore, in respect of Sy.No.9/11 and 9/12.

48. 04.05.2004:

Receipt No.2992346 for Rs.30/- towards land revenue issued by the Village Accountant, Bangalore South Taluk, Bangalore, in respect of Sy.No.9/11 and 9/12 by Sri. A.M. Venkataswami.

49. 26.10.2002:

Receipt No.2992307 for Rs.50/- towards land revenue issued by the Village Accountant, Bangalore South Taluk, Bangalore, in respect of Sy.No.9/11 and 9/12 by Sri. A.M. Venkataswami.

50. 23.12.1995:

Receipt No.89274 for Rs.10/- towards land revenue for the year 1995-96 issued by the Village Accountant, Bangalore South Taluk, Bangalore, in respect of S.No.9/12 paid by Sri. A.M. Venkataswami.

51. 27.12.1995:

Receipt No.89275 for Rs.10/- towards land revenue in respect of S.No.9/11 for the year 1995-96 issued by the Village Accountant, Bangalore South Taluk, Bangalore to Sri. A.M. Mariswamy.

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52. 04.05.2004:

Receipt No.2992346 for land revenue of Rs.30/- paid by Sri. A.M. Venkataswami in respect of S.Nos.9/11 and 9/12, issued by the Village Accountant.

53. 25.11.2004:

Receipt No. 4876004 for land revenue of Rs.50/- paid by Smt. Pushpavathi in respect of S.Nos.9/11 and 9/12.

54. 24.02.2010:

Receipt No.247800 for payment of Rs.5461/- by Smt. R. Pushapavathi, in respect of property No.55/9/11/9/12/9/13/9/14, issued by the Bruhat Bangalore Mahanagara Palike.

55. 02.03.2010:

Receipt No.1010098 for payment of Rs.55020/- by Smt. R. Pushapavathi, in respect of property No.55/9/11/9/12/9/13/9/14 issued by the Bruhat Bangalore Mahanagara Palike.

SURVEY RECORDS

56. 08.12.1995:

Atlas issued by the Asst. Director of Land Records, Bangalore Sub-Division, Bangalore, in respect of S.Nos.9/11, 9/12, 9/13 and 9/15.

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57. 29.03.2003:

Karnataka Revision Settlement Akarband in respect of S.Nos.9/11, 9/12 and other survey numbers issued by the Assistant Director, Land Records.

58. 15.12.2010:

Hissa Survey Tippani issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore, in respect of S. No. 9.

59. Undated

Village map of Agara village prepared in the year 1904.

ENCUMBRANCE CERTIFICATE:

60. 13.13.2002: (the month is obviously wrong)

Nil encumbrance certificate for the period 01.04.1970 to 31.03.1988 issued by the Sub Registrar, Bangalore South Taluk in respect of S. No.9/11.

61. 13.12.2002:

Encumbrance certificate for the period from 01.04.1970 to 31.03.1988 issued by the Sub Registrar, Bangalore South Taluk in respect of S. No.9/12.

62. 27.10.1995:

Nil Encumbrance certificate for the period from 01.04.1980 to 20.10.1995 issued by the Sub Registrar, Bangalore South Taluk in respect of S. Nos.9/11 and 9/12.

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63. 28.10.2002

Nil encumbrance certificate for the period 01.04.1988 to 09.10.2002 issued by the Sub Registrar, Bangalore South Taluk. in respect of S. No.9/11.

64. 28.10.2002

Nil encumbrance certificate for the period 01.04.1988 to 09.10.2002 issued by the Sub Registrar, Bangalore South Taluk. in respect of S. No.9/12.

65. 12.07.2010:

Encumbrance certificate for the period from 01.04.2004 to 11.07.2010 issued by the Sub Registrar, Bommanahalli in respect of S.No.9/11.

66. 28.05.2004:

Nil encumbrance certificate for the period from 01.04.2000 to 27.05.2004 issued by the Senior Sub Registrar, Bangalore South Taluk in respect of S.Nos.9/11 and 9/12.

67. 06.01.2011:

Encumbrance certificate for the period 01.04.2004 to 02.01.2011 issued by the Sub Registrar, Bommanahalli, Bangalore Urban District in respect of S.No.9.

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68. 06.01.2011:

Encumbrance certificate for the period 01.04.2004 to 02.01.2011 issued by the Senior Sub Registrar, Bommanahalli, Bangalore district, in respect of S.No.9.

69. 12.01.2012:

Encumbrance certificate for the period 28.05.2004 to 11.01.2012 issued by the Senior Sub Registrar, Bommanahalli, Bangalore district, in respect of S.No.9/11 and 9/12.

70. 06.05.2013:

Nil encumbrance certificate for the period 11.1.2012 to 02.05.2013 issued by the senior sub registrar, Bommanahalli, Bangalore District, in respect of S.No.9/11.

71. 31.01.2014:

Encumbrance certificate for the period 01.04.2012 to 29.01.2014 issued by the Sub Registrar, Bommanahalli, Bangalore in respect of S.No.9/11. However, reference to document No.09508 shows both S. Nos. 9/11 and 9/12.

ENDORSEMENT:

72. 13.12.1995:

Endorsement bearing No.RK.CR.1097/95-96 issued by the Tahsildar, Bangalore South Taluk, Bangalore, that the copies of the IL and RR can not be issued as the records are mutilated.

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73. 23.09.2010:

Endorsement No.LRF:STC:CR 472/2010-11 issued by the Special Tahsildar, Bangalore South Taluk, Bangalore, that a fresh application for an endorsement regarding filing of applications in Form 7A of the Land Reforms Act may be filed after receipt of the register from the Hon'ble High Court of Karnataka.

74. 13.08.2010:

Endorsement No.LRF/CR/61/2010-11 issued by the Assistant Commissioner, Bangalore South Sub-Division, Bangalore that no proceedings under Sections 79(A) and (B) of the Karnataka Land Reforms Act have been initiated in respect of S.Nos. 9/10, 9/11, 9/12 and 9/16.

DEATH CERTIFICATE:

75. Undated:

Death certificate of Smt. Thayamma @ Chikkamma who died on 25.07.1974 issued by the Tahsildar, Bangalore South Taluk, Bangalore.

CONVERSION:

76. 05.12.2007:

Notice bearing No.ALN(S)SR/113/2006-07 issued by the Special Tahsildar, Bangalore District, Bangalore demanding conversion fine and sub division fees of Rs.75089/- relating to conversion of S.Nos.9/11 (12 guntas); 9/12 (9 guntas), 9/14 (5 guntas) and 55 (29 guntas) for non-agricultural residential purpose.



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77. 06.12.2007:

Challan No.47 for Rs.74,869/- paid by Smt. R. Pushpavathi, towards conversion fees in respect of S.Nos.9/11 (12 guntas); 9/12 (9 guntas), 9/14 (5 guntas) and 55 (29 guntas) at the State Bank of Mysore.

78. 06.12.2007:

Challan No.48 for Rs.220/- paid by Smt. R. Pushpavathi, towards Podi fees in respect of S.Nos.9/11 (12 guntas); 9.12 (9 guntas), 9/14 (5 guntas) and 55 (29 guntas) at the State Bank of Mysore.

79. 02.06.2009:

Official Memorandum bearing No.ALN SR(S)113/2006-07, issued by the Special Deputy Commissioner (Revenue), Bangalore District, Bangalore, regarding conversion of S.Nos.9/11 (12 guntas); 9.12 (9 guntas), 9/14 (5 guntas) and 55 (29 guntas) for non-agricultural residential purpose.

BBMP:

80. 05.02.2010:

Certificate bearing No. DA/KTR/182/09-10 & DA/MR/138/09-10, issued by the Assistant Revenue Officer, BBMP, that the katha of the property bearing No. 1094/55/ 9/11/ 9/12/ 9/13/ 9/14 in Agara stands in the name of Smt. Pushpavathi,

81. 05.02.2010:

Houses and vacant lands register for the year 2009-2010 issued by the Revenue Department, BBMP, in respect of property bearing Serial

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No.1094 and old No.55/9/11/9/12/9/13/9/14 of an extent of 69696 sq. ft. in the name of Smt. R. Pushpavathi.

JOINT DEVELOPMENT AGREEMENT:

82. 10.02.2011:

Joint Development Agreement executed by Smt. R. Pushpavathi, Sri. Rajendra Patil and Sri Sanganna Gowda Patil with M/s Sterling Developers Private Limited registered as document No.BMH-1-10256 /2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of the Sub Registrar, Bommanahalli, Bangalore in respect of property bearing S.Nos.9/11, 9/12, 9/13, 9/14 (2 portions), 55, 7/2, 8/2, 9/15, 10, 9/10 and 9/16 of Agara Village.

PROPERTY SCHEDULE

All that piece and parcel of the immovable property being land converted for residential purpose bearing S.No.9/11 of an extent of 12 guntas and S. No.9/12 of an extent of 9 guntas situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore and bounded on the:-

East By :- Property of Sri Dodda Nagappa;

West By :- Property of Sri Dobi Muniswamy;

North By :- Sri Thippareddy's property;

South By :- Property of Sri Chikka Subbarayappa

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(The extent and boundaries of the property are as found in the sale deed dated 28.05.2004 (document No.BAS-1-04765/2004-05) by which Smt. R. Pushavathi purchased the property)

DISCUSSION

1. Sri. A.M. Venkatashami and Sri. A.M. Mariswami, sons of Sri. Munichikkaiah divided their ancestral properties by the Panchayath partition deed dated 22.09.2003. S.Nos.9/11 and 9/12 (contiguous lands of a total extent of 23 guntas) in Agara Village were allotted to the share of Sri. A.M. Venkataswami. The khata was transferred to the name of Sri. A.M. Venkataswamy by the mutation entry IHC.No.40/87-88.
2. The RTC for the years 1969-70 to 1983-84 shows the name of Sri Munichikkaiah as the khatedar and cultivator in respect of S. No.9/11. The RTC for the years 1969-70 to 1983-84 shows the name of Smt Chikkamma as the khatedar and cultivator in respect of S.No. 9/12. The RTC for the years 1984-85 to 1988-1989 shows the name of Sri. A.M. Venkataswami as the khatedar pursuant to I.H.C 40/83-84 in respect of both the properties. Sri A.M.Mariswamy is shown as the cultivator for S.No.9/11 for the year 1984-85. Sri. A.M. Venkataswami is shown as the cultivator of S.No.9/12 for the year 1984-85. Sri. A.M. Venkataswami is shown as the cultivator of both the survey numbers from the year 1985-86 till 2003-2004.



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3. Sri. A.M.Venkataswamy and his sons agreed to sell the schedule property to Sri. D. Kupendra Reddy by the agreement of sale dated 12.11.2003.

4. Smt. Pushpavathi purchased the schedule property from Sri. A.M. Venkataswamy and his three sons, namely, Sri A.M. Sheshadri, Sri. Keshava and Sri. Narendra by the sale deed dated 28.5.2004 (Document.No.BAS-1-04765-2004-05). The sale deed recites that:

“Whereas the Vendors herein for their legal necessities and also to acquire any other suitable property for the benefit of their family has offered to sell the schedule properties, pursuant to which the Purchaser has agreed to purchase the same.....”

5. Sri D. Kupendra Reddy has executed a deed of confirmation dated 08.01.2014 in favour of Smt. R. Pushapavathi registered as document No.BMH-1-08508-2013-14 in the office of the Sub Registrar, Bommanahalli, Bangalore. By this deed he has confirmed that he has no interest in property S. No.9/11 of an extent of 12 guntas and S.No.9/12 of an extent of 9 guntas and that the sale deed, document No.04765/2004-05 in favour of Smt. R. Pushapavathi is valid and binding on him.

6. The khata was transferred to the name of Smt. Pushpavathi as evidenced by the mutation register entry M.R.No.9/2004-05. Her name is shown as khatedar and cultivator in the RTC from the year 2004-05 till 2012 -2013 in respect of both the properties. From the RTC it can be seen that Smt. Pushpathi and her processors in interest have been in possession of the schedule property from the year 1988-1989.

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7. The Special Deputy Commissioner, Bangalore District permitted conversion of S. No.9/11 of an extent of 12 guntas, S. No.9/12 of an extent of 9 guntas, S. No.9/15 of an extent of 5 guntas and S. No.55 of an extent of 29 guntas i.e. a total of 1 acre 15 guntas from agricultural to non-agricultural residential purpose by the Official memorandum dated 02.06.2009 bearing No.ALN/SR/S/113/2006-07 subject to various conditions detailed therein.

8. The copy of the Houses and Vacant Sites Register for the year 2009-10 issued by the BBMP shows that Smt. R. Pushapavathi is the owner of the property No.55/9/11/9/12/9/13/9/14 of an extent of 69696 sq. ft. situated at Agara Village at Sl. No.1094 in the said register. The certificate dated 05.02.2010 issued by the BBMP shows that Smt. R. Pushapavathi is the kathedar of the said property. A receipt dated 02.03.2010 issued by the HSR Layout BBMP for Rs.55020/- being the property tax for the years 2002-2003 to 2009-10 is produced. Several other receipts listed above are also produced.

9. The Akarbandh in respect of S. Nos.9/11 and 9/12 shows that there is no kharab in these properties. The Hissa Survey Tippani prepared on 20.05.1929 shows that there are 17 sub divisions in S. No.9 of Agara Village and that the S. No.9/11 is in the name of Marianna, S/o Sri Venkatappa and S. No.9/12 is in the name of Joga Reddy Venkatappa, s/o of Sri Jodappa.

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10. An endorsement dated 13.08.2010 is issued by the Assistant Commissioner, Bangalore South Sub Division, Bangalore that no proceedings are initiated under 79(A) (B) of the Karnataka Land Reforms Act, 1961. An endorsement dated 23.09.2010 is issued by the Special Tahsildar, Bangalore South Taluk that the file relating to proceedings under Section 48(A) of the Karnataka Land Reforms Act has been submitted to the Hon'ble High Court of Karnataka and that an application is made for the endorsement after the file is returned. No other endorsement is produced.

11. Smt. R. Pushpavathi (along with Sri Rajendra Patil and Sri Sanganna Gowda Patil) has entered into a Joint Development Agreement dated 10.02.2011 with M/s Sterling Developers Private Limited registered as document No.BMH-1-10256/2010-11 in respect of property bearing S.Nos.9/11, 9/12, 9/13, 9/14 (2 portions), 55, 7/2, 8/2, 9/15, 10, 9/10 and 9/16 of Agara Village on the terms and conditions therein.

12. The family tree of Sri Munichikkaiah and his wife Smt. Thayamma is produced. It shows that they had two sons, viz. A. N. Venkataswamy and A. M. Mariswamy, Sri A. N. Venkataswamy has three sons, A. M. Mariswamy has six children including minors. We are informed by M/s Sterling Developers Private Limited that the sale by A.M. Venkataswamy and his sons is for legal necessity, that the transactions in respect of the properties are valid and are in compliance of law, including all Central and State statutes and that there is no violation of any law. We are also informed that there are no third party rights of any nature or claims by any person, including minors and women and that no



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legal or acquisition proceedings are pending in respect of these properties. No documents other than those listed above are produced. The encumbrance certificates listed above do not disclose any transactions other than those referred to above.

OPINION

In the light of the discussion and our observations above we are of the opinion that Smt. R. Pushpavathi is the absolute owner of the properties bearing S. No. 9/11 of an extent of 12 guntas and S.No 9/12 of an extent of 9 guntas situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore, having purchased the same under the sale deed dated 28.05.2004 registered as document No.BAS-1-04765-2004-2005 of Book I and stored in CD No. BASD67 on 02.06.2004, in the office of the Sub Registrar, Bangalore South Taluk executed by Sri. A.M. Venkataswamy (s/o late Sri. Muni Chikkaiah) and his three sons in her favour.


(HOLLA & HOLLA)

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Advocates

*Udaya Holla B.Sc., LL.M.
Senior Advocate
Maya Holla, B.A., LL.B.
Nettar Govinda Bhat, B.Sc., B.L.
Vivek Holla, B.A., LL.B. (Hons.)*

*Level 4, Prestige Nebula
No.8, Cubbon Road,
(Opp.) Income Tax Office,
Bangalore - 560001
India.*

11th February, 2014

**Mr. Ramani Sastri
Managing Director
Sterling Developers Private Limited,
Level 5, Prestige Nebula,
Opp. Income Tax Office,
Bangalore – 560001.**

Sir,

Sub: Legal Opinion regarding the title of Smt. R. Pushpavathi to the properties bearing S. No.9/13 of an extent of 9 guntas and S. No.9/14 of an extent of 9 guntas situated in Agara Village, Begur Hobli, Bangalore South Taluk Bangalore

We have examined the xerox copies of the following documents which were made available by you, which we assume for the purpose of this opinion, to be true copies of genuine originals. The opinion is also based on the information provided by you and your representations to us regarding the above property. This legal opinion is given on such basis only and is limited to the question of title of Smt. R. Pushpavathi to the property.

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LIST OF DOCUMENTS

TITLE DEEDS:

1. 22.08.1984:

Preliminary decree in suit O.S. No.8917/1980 filed by Sri. N. Munireddy against Sri. N. Ramaiah and two others in the court of the XVII Additional City Civil Judge, Bangalore. The plaintiff is held to be entitled to 1/4th share in various properties, including S.No.9/13 of an extent of 9 guntas situated in Agara Village.

2. 24.02.2003:

Partition deed between Sri. R. Narasimha Reddy and three others (sons of late Sri. N.Ramaiah), Sri. A.N. Lakshmaiah Reddy and three others (children of late Sri. Dodda Nagappa) registered as document No. 16438/2002-03 of Book I and stored in CD No.100 on 12.03.2003, in the office of the Sub Registrar, Bangalore South Taluk. Sri N. Muni Reddy was allotted S.No.9/13 (9 guntas) and S. No. 9/14 (4 guntas). Sri A.N. Lakshmaiah Reddy and Sri. N. Subbaiah Reddy were allotted 2.5 guntas each in S.No.9/14, apart from other properties.

3. 10.09.2003:

Agreement for sale executed by Sri N. Munireddy (s/o late Sri Dodda Nagappa Reddy) and his two sons, in favour of Sri D. Kupendra Reddy. The property agreed to be sold is S.No.9/13 of an extent of 9 guntas and S.No. 9/14 of an extent of 4 guntas.

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4. 10.09.2003:

Receipt for payment of Rs.4,00,000/- executed by Sri. N. Munireddy and his son, Sri. A.M. Nagaraj in favour of Sri. D. Kupendra Reddy.

5. 30.01.2004:

Agreement for sale executed by Sri A.N. Laxmaiah Reddy and Sri. A.N. Subbaiah Reddy (sons of late Sri. Dodda Nagappa), in favour of Sri. D. Kupendra Reddy. The property agreed to be sold is S.No. 9/14 of an extent of 5 guntas.

6. 31.01.2004:

General Power of Attorney executed by Sri. A.N. Laxmaiah Reddy and Sri. A.N. Subbaiah Reddy (sons of late Sri. Dodda Nagappa) in favour of Sri. D. Kupendra Reddy. The document, inter alia, grants power to manage the property bearing S.No.9/14 of an extent of 5 guntas.

7. 28.05.2004:

Sale deed executed by Sri. A.N. Lakshmaiah Reddy (s/o late Sri. Doddanagappa Reddy) and three others in favour of Smt. R. Pushpavathi (d/o late Sri. A.V. Ramaiah Reddy), registered as document No. BAS-1-04764-2004-2005 of Book I and stored in CD No.BASD67 on 02.06.2004, in the office of the Sub Registrar, Bangalore South Taluk. The property sold is S.No.9/14 of an extent of 5 guntas.

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8. 24.02.2005:

Sale deed executed by Sri. N. Munireddy and his sons and daughters in favour of Smt. R. Pushpavathi (d/o late Sri. A.V. Ramaiah Reddy), registered as document No. BAS-1-29902-2004-2005 of Book I and stored in CD No.BASD 141 on 24.02.2005, in the office of the Sub Registrar, Bangalore South Taluk. The property sold is S.No.9/14 of an extent of 4 guntas.

9. 24.02.2005:

Sale deed executed by Sri. N. Munireddy and his sons and daughters in favour of Smt. R. Pushpavathi, registered as document No. BAS-1-29907-2004-05 of Book I and stored in CD No.BASD 141 on 24.02.2005 in the office of the Sub Registrar, Bangalore South Taluk. The property sold is S.No.9/13 of an extent of 9 guntas.

10. 08.01.2014:

Deed of confirmation executed by Sri D. Kupendra Reddy in favour of Smt. R. Pushapavathi registered as document No.BMH1-08509-2013-14 and stored in CD No.BMHD660 on 08.01.2014 in the office of the Sub Registrar, Bommanahalli. The executant confirms and admits the sale deed, document No.04764/2004-05 executed in favour of Smt. R. Pushpavathi and that she is the absolute owner of the property S. No.9/14 of an extent of 5 guntas.

11. 08.01.2014:

Deed of confirmation executed by Sri D. Kupendra Reddy in favour of Smt. R. Pushapavathi registered as document No.BMH1-08511-2013-14

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and stored in CD No.BMHD660 on 08.01.2014 in the office of the Sub Registrar, Bommanahalli. The executant confirms and admits the sale deeds, document Nos.29902/2004-05 and 29907/2004-05 executed in favour of Smt. R. Pushpavathi and that she is the absolute owner of the properties S. No.9/13 of an extent of 9 guntas and 9/14 of an extent of 4 guntas.

R.T.C. of S. No.9/13:

12. 06.04.2009:

RTC for the years 1969-70 to 1973-74 issued by the Tahsildar, Bangalore South Taluk. Sri. Doddanagappa is shown as the khatedar and cultivator.

13. 22.03.2011:

Endorsement bearing No. RK/CR/1798/10-11 issued by the Tahsildar, Bangalore South Taluk, that the copy of the RTC for the years 1974-75 to 1983-84 in respect of S. Nos.19/3, 19/4, 7/2, 10 and 9/10 cannot be issued as the register is mutilated.

14. 02.04. (year not mentioned):

RTC for the years 1984-85 to 1988-89 issued on behalf of the Tahsildar, Bangalore South Taluk Bangalore. Sri. Doddanagappa is shown as khatedar and Sri. Ramaiah is shown as cultivator.

15. 02.04.2011:

RTC for the years 1989-90 to 1993-94 issued on behalf of Tahsildar, Bangalore South Taluk, Bangalore. Sri. Doddanagappa is shown as khatedar and Sri. Ramaiah is shown as cultivator.

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16. 14.02.(year not mentioned):

RTC for the years 1994-95 to 1996-97 issued on behalf of Tahsildar Bangalore South Taluk, Bangalore. Sri. Doddanagappa is shown as khatedar and Sri. Ramaiah is shown as cultivator.

17. 02.04.(year illegible):

RTC for the years 1997-98 to 2000-2001 issued on behalf of Tahsildar, Bangalore South Taluk, Bangalore. Sri. Doddanagappa is shown as khatedar and Sri, Ramaiah is shown as cultivator.

18. 15.12.2010:

RTC for the year 2000-2001 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri Doddanagappa is shown as khatedar and the Sri. Ramaiah is shown as cultivator.

19. 22. 03. 2011:

RTC for the year 2001-2002 issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Doddanagappa is shown as the kathedar. Sri. Ramaiah is shown as cultivator.

20. 15.12.2010:

RTC for the year 2001-2002 issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. A.N. Lakshmaiah Reddy, Sri. N. Ramaiah Reddy, Sri. N. Subbaiah Reddy and Sri. N. Muni Reddy are shown as the kathedars of $2 \frac{1}{4}$ guntas each. They are also shown as cultivators.

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21. 25.08.2003:

RTC for the year 2002-2003 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. The kathedars and cultivators are the same as above.

22. 09.10.2012:

RTC for the year 2004-05 issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. N. Muni Reddy is shown as khatedar and cultivator.

23. 07.11.2006:

R.T.C. for the year 2005-2006 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. N. Muni Reddy is shown as the Khatedar and also as the Cultivator.

24. 07.11.2006:

RTC for the year 2006-2007 (Mungaru & Besige) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as the kathedar. Sri. N. Munireddy is shown as the cultivator for mungaru. Sri. N. Munireddy and Smt. R. Pushpavathi are shown as the cultivators for Besige.

25. 09.07.2010:

RTC for the year 2007-2008 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as the kathedar. Sri. N. Munireddy and Smt. R. Pushpavathi are shown as the cultivators.

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26. 09.07.2010:

RTC for the year 2008-2009 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as the kathedar. Sri. N. Munireddy and Smt. R. Pushpavathi are shown as the cultivators.

27. 21.09.2010:

RTC for the year 2009-2010 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as the kathedar. Sri. N. Munireddy and Smt. R. Pushpavathi are shown as the cultivators.

28. 09.10.2012:

RTC for the year 2010-2011 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore Smt. R. Pushpavathi is shown as khatedar. Sri. N. Munireddy and Smt. R. Pushpavathi are shown as the cultivators.

29. 09.01.2012:

RTC for the year 2011-2012 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as khatedar. Sri. N. Munireddy and Smt. R. Pushpavathi are shown as the cultivators.

30. 07.05.2013

RTC for the year 2012-2013 issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown

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as khatedar. Sri. S. Munireddy and Smt. Pushpavathi are shown as cultivators.

R.T.C of S.No.9/14:

31. 30.04.2009:

RTC for the years 1969-70 to 1973-74 issued by Tahsildar, Bangalore South Taluk, Bangalore. Sri. Doddanagappa is shown as khatedar. He is also the cultivator for the years 1969-70 to 1971-72. Thereafter Sri Ramaiah is shown as the cultivator.

32. 25.10.2004

RTC for the years 1984-85 to 1988-89 issued by Tahsildar, Bangalore South Taluk Bangalore. Sri. Doddanagappa is shown as khatedar and Sri. Ramaiah is shown as cultivator.

33. 25.10.2006

RTC for the years 1989-90 to 1993-94 issued by Tahsildar, Bangalore South Taluk, Bangalore. Sri. Doddanagappa is shown as Khatedar and Sri. Ramaiah is shown as cultivator.

34. 05.01.2004

RTC for the years 1994-95 to 1996-97 issued by Tahsildar, Bangalore South Taluk, Bangalore. Sri. Doddanagappa is shown as Khatedar and Sri. Ramaiah is shown as cultivator.



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RTC for the years 1997-98 to 2000-2001 issued by Tahsildar, Bangalore South Taluk, Bangalore. Sri. Doddangappa is shown as khatedar and Sri. Ramaiah is shown as cultivator.

36. 23.09.2010

RTC for the year 2001-02 issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. A. N. Lakshmaiah Reddy, Sri N. Ramaiah, N. Subbaiah Reddy and N. Muni Reddy are shown as khatedars of $2 \frac{1}{4}$ guntas each and as cultivators.

37. 23.09.2010:

RTC for the year 2002-2003 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. The kathedars and cultivators are the same as above.

38. Undated:

Incomplete RTC for the year 2003-2004 (Mungaru & Hingaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. A.N. Lakshmaiah Reddy and Sri. S. Subbaiah Reddy are shown as khatedars of $2 \frac{1}{2}$ guntas each and Sri. N. Munireddy is shown as the kathedar of 4 guntas pursuant to MR 14/2003-04. They are also shown as cultivators for Mungaru along with Sri N. Ramaiah. For Hingaru Sri N. Lakshmaiah Reddy and Sri Subbaiah Reddy are shown as the cultivators. (only page 1 is produced).

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39. 22.11.2004:

RTC for the year 2004-2005 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri. N. Muni Reddy is shown as the kathedar of 4 guntas. Smt. R. Pushpavati is shown as the kathedar of 5 guntas pursuant to MR 11/2004-05. Smt. R. Pushpavati is shown as the cultivator.

40. 23.09.2010

RTC for the year 2005-2006 issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. The kathedars and cultivators are the same as above.

41. 23.09.2010:

RTC for the year 2006-2007 (Mungaru and Besige) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Smt. R. Pushpavathi is shown as the kathedar and cultivator.

42. 09.07.2010:

RTC for the year 2007-2008 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as the kathedar and cultivator.

43. 09.07.2010

RTC for the year 2008-09 (Mungaru) issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as khatedar and cultivator.

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44. 09.07.2010

RTC for the year 2009-2010 (Mungaru) issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as khatedar and cultivator.

45. 07.05.2013

RTC for the year 2010-2011 (Mungaru) issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as khatedar and cultivator.

46. 07.05.2013

RTC for the year 2011-2012 issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as khatedar and the cultivator.

47. 07.05.2013

RTC for the year 2012-2013 issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Smt. R. Pushpavathi is shown as khatedar and cultivator.

MUTATION REGISTER EXTRACT:

48. 11.02.2005:

Incomplete Mutation Register Extract relating to entry MR No.3/2001-02 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the Khata of S.Nos.9/13 (9 guntas) and 9/14 (9 guntas), was transferred to the names of Sri. Ramaiah, Sri. Muni Reddy, Sri. Lakshmaiah Reddy and Sri. Subbaiah Reddy. (only page 2 is produced).

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49. 07.11.2006:

Mutation Register Extract relating to entry MR No.14/2003-04 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the katha of the property bearing S.No.9/14 of an extent of 1/4th gunta each was transferred to the names of Sri. A. N. Lakshmaiah Reddy and Sri N. Subbaiah Reddy and 1 3/4th gunta to the name of Sri N. Muni Reddy on the basis of the partition deed, registered as document No. 16438/02-03 on 24.02.2003.

50. 07.11.2006:

Mutation Register Extract relating to entry MR No. 87/2003-04 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the Khata of the property bearing S.No.9/13 of an extent of 9 guntas, was transferred to the name of Sri. N. Muni Reddy on the basis of the partition deed, registered as document No. 16438/02-03 on 24.02.2003.

51. 15.02.2007:

Mutation register extract relating to entry MR No. 11/2004-2005 issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. By this entry the katha of property bearing S.No. 9/14 of an extent of 5 guntas was transferred to the name of Smt. R. Pushpavathi on the basis of the sale deed, registered as document No.4764/2004-05 on 28.05.2004.

52. 15.02.2007:

Mutation register extract relating to entry MR No. 2/2006-2007 issued by the Village Accountant, Bangalore South Taluk, Bangalore. By this entry the katha of the property bearing S.No. 9/13 of an extent of 9

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guntas and S.No. 9/14 of an extent of 4 guntas was transferred to the name of Smt. R. Pushpavathi on the basis of the sale deed, registered as document No. 29907/2004-05 on 24.02.2005.

RECEIPT :

53. 18.02.2000:

Receipt No.018590 for payment of property tax of Rs.50/- paid by Sri N. Muni Reddy in respect of S. Nos.9/13 and 9/14, issued by the Village Accountant, Begur Hobli, Agara Village, Bangalore South Taluk, Bangalore.

54. 04.09.2003 :

Receipt No.2992331 for Rs.25/- paid as property tax in respect of S.Nos.9/13 and 9/14, issued by the Village Accountant, Begur Hobli, Agara Village, Bangalore South Taluk, Bangalore.

55. 24.02.2010:

Receipt No.247800 for Rs.5461/- issued by the Bruhat Bangalore Mahanagara Palike, in respect of property No.55/9/11/9/12/9/13/9/14 paid by Smt. R. Pushapavathi.

56. 02.03.2010:

Receipt No.1010098 for Rs.55020/- issued by the Bruhat Bangalore Mahanagara Palike, in respect of property No.55/9/11/9/12/9/13/9/14 paid by Smt. R. Pushapavathi.



ENCUMBRANCE CERTIFICATE:

57. 29.02.2012:

Encumbrance certificate for a period of 17 years from 01.04.1970 to 21.03.1987 issued by the Sub Registrar, Bommanahalli, Bangalore South Taluk, Bangalore, in respect of S. No.9/14. (5 guntas).

58. 16.01.2012:

Encumbrance certificate for a period of 17 years from 01.04.1970 to 21.03.1987 issued by the Sub Registrar, Bommanahalli, Bangalore South Taluk, Bangalore, in respect of S. No.9/13. (9 guntas).

59. 22.03.2000:

Encumbrance certificate for a period of 14 years from 22.03.1987 to 22.03.2000 issued by the Sub Registrar, Bangalore South Taluk, Bangalore, in respect of S. Nos.9/13 and 9/14.

60. 13.01.2012:

Encumbrance certificate for the period from 23.03.2000 to 04.09.2003 issued by the Sub Registrar, Bangalore South Taluk, Bangalore, in respect of S. No.9/13.

61. 05.09.2003:

Encumbrance certificate for the period from 01.04.2002 to 04.09.2003 issued by the Sub Registrar, Bangalore South Taluk, Bangalore in respect of S. No.9/13.

62. 05.09.2003:

Encumbrance certificate for the period from 01.04.2002 to 04.09.2003 issued by the Sub Registrar, Bangalore South Taluk, Bangalore in respect of S. No.9/14 (4 guntas).



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63. 25.02.2012:

Encumbrance certificate for the period from 04.09.2003 to 31.03.2004 issued by the Sub Registrar, Bangalore South Taluk, Bangalore in respect of S. No.9/13.

64. 13/01.2012:

Encumbrance certificate for the period from 05.09.2003 to 31.03.2004 issued by the Sub Registrar, Bommanahalli, Bangalore South Taluk, Bangalore in respect of S. No.9/14 (4 guntas).

65. 21/09.2010:

Encumbrance certificate for the period from 01.04.2004 to 31.03.2005 issued by the Sub Registrar, Bommanahalli, Bangalore South Taluk, Bangalore in respect of S. No.9/14.

66. 12.07.2010:

Encumbrance certificate for the period from 01.04.2004 to 11.07.2010 issued by the Sub Registrar, Bommanahalli, Bangalore South Taluk, Bangalore in respect of S. No.9/13.

67. 06.01.2011:

Encumbrance certificate for the period from 01.04.2004 to 02.01.2011 issued by the Sub Registrar, Bommanahalli, Bangalore South Taluk, Bangalore in respect of S. No.9/14.

68. 12.01.2012:

Encumbrance certificate for the period from 01.04.2004 to 11.01.2012 issued by the Sub Registrar, Bommanahalli, Bangalore South Taluk, Bangalore in respect of S. No.9/14 (4 guntas).

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69. 12.01.2012:

Encumbrance certificate for the period from 12.07.2010 to 114.01.2012 issued by the Sub Registrar, Bommanahalli, Bangalore South Taluk, Bangalore in respect of S. No.9/13.

70. 06.05.2013:

Encumbrance certificate from 12.01.2012 to 02.05.2013 issued by the Senior Sub Registrar, Bommanahalli, Bangalore Urban District, in respect of S.No.9/13.

71. 06.05.2013:

Encumbrance certificate from 12.01.2012 to 02.05.2013 issued by the Senior Sub Registrar, Bommanahalli, Bangalore Urban District, in respect of S.No.9/14.

72. 31.01.2014:

Encumbrance certificate from 01.04.2012 to 29.01.2014 issued by the Sub Registrar, Bommanahalli, Bangalore in respect of S.No.9. However, the document shown is in respect of S. No.9/14.

73. 31.01.2014:

Encumbrance certificate from 01.04.2012 to 29.01.2014 issued by the Sub Registrar, Bommanahalli, Bangalore in respect of S.No.9. However, the document shown is in respect of S. No.9/13.

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SURVEY RECORDS

74. 08.12.1995:

Atlas issued by the Asst. Director of Land Records, Bangalore Sub-Division, Bangalore, in respect of S.Nos.9/11, 9/12, 9/13 and 9/15.

75. 29.03.2003:

Karnataka Revision Settlement Akarband in respect of S.Nos.9/13, 9/14 and other survey numbers issued by the Assistant Director, Land Records.

76. 15.12.2010:

Hissa Survey Tippani issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore, in respect of S. No.9.

77. Undated

Village map of Agara village prepared in the year 1904.

78. Undated:

Mysore Revision Settlement Register of Agara Village, prepared in the year 1965. Sri. Ramaiah, s/o of Sri. Phasal Reddy is shown as the kathedar of S.Nos.7 and 8. Sri. Muniyappa is shown as the kathedar of S.No.9/10. Sri. Munichikkaiah is shown as the katehdar of S.No. 9/11. Smt. Chikkamma is shown as the kathedar of S.No. 9/12. Sri. Dodda Nagappa is shown as the kathedar of S.Nos.9/13 and 9/14. Sri. Muni Chikkaiah is shown as the kathedar of S.No.9/15. Sri. Dodda Gundappa is shown as the kathedar of S.No.9/16. Sri. Subbarayappa is shown as the kathedar of S.No.10. Archaka Krishna is shown as the kathedar of S.No.55.

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ENDORSEMENTS:

79. 12.08.2003:

Endorsement No.... /B/2003-04 issued by the Assistant Commissioner, Bangalore South Sub-Division, Bangalore that no proceedings have been initiated under Sections 79(A) and (B) of the Land Reforms Act.

80. 22.03.2011

Endorsement bearing No.RK/CR/798/07-08 issued by the Tahsildar, Bangalore South Taluk, Bangalore, that copy of IL and RR cannot be issued.

81. 13.12.1995

Endorsement bearing No.RK/SR/09/95-96 issued by the Tahsildar, Bangalore South Taluk, Bangalore, that copy of IL and RR cannot be issued as the registers are mutilated.

82. 23.09.2010:

Endorsement No.LRF:STC:CR 472/2010-11 issued by the Special Tahsildar, Bangalore South Taluk, Bangalore, that a fresh application for an endorsement regarding filing of applications in Form 7A of the Land Reforms Act may be filed after receipt of the register from the Hon'ble High Court of Karnataka.

CONVERSION:

83. 05.12.2007:

Notice bearing No.ALN(S)SR/113/2006-07 issued by the Special Tahsildar, Bangalore District, Bangalore demanding conversion fine and

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sub division fee of Rs.75089/- relating to conversion of S.Nos.9/11 (12 guntas); 9/12 (9 guntas), 9/14 (5 guntas) and 55 (29 guntas) for non-agricultural residential purpose.

84. 06.12.2007:

Challan No.47 for Rs.74,869/- paid by Smt. R. Pushpavathi, towards conversion fees in respect of S.Nos.9/11 (12 guntas); 9/12 (9 guntas), 9/14 (5 guntas); 55 (29 guntas) at the State Bank of Mysore.

85. 06.12.2007:

Challan No.48 for Rs.220/- paid by Smt. R. Pushpavathi, towards Podi fees in respect of S.Nos.9/11 (12 guntas); 9/12 (9 guntas), 9/14 (5 guntas); 55 (29 guntas) at the State Bank of Mysore.

86. 02.06.2009:

Official Memorandum bearing No.ALN SR(S)113/2006-07, issued by the Special Deputy Commissioner (Revenue), Bangalore District, Bangalore, regarding conversion of S.Nos.9/11 (12 guntas); 9/12 (9 guntas), 9/14 (5 guntas) and 55 (29 guntas) for non-agricultural residential purpose.

87. 05.10.2007:

Notice bearing No.ALN(S)SR/11/2007-08 issued by the Special Tahsildar, Bangalore District, Bangalore demanding conversion fine and sub division fees of Rs.15807/- relating to conversion of S.Nos.9/13 (9 guntas) and 9/14 (4 guntas) for non-agricultural residential purpose.



88. 06.10.2007:

Challan No.45 for Rs.17697/- paid by Smt. R. Pushpavathi, towards conversion fine in respect of S.Nos.9/13 and 9/14.

89. 25.05.2009:

Official Memorandum bearing No.ALN SR(S)11/2007-08, issued by the Special Deputy Commissioner (Revenue), Bangalore District, Bangalore, regarding conversion of S.Nos.9/13 (9 guntas) and 9/14 (4 guntas) for non-agricultural residential purpose.

FAMILY TREE:

90. Undated:

Family tree of Sri. Dodd Nagappa attested by the Village Accountant, Agara, Begur Hobli, Bangalore South Taluk.

BBMP:

91. 05.02.2010:

Certificate bearing No.DA/KTR/182/09-10 & DA/ MR/ 138/09-10, issued by the Assistant Revenue Officer, BBMP, that the katha of the property bearing No.1094/55/ 9/11/ 9/12/ 9/13/ 9/14 in Agara stands in the name of Smt. R. Pushpavathi.

92. 05.02.2010:

Houses and vacant lands register for the year 2009-2010 issued by the Revenue Department, BBMP, in respect of property bearing Serial No.1094 and old No.55/9/11/9/12/9/13/9/14 of an extent of 69696 sq. ft. in the name of Smt. R. Pushpavathi.

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JOINT DEVELOPMENT AGREEMENT

93. 10.02.2011:

Joint Development Agreement executed by Smt. R. Pushpavathi, Sri Rajendra Patil and Sri Sanganna Gowda Patil with M/s. Sterling Developers Private Limited registered as document No.BMH-1-10256 /2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of the Sub Registrar, Bommanahalli, Bangalore in respect of property bearing S.Nos.9/11, 9/12, 9/13, 9/14 (2 portions), 55, 7/2, 8/2, 9/15, 10, 9/10 and 9/16 of Agara Village.

PROPERTY SCHEDULE

ITEM-1

S.No.9/13:

All that piece and parcel of the immovable property being land converted for non-agricultural, residential purpose bearing S.No.9/13 of an extent of 9 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore and bounded on the:-

East By :- Sri Munichikkappa's Property;

West By :- Sri Munichikkappa's Property;

North By :- Smt. R. Pushavathi's Property;

South By :- Private Property.

[The boundaries of the properties are mentioned as in the sale deed dated 24.02.2005, document No.49907/2004-2005].



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ITEM-II

S.No.9/14:

All that piece and parcel of the immovable property being land converted for non-agricultural, residential purpose bearing S.No.9/14 of an extent of 4 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore and bounded on the:-

East By :- Sri Munichikkappa's property;

West By :- Sri Munichikkappa's property;

North By :- Smt. R. Pushpavathi's property;

South By :- Smt. R. Pushpavathi's property.

[The boundaries of the properties are mentioned as in the sale deed dated 24.02.2005, document No.29902/2004-2005].

ITEM-III

S.No.9/14

All that piece and parcel of the immovable property being land converted for non-agricultural, residential purpose bearing S.No.9/14 of an extent of 5 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore and bounded on the:-

East By :- Sri Munichikkappa's property;

West By :- Sri Munichikkappa's property;

North By :- Sri Thippa Reddy's Property;

South By :- Sri Muni Reddy's Property.

[The boundaries of the properties are mentioned as in the sale deed dated 28.05.2004, document No.4764/2004-2005].

[Signature]

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DISCUSSION

1. The preliminary decree dated 22.08.1984 passed in O.S.No.8917/1980 before the court of the XXVII Additional City Civil Judge at Bangalore discloses that it was a suit filed by Sri. N. Muni Reddy (s/o. Sri. Doddanagappa) against his three brothers, namely, Sri. N. Ramaiah, Sri. A.N. Lakshmaiah Reddy and Sri. N. Subbaiah Reddy for partition and division by metes and bounds of his 1/4th share in the family properties. The suit was decreed and inter alia, the Deputy Commissioner was directed to partition the revenue paying lands under Section 54 r/w. Order XX Rule 18 of the Code of Civil Procedure and to put the Plaintiff in possession of his 1/4th share apart from further directions for partition of certain items by a Court Commissioner.
2. The final decree is not produced. Only on the passing of a final decree is the suit disposed of finally according to the decision of the Hon'ble Supreme Court of India in *Ganduri Koteshwaramma and another Vs. Chakiri Yanadi and another*, reported in (2011) 9 Supreme Court Cases 788. Therein the Hon'ble court has held that:

"14. A preliminary decree determines the rights and interests of the parties. The suit for partition is not disposed of by passing of the preliminary decree. It is by a final decree that the immovable property of joint Hindu family is partitioned by metes and bounds. After the passing of the preliminary decree, the suit continues until the final decree is passed. If in the interregnum i.e. after passing of the preliminary decree and before the final decree is passed, the events and supervening circumstances occur necessitating change in shares, there is no impediment for the court to amend the preliminary decree or pass another preliminary decree predetermining the rights and interests of the parties having regard to the changed situation."

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The Court also referred to the decision in the case of S. Sai Reddy Vs. S. Narayana Reddy reported in 1991 (3) SCC 647 that in support of the proposition that any change in law prior to passing of the final decree can be taken note of and the rights of the parties adjusted accordingly. Therefore the preliminary decree will have to be ignored for the purpose of this opinion.

3. The khata of 2 1/4 guntas each in S. Nos.9/13 and 9/14 was transferred to the names Sri. Ramaiah, Sri. Muni Reddy, Sri. Lakshmaiah Reddy and Sri. Subbaiah Reddy as evidenced by Mutation Register Entry MR 3/2001-2002.

4. Sri. R. Narasimha Reddy, Sri. R. Seenappa Reddy, Sri. R. Govinda Reddy and Sri. A.R. Krishna Reddy, (sons of late Sri. N. Ramaiah), Sri. A.N. Lakshmaiah Reddy, Sri. N. Muni Reddy, Sri. N. Subbaiah Reddy and Smt. N. Lakshmamma (children of late Sri. Dodda Nagappa) partitioned the family properties by the deed dated 24.02.2003, registered as document No.16438/2002-2003 of Book-1, Stored in CD.No.100 on 12.03.2003 in the office of Sub Registrar, Bangalore South Taluk. S.No. 9/13 of an extent of 9 guntas and S.No.9/14 of an extent of 4 guntas was allotted to Sri. Muni Reddy. An extent of 2.5 guntas each in S.No.9/14 was allotted to the share of Sri. A.N. Lakshmaiah Reddy, Sri. N. Subbaiah Reddy, apart from other properties. The khata of S.No. 9/13 of an extent of 9 guntas was transferred to the name of Sri. Muni Reddy, as evidenced by the mutation register entry MR.No.87/2003-04. No prior title deeds are produced

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5. Sri. N. Ramaiah (son of late Sri. Dodda Nagappa Reddy) and his son, Sri. M. Nagaraj Reddy executed an agreement for sale dated 10.09.2003 in favour of Sri. D. Kupendra Reddy in respect of S.No.9/13 of an extent of 9 guntas and S.No.9/14 of an extent of 4 guntas. Sri. A.N. Laxmaiah Reddy and Sri. A.N. Subba Reddy, sons of late Sri. Dodda Nagappa executed an agreement for sale dated 30.01.2004 in favour of Sri. D. Kupendra Reddy in respect of S.No.9/14 of an extent of 5 guntas. Sri. A.N. Laxmaiah Reddy and Sri. N. Subba Reddy executed a general power of attorney dated 31.01.2004 in favour of Sri. D. Kupendra Reddy in respect of S.No.9/14 of an extent of 5 guntas authorizing the attorney to pay taxes etc.

6. i) Smt. R. Pushpavathi purchased an extent of 5 guntas in S. No. 9/14 from Sri. A.N. Lakshmaiah Reddy, his son, Sri. L. Sudhakar Reddy, Sri. A.N. Subbaish Reddy and his son, A.S. Jagadeesh Reddy by the sale deed dated 28.05.2004 (Document No.04764/2004-05). The katha was transferred to the name of the purchaser as evidenced by the Mutation Register Entry MR 11/2004-2005.

ii) Smt. R. Pushpavathi (d/o late Sri. A.V. Ramaiah Reddy) purchased an extent of 4 guntas in S.No.9/14 from Sri. N. Muni Reddy and his children, namely, Smt. A.M. Pushpa, Smt. A.M. Prabhavathi, Smt. A.M. Nagaveni, Sri. A.M. Nagaraja and Sri. A.M. Mohan by the sale deed dated 24.02.2005 (Document No.29902/2004-05). The katha was transferred to the name of the purchaser as evidenced by the Mutation Register Entry MR 2/2006-2007.



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iii) Smt. R. Pushpavathi purchased S. No. 9/13 of an extent of 9 guntas by the sale deed dated 24.02.2005, (Document.No.BAS-1-29907/2004-05) from Sri. Sri. N. Muni Reddy and his children, namely, Smt. A.M. Pushpa, Smt. A.M. Prabhavathi, Smt. A.M. Nagaveni, Sri. A.M. Nagaraja and Sri. A.M. Mohan. The katha was transferred to the name of the purchaser as evidenced by the Mutation Register Entry MR 2/2006-2007.

By these three sale deeds Smt. R. Pushpavathi has become the owner of S. Nos. 9/13 and 9/14.

7. Sri D. Kupendra Reddy has executed two deeds of confirmation dated 08.01.2004 in favour of Smt. R. Pushpavathi registered as document No.BMH1-08509-2013-14 and document No.BMH1-08511-2013-14 in the office of the Sub Registrar, Bommanahalli. By these deeds he has confirmed and admitted the sale deeds, document No.04764/2004-05, document No.29902/2004-05 and 29907/2004-05 and that Smt. R. Pushpavathi is the absolute owner of the property S. No.9/14 of an extent of 5 guntas, S. No.9/13 of an extent of 9 guntas and 9/14 of an extent of 4 guntas.

8. i) The RTC in respect of S. No.9/13 for the years 1969-70 to 2000-2001 shows the name of Sri. Dodda Nagappa as the khatedar. Sri Dodda Nagappa is shown as the cultivator for the years 1969-70 to 1971-72 and thereafter Sri. Ramaiah is shown as the cultivator till the year 2000-2001.

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ii) The RTC for the years 2001-2002 and 2002-2003 shows the name A.N. Lakshamaiah Reddy, Sri. N. Ramaiah, Sri. N. Subbaish Reddy and Sri. N. Muni Reddy as kathedars of $2 \frac{1}{4}$ guntas each in S. No.9/13.

iii) The RTC for the years 2004-2005 and 2005-2006 shows the name of Sri. N. Muni Reddy as the kathedar and cultivator.

iv) The RTC for the years 2006-07 to 2012-2013 shows the name of Smt. R. Pushpavathi as the kathedar. Smt. R. Pushpavathi and Sri. N. Muni Reddy are shown as the cultivators from 2006-2007 (Besige) till 2012-2013 (Mungaru).

9. i) The RTC in respect of S. No.9/14 for the years 1969-70 to 2000-2001 shows the name of Sri. Dodda Nagappa as the khatedar. Sri Dodda Nagappa is shown as the cultivator for the years 1969-70 to 1971-72 and thereafter Sri. Ramaiah is shown as the cultivator till the year 2000-2001.

ii) The RTC for the years 2001-2002 and 2002-2003 shows the name A.N. Lakshamaiah Reddy, Sri. N. Ramaiah, Sri. N. Subbaish Reddy and Sri. N. Muni Reddy as kathedars of $2 \frac{1}{4}$ guntas each in S. No.9/14.

iii) The RTC for the year 2003-2004 shows the name of Sri A. N. Lakshmaikah Reddy, Sri A. N. Subbaiah Reddy and Sri A. N. Munireddy as the kathedars. They along with Sri N. Ramaiah are shown as the cultivators for Mungaru. Only Sri A. N. Lakshmaiah Reddy and Sri A. N. Subbaiah Reddy are shown as the cultivators for Hingaru.

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iv) The RTC for the years 2004-05 and 2005-06 shows the name of Sri N. Munireddy as kathedar of 4 guntas and Smt. R. Pushapavathi as the kathedar of 5 guntas. Smt. R. Pushpavathi is shown as the cultivator.

v) For the years 2006-07 to 2012-2013 shows the name of Smt. R. Pushpavathi as the kathedar and cultivator.

10. The Special Deputy Commissioner, Bangalore District permitted conversion of S. No.9/11 of an extent of 12 guntas, S. No.9/12 of an extent of 9 guntas, S. No.9/15 of an extent of 5 guntas and S. No.55 of an extent of 29 guntas i.e. a total of 1 acre 15 guntas from agricultural to non-agricultural residential purpose by the Official Memorandum dated 02.06.2009 bearing No.ALN/SR/S:113/2006-07 subject to various conditions detailed therein.

11. The Special Commissioner, Bangalore District has permitted conversion of S. No.9/13 of an extent of 9 guntas and 4 guntas in S. No.9/14 from agricultural to non-agricultural, residential purpose by Official Memorandum dated 25.05.2009 bearing No. ALN/SR(S):111/2007-08.

12. The Houses and Vacant Sites Register for the year 2009-10 issued by the BBMP shows that Smt. R. Pushapavathi is the owner of the property No.55/9/11/9/12/9/13/9/14 of an extent of 69696 sq. ft. situated at Agara Village at Sl. No.1094 in the said register. The certificate dated 05.02.2010 issued by the BBMP shows that Smt. R. Pushapavathi is the kathedar of the said property. A receipt dated 02.03.2010 issued by the

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HSR Layout BBMP for Rs.55020/- being the property tax for the years 2002-2003 to 2009-10 is produced.

13. The Hissa Survey Tippani prepared on 20.05.1929 shows that there are 17 sub divisions in S. No.9 of Agara Village and that the S. No.9/13 is in the name of Sri Narasa Reddy, S/o Sri Nonnurappa and S. No.9/14 is in the name of Sri Dodd Nagappa, S/o of Sri Muniyappa.

14. An endorsement dated 23.09.2010 is issued by the Special Tahsildar, Bangalore South Taluk that the file relating to proceedings under Section 48(A) of the Karnataka Land Reforms Act has been submitted to the Hon'ble High Court of Karnataka and that an application is made for the endorsement after the file is returned. No other endorsement is produced.

15. The family tree of Sri Dodda Nagappa and his wife Smt. Muniyamma is produced. It shows that they have four sons and one daughter. It also shows that Sri Muni Reddy has three daughters and two sons. We are informed by M/s Sterling Developers Private Limited that the sale deeds listed above are for legal necessity, that the transactions in respect of the properties are valid and are in compliance of law, including all Central and State statutes and that there is no violation of any law. We are also informed that there are no third party rights of any nature or claims by any person, including minors and women and that no legal or acquisition proceedings are pending in respect of these properties. No documents other than those listed above are produced. The encumbrance certificates listed above do not disclose any transactions other than those referred to above.

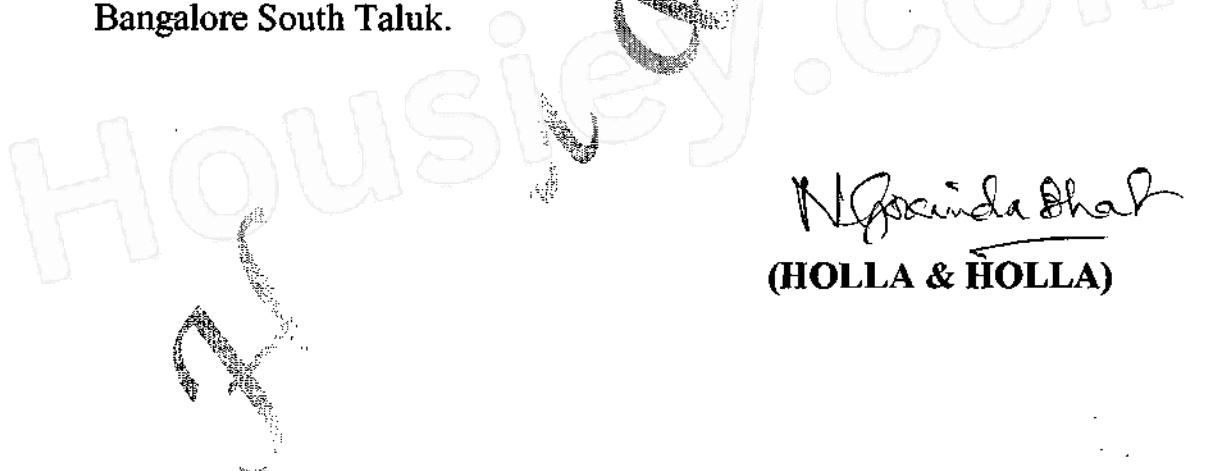
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OPINION

In the light of the discussion and our observations above we are of the opinion that Smt. R. Pushpavathi is the absolute owner of the property bearing S. No. 9/13 of an extent of 9 guntas and S.No.9/14 of an extent of 9 guntas situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore, having purchased the same under the sale deeds i) dated 28.05.2004 registered as document No.BAS-1-04764-2004-2005 of Book I and stored in CD No.BASD67 on 02.06.2004, ii) dated 24.02.2005 registered as document No.BAS-1-29902-2004-05 of Book I and stored in CD No.BASD141 on 24.02.2005 and iii) dated 24.02.2005 registered as document No.BAS-1-29907-2004-05 of Book I and stored in CD No.BASD 141 on 24.02.2005, in the office of the Sub Registrar, Bangalore South Taluk.


N. Gopinda Shetty
(HOLLA & HOLLA)

Holla & Holla
Advocates

Udaya Holla B.Sc., LL.M.
Senior Advocate
Maya Holla, B.A., LL.B.
Nettar Govinda Bhat, B.Sc., B.L.
Vivek Holla, B.A., LL.B. (Hons.)

Level 4, Prestige Nebula
No.8, Cubbon Road,
(Opp.) Income Tax Office,
Bangalore - 560001
India.

11th February, 2014

Mr. Ramani Sastri
Managing Director
Sterling Developers Private Limited,
Level 5, Prestige Nebula,
Opp. Income Tax Office,
Bangalore – 560001.

Sir,

Sub: Legal opinion regarding the title of Smt. R. Pushpavathi to the property bearing S. No.55/2 of an extent of 29 guntas situated in Agara Village, Begur Hobli, Bangalore South Taluk Bangalore

We have examined the xerox copies of the following documents which were made available by you, which we assume for the purpose of this opinion, to be true copies of genuine originals. The opinion is also based on the information provided by you and your representations to us regarding the above property. This legal opinion is given on such basis only and is limited to the question of title of Smt. R. Pushpavathi to the above property.



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LIST OF DOCUMENTS

TITLE DEEDS:

1. LRF.INA.247/1979-80:

i). 05.11.1981 to 13.09.1982:

The order sheet in LRF.INA.247/1979-80 before the Land Tribunal, Bangalore South Taluk, between Sri. T. Thippa Reddy and Rama Devanu Temple, under the provisions of the Inams Abolition Act.

ii) 13.04.1982:

Order in LRF (INA) 247/79-80 confirming of occupancy right in favour of Sri. T. Thippa Reddy in respect of S.No.55 (29 guntas). Premium of Rs.439/- is fixed.

iii) Undated:

Endorsement issued by the Special Tahsildar, Bangalore South Taluk, confirming registration of Sri. T. Thippa Reddy as occupant under Section 6 of Karnataka Inams Abolition Act, 1955.

2. 10.12.2003:

Agreement of Sale executed by Sri. T. Thippa Reddy (son of late Sri. Thimma Reddy) and his two sons, namely, Sri. T. Chandrashekhar Reddy and Sri. T. Vasudeva Reddy, in favour of Sri. D. Kupendra Reddy. The property agreed to be sold is S.No. 55 of an extent of 29 guntas.



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3. 28.05.2004:

Sale deed executed by Sri. T. Thippa Reddy (s/o late Sri. Thimma Reddy) and his two sons, namely, Sri. T. Chandrashekhar Reddy and Sri. T. Vasudev Reddy in favour of Smt. R. Pushpavathi (d/o late Sri. S.V. Ramaiah Reddy) registered as document No. BAS-1-04731-2004-2005 of Book I and stored in CD No. BASD 67 on 02.06.2004 in the office of the Sub Registrar, Bangalore South Taluk. The property sold is S.No.55 of an extent of 29 guntas.

4. 08.01.2014:

Deed of confirmation executed by Sri D. Kupendra Reddy in favour of Smt. R. Pushpavathi registered as document No. BMH1-08510-2013-14 and stored in CD No. BMHD660 on 08.01.2014 in the office of the Sub Registrar, Bommanahalli, Bangalore. By this deed the executant confirms that he has no interest in property S. No.55 of an extent of 29 guntas and that the sale deed in favour of Smt. R. Pushpavathi is valid and binding on him also.

R.T.C:

5. 09.10.2002:

RTC for the years 1969-70 to 1973-74 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri Ramadevaru is shown as the kathedar. Acquisition of 11 guntas of land is shown in column No. 10.



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6. (Date Illegible):

RTC for the years 1974-75 to 1978-79 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri Ramadevaru is shown as the kathedar. Sri. T. Thippa Reddy is shown as the cultivator.

7. 09.10. (year not mentioned):

RTC for the years 1979-80 to 1983-84 issued by the Tahsildar, Bangalore South Taluk, Bangalore. The property is Brahmadya Inam land of Sri. Ramadevaru. Sri. T. Thippa Reddy is shown as the cultivator.

8. (Undated):

RTC for the years 1984-85 to 1988-89 (mungaru) issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. T. Thippa Reddy is shown as the khathedar under LRF and cultivator.

9. 09.10. (year not mentioned):

RTC for the years 1989-90 (mungaru) to 1993-94 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. T. Thippa Reddy is shown as the khathedar and the cultivator.

10. 11.09.1996:

RTC for the years 1994-95 and 1995-96 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. T. Thippa Reddy is shown as the khathedar and cultivator.

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11. 09.10.(year not mentioned):

RTC for the years 1994-95 to 1996-97 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. T. Thippa Reddy is shown as the khatedar and cultivator.

12. (Date illegible).

RTC for the years 1997-98 to 2000-01 issued by Tahsildar, Bangalore. South Taluk, Bangalore. Sri. T. Thippa Reddy is shown as the khatedar and the cultivator's column is blank.

13. 09.07.2010:

RTC for the year 2001-2002 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri. T. Thippa Reddy is shown as the khatedar. The cultivator's column is blank.

14. 09.07.2010:

RTC for the year 2002-03 (Mungaru) issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. T. Thippa Reddy is shown as khatedar. Cultivator's column is blank.

15. 08.07.2011:

RTC for the year 2003-04 (Mungaru) issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. T. Thippa Reddy is shown as khatedar and cultivator



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16. 22.11.2004:

RTC for the year 2004-2005 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri. T. Thippa Reddy (11 guntas) and Smt. R. Pushpavati (29 guntas) are shown as the khathedars. Smt. R. Pushpavati is shown as the cultivator.

17. 22.11.2004:

RTC for the year 2005-2006 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri. T. Thippa Reddy and Smt. R. Pushpavati are shown as the khathedars. Smt. R. Pushpavati is shown as the cultivator.

18. 15.12.2010:

RTC for the year 2006-2007 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri. T. Thippa Reddy and Smt. R. Pushpavati are shown as the khathedars. Smt. R. Pushpavati is shown as the cultivator.

19. 15.12.2010:

RTC for the year 2007-2008 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri. T. Thippa Reddy and Smt. R. Pushpavati are shown as the khathedars. Smt. R. Pushpavati is shown as the cultivator.

20. 15.12.2010:

RTC for the year 2008-2009 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri. T. Thippa



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Reddy and Smt. R. Pushpavati are shown as the khathedars. Smt. R. Pushpavati is shown as the cultivator.

21. 15.12.2010:

RTC for the year 2009-2010 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri. T. Thippa Reddy and Smt. R. Pushpavati are shown as the khathedars. Smt. R. Pushpavati is shown as the cultivator.

22. 09.01.2012:

RTC for the year 2010-2011 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk. Sri. T. Thippa Reddy is shown as Khatedar and cultivator of 11 guntas. It is shown that 11 guntas is acquired by the military.

23. 09.01.2012:

RTC for the year 2011-2012 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk. Sri. T. Thippa Reddy is shown as khatedar and cultivator in respect of S.No.55/1 of an extent of 12 guntas including 1 gunta of kharab. It is also mentioned that 11 guntas is acquired for the military.

24. 07.05.2013:

RTC for the year 2012-2013 issued by Village Accountant, Computer Center, Bangalore South Taluk. Sri. R. Pushpavathi is shown as khatedar and cultivator in respect of S.No.55/2 of an extent of 29 guntas.

MGP

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MUTATION REGISTER EXTRACT:

25. 27.10.2004:

Mutation register extract entry MR No.10/2004-05 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry the khata of S.No. 55 of an extent of 29 guntas is transferred to the name of Smt. R. Pushpavati on the basis of the sale deed (document No. 4731/2004-05). It is also mentioned that 11 guntas is acquired by military authorities.

RECEIPTS:

26. 04.05.2004:

Receipt bearing No.2992345 for payment of Rs.50/- by Sri. T. Thippa Reddy towards land revenue in respect of S.No.55, issued by the Village Accountant, Bangalore South Taluk, Bangalore.

27. 25.11.2004:

Receipt bearing No.4876005 for payment of Rs.50/- towards land revenue by Smt. R. Pushpavathi in respect of Sy.No.55, issued by the Village Accountant, Bangalore South Taluk, Bangalore.

28. 24.02.2010:

Receipt bearing No.247800 for payment of Rs.5461/- by Smt. R. Pushpavathi, in respect of property No.55/9/11/9/12/9/13/9/14, issued by the Bruhat Bangalore Mahanagara Palike.

[Signature]

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29. 02.03.2010:

Receipt No.1010098 for payment of Rs.55020/- by Smt. R. Pushapavathi, in respect of property No.55/9/11/9/12/9/13/9/14 issued by the Bruhat Bangalore Mahanagara Palike.

30. 02.03.2010:

Receipt No.247876 for payment of Rs.325/- towards katha registration fees in respect of property No.55/9/11/9/12/9/13/9/14, issued by the Bruhat Bangalore Mahanagara Palike.

31. 02.03.2010:

Receipt No.11124441062520 for payment of Rs.41056/- towards property tax for the year 2011-2012 by Smt. R. Pushapavathi, in respect of property No.55/9/11/9/12/9/13/9/14 issued by the Bruhat Bangalore Mahanagara Palike.

RECORD OF RIGHTS:

32. 25.06.1982:

Record of rights issued by the Secretary, Agara Village Panchayat, Bangalore South Taluk, in respect of S.No.55. Entry 764 shows that the property is in the name of Sri Ramadevaru. Entry at Sl. No.888 shows that 29 guntas is registered in the name of Sri. T. Thippa Reddy on the basis of the order of the Land Tribunal, Bangalore South Taluk, by mutation entry MT 7/1981-82.



CONVERSION:

33. 05.12.2007:

Notice bearing No. ALN(S)SR/113/2006-07 issued by the Special Tahsildar, Bangalore District, Bangalore demanding conversion fine and sub division fees of Rs.75089/- relating to conversion of S.Nos.9/11 (12 guntas); 9/12 (9 guntas), 9/14 (5 guntas) and 55 (29 guntas) for non-agricultural residential purpose.

34. 06.12.2007:

Challan No.47 for Rs.74,869/- paid by Smt. R. Pushpavathi, towards conversion fees in respect of S.Nos.9/11 (12 guntas); 9/12 (9 guntas), 9/14 (5 guntas); 55 (29 guntas) at the State Bank of Mysore.

35. 06.12.2007:

Challan No.48 for Rs.220/- paid by Smt. R. Pushpavathi, towards Podi fees in respect of S.Nos.9/11 (12 guntas); 9/12 (9 guntas), 9/14 (5 guntas); 55 (29 guntas) at the State Bank of Mysore.

36. 02.06.2009:

Official Memorandum bearing No. ALN SR(S)113/2006-07, issued by the Special Deputy Commissioner (Revenue), Bangalore District, Bangalore, regarding conversion of S.Nos.9/11 (12 guntas); 9.12 (9 guntas), 9/14 (5 guntas) and 55 (29 guntas) for non-agricultural residential purpose.

FAMILY TREE:

37. Undated:

Family Tree of Sri. T. Thippa Reddy attested by the Village Accountant, Agara, Begur Hobli, Bangalore South Taluk.

ENDORSEMENTS:

38. 12.12.2002:

Endorsement No. LRF 7A(A)(B)(B) 42/02-03 issued by the Assistant Commissioner, Bangalore South Sub-Division, Bangalore that no proceedings have been initiated under Sections 79(A) and (B) of the Land Reforms Act in respect of S.No. 55.

39. 03.07.2003:

Endorsement No. LRF NTC CR 173/2003-04 issued by the Tahsildar, Bangalore South Taluk, Bangalore, that no applications are filed in Form 7A of the Land Reforms Act in respect of S.Nos.3/1A, 7/1, 7/2, 8/2, 9/11, 9/12, 9/15 and 55. It is stated that the endorsement regarding Sec. 48A will be furnished after receipt of the register from the Ulsoor Gate Police Station.

40. 12.08.2003:

Endorsement No..... /B/2003-04 issued by the Assistant Commissioner, Bangalore South Sub-Division, Bangalore that no proceedings have been initiated under Sections 79(A) and (B) of the Land Reforms Act in respect of S.Nos.9/11, 9/12, 9/13, 9/14, 9/15, 9/16 and 55.

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ENCUMBRANCE CERTIFICATE:

41. 17.12.2002:

Encumbrance certificate for the period from 01.04.1970 to 31.03.1988
issued by the Sub Registrar, Bangalore South Taluk.

42. 29.10.2002:

Nil encumbrance certificate for the period from 01.04.1988 to 09.10.2002
issued by the Sub Registrar, Bangalore South Taluk.

43. 14.08.2003

Nil Encumbrance certificate for the period from 01.04.1992 to
13.08.2003 issued by the Sub Registrar, Bangalore South Taluk.

44. 13.07.2010:

Encumbrance certificate for the period from 01.04.2003 to 12.07.2010
issued by the Sub Registrar, Bommanahalli, Bangalore Urban District.

45. 06.01.2011:

Encumbrance certificate for the period from 01.04.2004 to 02.01.2011
issued by the Sub Registrar, Bommanahalli, Bangalore Urban District.

46. 18.01.2012

Nil encumbrance certificate for the period 02.01.2011 to 11. 01.2012
issued by the Senior Sub Registrar, Bommanahalli, Bangalore District.

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47. 06.05.2013

Nil encumbrance certificate for the period 12.01.2012 to 02.05.2013 issued by the Senior Sub Registrar, Bommanahalli, Bangalore District.

48. 01.02.2014:

Encumbrance certificate for the period from 01.04.2012 to 29.01.2014 in respect of S. No.55 issued by the Sub Registrar, Bommanahalli.

BBMP:

49. 05.02.2010:

Certificate bearing No. DA/KTR/182/09-10 & DA/MR/138/09-10, issued by the Assistant Revenue Officer, BBMP, that the katha of the property bearing No. 1094/55/ 9/11/ 9/12/ 9/13/ 9/14 in Agara stands in the name of Smt. Pushpavathi,

50. 05.02.2010:

Houses and vacant lands register for the year 2009-2010 issued by the Revenue Department, BBMP, in respect of property bearing Serial No.1094 and old No.55/9/11/9/12/9/13/9/14 of an extent of 69696 sq. ft. in the name of Smt. R. Pushpavathi.

SURVEY RECORDS:

51. 12.12.2002:

Tippani issued by the Assistant Director of Land Records, Bangalore.

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52. 03.09.2010:

Atlas issued by the Tahsildar, Bangalore South Taluk, Bangalore showing S. No.55/1 and 55/2.

53. 01.10.2008:

Pukka book in respect of S.No. 55/1 and 55/2 issued by Tahsildar, Bangalore South Taluk, Bangalore.

54. 01.10.2002

Akarband in respect of S. No. 55/1 and 55/2 issued by Tahsildar, Bangalore South Taluk, Bangalore.

55. 04.05.1996

Village Map of Agara, issued by the office of the Assistant Director of Land Records.

56. 24.10.1981:

Ahavalu Register issued by the Tahsildar, Bangalore South Taluk, in respect of S.No.55 mentioning Sri. T. Thippa Reddy as the Darakastudar.

57. Undated:

Mysore Revision Settlement Register of Agara Village, prepared in the year 1965. Sri. Ramaiah, s/o of Sri. Phasal Reddy is shown as the kathedar of S.Nos.7 and 8. Sri. Muniyappa is shown as the kathedar of S.No.9/10. Sri. Munichikkaiah is shown as the katehdar of S.No. 9/11. Smt. Chikkamma is shown as the kathedar of S.No. 9/12. Sri. Dodda Nagappa is shown as the kathedar of S.Nos.9/13 and 9/14. Sri. Muni Chikkaiah is shown as the kathedar of S.No.9/15. Sri. Dodda Gundappa is

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shown as the kathedar of S.No.9/16. Sri. Subbarayappa is shown as the kathedar of S.No.10. Archaka Krishna is shown as the kathedar of S.No.55.

58. 07.02.2012:

Atlas of S. No.55 showing sub division of the said survey number into 55/1 and 55/2 issued by the (illegible) prepared on 20.08.2008.

JOINT DEVELOPMENT AGREEMENT

59. 10.02.2011:

Joint Development Agreement executed by Smt. R. Pushpavathi, Sri Rajendra Patil and Sri Sanganna Gowda Patil with M/s. Sterling Developers Private Limited registered as document No.BMH-1-10256 /2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of the Sub Registrar, Bommanahalli, Bangalore in respect of property bearing S.Nos.9/11, 9/12, 9/13, 9/14 (2 portions), 55, 7/2, 8/2, 9/15, 10, 9/10 and 9/16 of Agara Village.

PROPERTY SCHEDULE

All that piece and parcel of the immovable property being converted non-agricultural, residential land bearing S.No.55/2 of an extent of 29 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore and bounded on the:

East by : Defence land;

West by : Sri Doddanaganna's childern's land;

North by : Defence land and A.P. Ramareddy's land;

South by : Private Property.

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(The boundaries of the property are given as in the sale deed dated 28.05.2004 – document No.4731/2004-05.)

DISCUSSION

1. Sri T. Thippa Reddy, s/o Sri Thimma Reddy was registered as occupant under Section 6 of the Karnataka Inam Abolition Act, 1955, of a portion of S. No.55 of an extent of 29 guntas situated in Agara Village as evidenced by the endorsement issued by the Special Tahsildar, Bangalore South Taluk, Bangalore, pursuant to the order dated 13.04.1982 passed by the Land Tribunal, Bangalore South Taluk in Case LRFINA247 of 1979-80. The case was filed by Sri T. Thippa Reddy against Sri Rama Devaru Temple, which was the Inamdar. The Record of Rights entry at Sl. No.888 shows that pursuant to the order of the Land Tribunal Sri T. Thippa Reddy was registered as the kathedar of 29 guntas by the Mutation Entry M.T. 7/1981-82.
2. Sri Thippa Reddy and his two sons namely, Sri. T. Chandrashekhar Reddy and Sri. T. Vasudeva Reddy, entered into an agreement of sale dated 10.12.2003 with Sri. D. Kupendra Reddy agreeing to sell an extent of 29 guntas in S. No.55 to him at Rs.40,00,000/- and received an advance of Rs.20,00,000/-.
3. Smt. R. Pushpavathi purchased an extent of 29 guntas in S. No.55 by the sale deed dated 28.05.2004 registered as document No.BAS-1-04781-2004-05 in the office of the Sub Registrar, Bangalore South Taluk

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from Sri T. Thippa Reddy and his two sons. The khata was transferred to her name by the Mutation Entry MR.No.10/2004-05.

4. Sri D. Kupendra Reddy has executed a deed of confirmation dated 08.01.2014 in favour of Smt. R. Pushapavathi registered as document No.BMH1-08510-2013-14 in the office of the Sub Registrar, Bommanahalli, Bangalore confirming that he has no interest in property S. No.55 of an extent of 29 guntas and that the sale deed in her favour is valid.

5. The Special Deputy Commissioner, Bangalore District permitted conversion of S. No.9/11 of an extent of 12 guntas, S. No.9/12 of an extent of 9 guntas, S. No.9/15 of an extent of 5 guntas and S. No.55 of an extent of 29 guntas i.e. a total of 1 acre 15 guntas from agricultural to non-agricultural residential purpose by the Official Memorandum dated 02.06.2009 bearing No. ALN/SR/S/113/2006-07 subject to various conditions detailed therein.

6. The Houses and Vacant Sites Register for the year 2009-10 issued by the BBMP shows that Smt. R. Pushapavathi is the owner of the property No.55/9/11/9/12/9/13/9/14 of an extent of 69696 sq. ft. situated at Agara Village at Sl. No.1094 in the said register. The certificate dated 05.02.2010 issued by the BBMP shows that Smt. R. Pushapavathi is the kathedar of the said property. A receipt dated 02.03.2010 issued by the HSR Layout BBMP for Rs.55020/- being the property tax for the years 2002-2003 to 2009-10 is produced. Several other receipts listed above are also produced.

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7. Two endorsements – one dated 12.12.2002 bearing No. LRF 7A(A)(B)(B) 42/02-03 and another dated 12.08.2003 bearing No. LRF NTC CR 173/2003-04 are issued by the Assistant Commissioner, Bangalore South Sub-Division, Bangalore stating that no proceedings have been initiated under Sections 79(A) and (B) of the Land Reforms Act in respect of S. No.55. Another endorsement dated 03.07.2003 No. LRF NTC CR 173/2003-04 is issued by the Tahsildar, Bangalore South Taluk, Bangalore, stating that no applications are filed in Form 7A of the Land Reforms Act in respect of S.Nos.3/1A, 7/1, 7/2, 8/2, 9/11, 9/12, 9/15 and 55. It also states that the register relating to application under Sec. 48A will be furnished after receipt of the register from the Ulsoor Gate Police Station.

8. The property bearing S. No.55 was sub divided pursuant to the order TQ.MPR(B)244/07-08 and S.No.55/2 of an extent of 29 guntas was registered in the name of Smt. R. Pushpavathi by Mutation Register Entry MR 10/2004-05. This is also evidenced by the Pukka Book extract. It also shows that there is no kharab in the said sub division. The Akarbandh also shows the extent as 29 guntas.

9. The RTC for the years 1969-70 to 1983-84 shows that name of Sri Rama Devaru as the kathedar and Sri T. Thippa Reddy as the cultivator. It also states in Column 10 that 11 guntas is acquired by the Military Authorities. From the year 1984-85 Sri Thippa Reddy is shown as the kathedar and cultivator. In the RTC for the year 2004-05 Sri T. Thippa Reddy (11 guntas) and Smt. R. Pushpavathi (29 guntas) are

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shown as kathedars. Smt. R. Pushpavathi is shown as the cultivator for 2010-2011. The RTC in respect of S. No.55/1 (11 guntas) for the year 2011-12 shows Sri Thippa Reddy as the kathedar and the cultivator. However, Column 11 mentions that 11 guntas are acquired for Military. The RTC for the year 2012-13 in respect of S. No.55/2 shows the name of Smt. R. Pushapavathi as the kakthedar and cultivator. The conversion of the land is not noted in the RTC.

10. The encumbrance certificate dated 17.12.2002 for the period from 01.04.1970 to 31.03.1988 refers to a document registered as Sl. No.465 on 11.05.1982. The details of the document are not available. The other encumbrance certificates produced do not disclose any other transaction except those referred to in this opinion.

11. Smt. R. Pushapavathi along with Sri Rajendra Patil and Sri Sanganna Gowda Patil has entered into a joint development agreement dated 10.02.2011 with M/s. Sterling Developers Pvt. Ltd., in respect of S. No.55 of an extent of 29 guntas as also other survey numbers on the terms and conditions therein.

12. The family tree of Sri T. Thippa Reddy and his wife Smt. Thimmakka is produced. It shows that they have two sons, viz. Sri Chandrasekhara Reddy and Sri Vasudeva Reddy. The name of their spouses and descendants is not mentioned. We are informed by M/s Sterling Developers Private Limited that the sale by Sri T. Thippa Reddy and his sons is for legal necessity, that the transactions in respect of the property are valid and are in compliance of law, including all Central and

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State statutes and that there is no violation of any law. We are also informed that there are no third party rights of any nature or claims by any person, including minors and women and that no legal or acquisition proceedings are pending in respect of the property. No documents other than those listed above are produced.

OPINION

In the light of the above discussion and our observations, we are of the opinion that Smt. R. Pushpavathi is the absolute owner of the property bearing S. No. 55/2 of an extent of 29 guntas situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore, having purchased the same under the sale deed dated 28.05.2004 registered as document No.BAS-1-04731-2004-2005 of Book I and stored in CD No. BASD67 on 02.06.2004, in the office of the Sub Registrar, Bangalore South Taluk executed by Sri. T. Thippa Reddy and his two sons.


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Udaya Holla B.Sc., LL.M.
Senior Advocate
Maya Holla, B.A., LL.B.
Nettar Govinda Bhat, B.Sc., B.L.
Vivek Holla, B.A., LL.B. (Hons.)

Level 4, Prestige Nebula
No.8, Cubbon Road,
(Opp.) Income Tax Office,
Bangalore - 560001
India.

26th February, 2014

Mr. Ramani Sastri
Managing Director
Sterling Developers Private Limited
Level 5, Prestige Nebula,
Opp. Income Tax Office,
Bangalore – 560001.

Sir,

Sub: Legal Opinion regarding the title of Sri. Sangana Gowda G. Patil to the immovable property bearing S.No.9/10 of an extent of 12 guntas and 9/16 of an extent of 9 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore.

We have examined the xerox copies of the following documents which were made available by you, which we assume for the purpose of this opinion, to be true copies of genuine originals. The opinion is also based on the information provided by you and your representations to us regarding the above property. This legal opinion is given on such basis only and is limited to the question of title of Sri Sangana Gowda G. Patil to the property.

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LIST OF DOCUMENTS

TITLE DEEDS:

S. No.9/10:

1. 04.11.1943

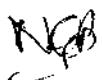
Sale Deed executed by Sri. Mooga Reddy and his wife Smt. Maramma in favour of Sri. Munishamappa (son of Sri. Dhobi Chikkaanna) registered as Document No.2733/43-44 in Book-I, Volume 671 at pages 61-63 in office of sub registrar, Bangalore Taluk. The property sold is S.No. 9/10 of an extent of 12 guntas.

2. 23.07.1990:

Agreement of Sale executed by Smt. Lagumamma (w/o late Sri. Muniyappa) and five sons, in favour of Sri. P. Satish Pai (s/o late Sri. P. Narasimha Pai), registered as document No. 1219/1990-91 of Book I, Volume 3276 at pages 25 to 29, in the office of the Sub Registrar, Bangalore South Taluk. The property agreed to be sold is S.No.9/10 of an extent of 12 guntas.

3. 09.06.1993:

Copy of Sale Deed executed by Smt. Lagumamma (w/o late Sri. Muniyappa) and her five sons, represented by Sri S. Raghunath, their power of attorney holder, in favour of M/s Ramya Housing Development Company, registered as document No. 2865/1993-94 of Book I, Volume



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3803 at pages 7 to 11, in the office of the Sub Registrar, Bangalore South Taluk. The property sold is S.No.9/10 of an extent of 12 guntas.

4. 19.09.2005:

Sale Deed executed by Sri. M. Ramesh, (s/o late Sri. Muniyappa) and eight others, (including minors) in favour of Sri. Sangana Gowda G. Patil (s/o Sri. Gurupada Gowda S. Patil), registered as document No. BAS-1-07962-2005-2006 of Book I and stored in CD No. BASD 186 on 19.09.2005, in the office of the Sub Registrar, Bangalore South Taluk. The property sold is S.No.9/10 of an extent of 12 guntas. The month of the document is mentioned as 19th day of September 2005 (19.08.2005) wrongly, which may be typographical error.

5. 28.01.2014:

Release deed executed by M/s Ramya Housing Development Company, represented by its Partner Sri P. Satish Pai in favour of Sri Sangana Gowda G. Patil registered as document No.BMH-1-09079-2013-14 and stored in CD No.BMHD662 on 28.01.2014 in the office of the Sub Registrar, Bommanahalli releasing all its right, title and interest in S. No.9/10 in favour of Sri Sangana Gowda G. Patil.

6. 24.02.2014:

Deed of Rectification executed by M/s Ramya Housing Development Company in favour of Sri Sangana Gowda G. Patil, registered as document No. BMH-1-09895-2013-14 of Book I and stored in CD

No.BMHD666 on 24.02.2014 in the office of Sub Registrar, Bommanahalli, correcting certain typographical errors in the release deed dated 28.01.2014.

S. No. 9/16:

7. 13.07.1990:

Agreement of Sale executed by Sri Rama Reddy, s/o late Sri Chikkamuni Reddy and his two sons, Sri V.C. Thippa Reddy, s/o late Sri Chikkamuni Reddy and his two minor sons, in favour of Sri. P. Satish Pai (s/o late Sri. P. Narasimha Pai), registered as document No.1185/1990-91 of Book I, Volume 3272 at pages 201 to 207, in the office of the Sub Registrar, Bangalore South Taluk. The property agreed to be sold is S.No.9/16 (9 guntas), 13/2 (9 guntas), 31/1 (7 guntas) and 31/2B (9 $\frac{1}{2}$ guntas). The sale deed is agreed to be registered in the name of the purchaser or his nominee or nominees (Clause 5).

8. 13.07.1990:

Special General Power of Attorney executed by Sri Rama Reddy, s/o late Sri Chikkamuni Reddy and his two sons, Sri V.C. Thippa Reddy, s/o late Sri Chikkamuni Reddy and his two minor sons in favour of S. Raghunath granting him the power to sell S. No.9/16 of an extent of 9 guntas in pursuance of the agreement to sell dated 13.07.1990 (document No.1185) in favour of Sri P. Satish Pai apart from other powers.



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9. 28.11.1992:

Sale Deed executed by Sri Rama Reddy, s/o late Sri Chikkamuni Reddy and his two sons, Sri V.C. Thippa Reddy, s/o late Sri Chikkamuni Reddy and his two minor sons, represented by Sri S. Raghunath, their power of attorney holder, in favour of M/s Soumya Housing Development Company, registered as document No. 1331/1994-95 of Book I, Volume 3972 at pages 2 to 9, in the office of the Sub Registrar, Bangalore South Taluk. The property sold is S.No.9/16 of an extent of 9 guntas and three other properties and possession is delivered to the purchaser.

10. 07.09.2006:

Sale Deed executed by Sri. T. Narayana Reddy (s/o late Sri. V. C. Thippa Reddy) and eight others, (including minors) in favour of Sri. Sangana Gowda G. Patil (s/o Sri. Gurupada Gowda S. Patil), registered as document No. BAS-1-15398-2006-2007 of Book I and stored in CD No. BASD 271 on 07.09.2006, in the office of the Sub Registrar, Bangalore South Taluk. The property sold is S.No.9/16 of an extent of 9 guntas.

11. 28.01.2014:

Release deed executed by M/s Soumya Enterprises & Finance, represented by its Partner Sri P. Satish Pai in favour of Sri Sangana Gowda G. Patil registered as document No.BMH-1-09074-2013-14 and stored in CD No.BMHD662 on 28.01.2014 in the office of the Sub Registrar, Bommanahalli releasing all its right, title and interest in S. No.9/16 in favour of Sri Sangana Gowda G. Patil.



12. 24.02.2014:

Deed of Rectification executed by M/s Soumya Enterprises & Finance in favour of Sri Sangana Gowda G. Patil, registered as document No. BMH-1-09897-2013-14 of Book I and stored in CD No. BMHD666 on 24.02.2014, in the office of the Sub Registrar, Bommanahalli, correcting certain typographical errors in the release deed dated 28.01.2014.

R.T.C OF 9/10:

13. 14.02. (year not mentioned):

R.T.C. for the years 1969-70 to 1973-74 (besige) issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Munishamappa is shown as the khathedar and cultivator for the years 1969-70 and 1972-73 and 1973-74. Sri Munishami is shown as the kathedar for the years 1970-71 and 1971-72.

14. 07.02.2005

R.T.C. for the years 1974-75 to 1978-79 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Munishamappa is shown as the khathedar and cultivator.

15. 07.02.2005

R.T.C. for the years 1984-85 to 1988-89 (mungaru) issued by the Tahsildar, Bangalore South Taluk, Bangalore. Smt. Laghumamma and Sri. Ramaiah are shown as the khathedars pursuant to MR 54/1987-88 and Sri. Munishamappa is shown as the cultivator for the years 1984-85

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and 1985-86 and Sri. Ramaiah and Smt. Laghumamma are shown as the cultivators for the years 1986-87 to 1988-89.

16. 07.02.2005

R.T.C. for the years 1989-90 to 1993-94 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Smt. Laghumamma and Sri. Ramaiah are shown as the khathedars. Sri. Ramaiah, Sri. Munishamaiah, Smt. Laghumamma and Sri. Muniyappa are shown as the cultivators.

17. 07.02.2005

R.T.C. for the years 1994-95 to 1996-97 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Smt. Laghumamma and Sri. Ramaiah are shown as the khathedars and cultivators.

18. 07.02.2005

R.T.C. for the years 1997-98 to 2000-2001 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Smt. Laghumamma and Sri. Ramaiah are shown as the khathedars. Cultivator's column is blank.

19. 07.05.2013:

R.T.C. for the year 2001-2002 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Smt. Laghumamma and Sri. Ramaiah are shown as the khathedars and cultivators.



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20. 22.03.2011:

R.T.C. for the year 2002-2003 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Smt. Laghumamma and Sri. Ramaiah are shown as the khathedars and cultivators.

21. 09.01.2012:

R.T.C. for the year 2003-2004 (mungaru & hingaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri. R. Sampangi, Sri. R. Chikkanna, Sri. M. Manjunath and Sri. M. Ramesh are shown as the khathedars. Sri. Ramaiah and Smt. Laghumamma are shown as the cultivators for Mungaru. Sri. R. Sampangi, Sri. R. Chikkanna, Sri. M. Manjunath and Sri. M. Ramesh are shown as the cultivators for hingaru.

22. 22.03.2011:

R.T.C. for the year 2004-2005 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. R. Sampangi, Sri. R. Chikkanna, Sri. M. Manjunath and Sri. M. Ramesh are shown as the khathedars and cultivators.

23. 09.01.2012:

R.T.C. for the year 2005-2006 (mungaru & hingaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri. Sanganagowda G. Patil is shown as the khathedar pursuant to MR



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6/2005-06. Sri. M. Ramesh is shown as the cultivator for mungaru and Sri. Sangana Gowda G. Patil shown as the cultivator for hingaru.

24. 22.03.2011:

R.T.C. for the year 2006-2007(mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Sangana Gowda G. Patil is shown as the kathedars and cultivator.

25. 22.03.2011:

R.T.C. for the year 2007-2008 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Sangana Gowda G. Patil is shown as the khathedar and cultivator.

26. 22.03.2011:

R.T.C. for the year 2008-2009 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Sangana Gowda G. Patil is shown as the khathedar and cultivator.

27. 22.03.2011:

R.T.C. for the year 2009-2010 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Sangana Gowda G. Patil is shown as the khathedar and cultivator.

N.C.B

28. 22.03.2011:

R.T.C. for the year 2010-2011 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Sangana Gowda G. Patil is shown as the khathedar and cultivator.

29. 09.01.2012:

R.T.C. for the year 2011-2012 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Sangana Gowda G. Patil is shown as the khathedar and cultivator.

30. 07.05.2013

R.T.C. for the year 2012-2013 issued by the Village Accountant, Computer Center, Bangalore South Taluk Bangalore. Sri. Sagana Gowda G Patil is shown as khatedar and cultivator.

R.T.C. of 9/16:

31. 25.07.2011:

R.T.C. for the years 1969-70 to 1973-74 (Besige) issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Chikkagundappa is shown as the Kathedar and the cultivator. Sri. Chikkagundappa and Sri Ramaiah are shown as the cultivators for the year 1973-74. It is mentioned therein that $\frac{1}{2}$ gunta of land is acquired for the rifle range.



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32. 25.07.2011:

R.T.C. for the years 1984-85 to 1988-89 (Mungaru) issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Rama Reddy and Sri. V.C. Thippa Reddy are shown as the Kathedars and cultivators.

33. 25.07.2011

R.T.C. for the years 1989-90 to 1993-94 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Rama Reddy and Sri. V.C. Thippa Reddy are shown as the Kathedars and as cultivators for 1989-90. Thereafter Sri Rama Reddy and Sri V.C. Thimma Reddy are shown as cultivators.

34. 25.07.2011:

R.T.C. for the years 1994-95 to 1996-97 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Rama Reddy and Sri. V.C. Thimma Reddy are shown as the Kathedars and cultivators.

35. 25.07.2011:

R.T.C. for the years 1997-98 to 2000-2001 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Rama Reddy and Sri. V.C. Thimma Reddy are shown as the Kathedars. Cultivators column is blank.

36. 09.07.2010:

R.T.C. for the year 2001-2002 (Mungaru) issued by the Village

N.R.B.

Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rama Reddy and Sri. V.C. Thimma Reddy are shown as the Kathedars and cultivators.

37. 09.01.2012

R.T.C. for the year 2002-03(Mungaru) issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Rama Reddy and Sri.V.C.Thimma Reddy are shown as khatedars and cultivators.

38. 09.01.2012

R.T.C. for the year 2003-04 (Mungau) issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Rama Reddy and Sri. V.C. Thimma Reddy are shown as khatedars and cultivators.

39. 09.01.2012

R.T.C. for the year 2004-05 (Mungaru) issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Rama Reddy and Sri. V.C.Thimma Reddy are shown as khatedars and cultivators.

40. 09.01.2012:

R.T.C. for the year 2005-2006 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. It is shown that the land is acquired by KIADB and that possession was taken re. MR 34/2004-05 / 28.07.2005.



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41. 09.01.2012

R.T.C. for the year 2006-2007 (Mungaru & Hingaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Sangana Gowda G. Patil is shown as the Kathedas pursuant to MR 1/2006-07. Sri. Narayana Reddy, Sri. Mattama Reddy, Sri. Vasudeva Reddy and Sri. Rama Reddy are shown as the Cultivators for the year 2006-07 (Mungaru) Sri. Sangana Gowda G. Patil is shown as the cultivator for the year 2006-07 (Hingaru).

42. 09.01.2012

R.T.C for the year 2007-08 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk. Sri. Sagana Gowda G. Patil is shown as khatedar and Cultivator

43. 09.01.2010

R.T.C for the year 2008-09 (Mungaru) issued by the Village Accountant, computer center, Bangalore South Taluk, Bangalore. Sri. Sagana Gowda G Patil is shown as khatedar and the cultivator.

44. 09.01.2012

R.T.C for the year 2009-10 (Mungaru) issued by the Village Accountant, Computer center, Bangalore South Taluk, Bangalore. Sri. Sagana Gowda G. Patil is shown a khatedar and cultivator.



45. 09.01.2012

R.T.C for the year 2010-2011 (Mungaru) issued by the Village Accountant, Computer center, Bangalore South Taluk, Bangalore. Sri. Sagana Gowda G Patil is shown as khatedar and cultivator.

46. 09.01.2012

R.T.C for the year 2011-2012 (Mungaru) issued by the Village Accountant, Computer center, Bangalore South Taluk, Bangalore. Sagana Gowda G Patil is shown as khatedar and cultivator.

47. 07.05.2013

R.T.C for the year 2012-2013 issued by Village Accountant, Computer Center, Bnaglore South taluk, Bangalore. Sri. Sangana Gowda G. Patil Shown as khatedar and cultivator.

MUTATION REGISTER EXTRACT: Re. S. No.9/10:

48. 29.01.2011:

Mutation register extract entry MR No.7/1943-44 issued by the Revenue Inspector, Bangalore South Taluk. By this entry, the khata of property bearing S.No. 9/10 of an extent of 12 guntas was transferred to the name of Sri Munishamappa on the basis of the sale deed, document No.2733/1943-44.



49. Undated:

Mutation register extract entry MR No.54/1987-88 issued by the Revenue Inspector, Bangalore South Taluk. By this entry, the khata of 6 guntas each in S.No. 9/10 was transferred to the names of Smt. Laghumamma (wife of Sri Muniyappa) and Sri. Ramaiah on the basis of the partition between Sri Ramaiah and Sri Muniyappa (sons of Sri Munishamappa) as Sri Muniyappa is no more.

50. 03.12.2003

Mutation register extract relating to entry MR No. 12/2003-04 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry the khata of the property bearing S.No. 9/10 of an extent of 12 guntas was transferred to the name of Sri. R. Sampangi, Sri. R. Chikkanna, Sri. M. Manjunath and Sri. M. Ramesh jointly.

51. 28.10.2005

Mutation register extract relating to entry MR No. 6/2005-06 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the khata of the property bearing S.No.9/10 of an extent of 12 guntas was transferred to the name of Sri. Sangana Gowda G. Patil on the basis of the sale deed, registered as document No. 7962/2005-2006 on 19.09.2005.



52. 19.08.2005:

Mutation register extract relating to entry MR 3/2005-2006 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry the katha of the property bearing S.No. 9/10 of an extent of 12 guntas was transferred to the name of Sri. M. Ramesh, son of late Sri. Muniyappa on the basis of the order of the High Court of Karnataka in WP No. 18918 c/w 19605 and 24851/2004 consequent on the quashing of the acquisition by KIADB.

MUTATION REGISTER EXTRACT: Re. S. No.9/16:

53. 29.11. (Year not mentioned)

Mutation Register entry No. MR.10/1983-84 issued on behalf of Tahsildar, Bangalore South Taluk, Bangalore. By this entry, the khata of S. No. 45 of an extent 28 guntas was transferred to the name of Sri. Subbarayappa who reported to have deceased having believed Sri. Rama Reddy, Yella Reddy, Muni Reddy, Srinivasa Reddy, Narayana Reddy as his legal heirs. The mutation register entry is not in respect of S. No. 9/16.

54. 10.04.2006:

Mutation Register entry No.MR 13/2005-06 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the Khata of S.No.9/16 of an extent of 9 guntas, was transferred in the joint names of Sri. Narayana Reddy, Sri. Mattama

WDA

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Reddy, Sri. Vasudeva Reddy and Sri. Rama Reddy on the death of Sri.V.C.Tippa Reddy.

55. 14.02.2007:

Mutation Register entry No.MR 1/2006-07 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the Khata of S.Nos.9/16 of an extent of 9 guntas, was transferred in the name of Sri. Sangana Gowda G. Patil on the basis of the sale deed, document No. 15398/2006-07.

ENCUMBRANCE CERTIFICATE – Re. S. No.9/10:

56. 29.09.2007:

Encumbrance certificate for the period 01.04.1974 to 26.09.2007 issued by the Senior Sub Registrar, Bommanahalli, Bangalore.

57. 06.01.2011:

Encumbrance certificate for the period from 01.04.2004 to 02.01.2011 issued by the Senior Sub Registrar, Bommanahalli, Bangalore Urban District.

58. 12.01.2012:

Encumbrance certificate for the period from 02.01.2011 to 11.01.2012 issued by the Senior Sub Registrar, Bommanahalli, Bangalore Urban District.

NDB

59. 04.05.2013:

Encumbrance certificate for the period from 12.01.2012 to 02.05.2013 issued by the Senior Sub Registrar, Bommanahalli, Bangalore Urban District.

ENCUMBRANCE CERTIFICATE – Re. S. No.9/16:

60. 29.09.2007:

Encumbrance certificate from 01.04.1974 to 26.09.2007 issued by the Senior Sub Registrar, Bommanahalli, Bangalore Urban District.

61. 12.07.2010:

Nil Encumbrance certificate from 01.04.2007 to 11.07.2010 issued by the Sub Registrar, Bangalore Urban District.

62. 27.02.2012:

Encumbrance certificate from 01.04.2004 to 24.02.2012 issued by the Sub Registrar, Bommanahalli, Bangalore Urban District.

63. 06.05.2013:

Encumbrance certificate from 12.01.2012 to 02.05.2013 issued by the Sub Registrar, Bommanahalli, Bangalore Urban District.

MISCELLANEOUS:**64. 31.01.2007:**

Order passed by the Assistant Commissioner, Bangalore South Sub-Division, Bangalore - 560 001, in case No. LRF(83)B/22/06-07 between Government and Sri Sangana Gowda G. Patil. By the said order the proceedings for violation of Sections 79A and 80 of the Karnataka Land Reforms Act on his purchase of S.No.9/10 of an extent of 12 guntas is dropped as there is no violation.

RECEIPTS:**65. 05.09.2005:**

Receipt bearing No. 4876017 for Rs.50/- towards land revenue paid by Sri. M. Ramesh in respect of S.No. 9/10 issued by the Village Accountant.

66. 03.04.2006:

Receipt No.876023 for Rs.90/- paid by Sri Narayana Reddy and others for transfer of katha of S. No.9/16 on the death of Sri V.C. Thippa Reddy.

67. 03.04.2006:

Receipt No.876024 for Rs100/- towards land revenue in respect of S. No.9/16 paid by Sri Narayana Reddy and others.



68. 24.02.2010:

Receipt No.247798 for Rs.3678/- towards katha registration charges issued by the Bruhat Bangalore Mahanagara Palike, in respect of S.Nos.9/10 and 9/16 paid by Sri. Sanganna Gowda G. Patil.

69. 02.03.2010:

Receipt No.1010100 for Rs.18050/- towards property tax for the years 2003-2004 to 2009-2010 issued by the HSR Layout Bruhat Bangalore Mahanagara Palike, in respect of S.Nos.9/10/9/16 paid by Sri. Sanganna Gowda G. Patil.

70. 13.09.2011:

Receipt bearing No. 196104 for Rs.30,00,000/- towards development charges (First Instalment) in respect of property bearing No.1093/9/10/9/16, 1095/7/2/82/9/15/10 issued by the Tax Collector, BBMP, paid by Smt. R. Pushapavathi, Sri Rajendra Patil and Sri Sangana Gowda Patil.

BRUHAT BANGALORE MAHANAGARA PALIKE:

71. 05.02.2010:

Certificate issued by the Bruhat Bangalore Managara Palike bearing No.DA/KTR/180/2009-10 & MR/136/2009-10, in respect of property bearing No. 1093/9/10/9/16 in Agara Village, HSR Layout Sub Division is registered in the name of Sri. Sangana Gowda G. Patil,

SGB

72. 05.02.2010:

Houses and vacant land tax assessment register for the year 2009-2010 issued by the Revenue Department, BBMP, in respect of property Sl. No.1093 and old No./9/10/ 9/16 of an extent of 22869 sq. ft. in the name of Sri. Sanganna Gowda G. Patil.

SURVEY RECORDS:

73. 29.08.2003 :

Tippani of property bearing Re. S.No.9, issued by the Assistant Director of Land Records, Bangalore.

74. 15.12.2010:

Hissa Survey Tippani prepared on 29.05.1929 issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. In respect of S. No. 9. Sri Karagada Eerappa, s/o Sri. Byrappa is shown as the kathedar of S. No.9/10 and Sri Muniyappa @ Doddha Munireddy, son of Thippa Reddy is shown as the kathedar of S. No.9/16.

75. 29.08.2003:

Karnataka Revision Settlement Akarbund of S. No.9/16 and other properties, issued by the Assistant Director of Land Records, Bangalore Sub Division, Bangalore. The extent of S.No.9/16 is shown as 12 guntas.

N.G.

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76. 05.08.2003:

Village map of Agara prepared in the year 1904 issued by the Assistant Director of Land Records, Bangalore Sub Division, Bangalore.

77. Undated:

Unsigned copy of the Record of Rights of S. No.9/16. Entry at Sl. No.52 shows that Sri Muniyappa @ Dodda Munireddy, s/o Thippa Reddy is the person having right over the property, being his ancestral property. It also shows that 4/16 guntas is acquired for rifle range in 1931.

78. Undated:

Mysore Revision Settlement Register of Agara Village, prepared in the year 1965. Sri. Ramaiah, son of Sri. Phasal Reddy is shown as the kathedars of S.Nos.7 and 8. Sri. Muniyappa is shown as the kathedars of S.No.9/10. Sri. Munichikkaiah is shown as the katehdar of S.No. 9/11. Sri. Smt. Chikkamma is shown as the kathedar of S.No. 9/12. Sri. Dodda Nagappa is shown as the kathedar of S.Nos.9/13 and 9/14. Sri. Muni Chikkaiah is shown as the kathedar of S.No.9/15. 0Sri. Dodda Gundappa is shown as the kathedar of S.No.9/16. Sri. Chikka Munishamappa is shown as the kathedar of S.No.10. Archaka Krishna is shown as the kathedar of S.No.55.

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DEATH CERTIFICATE:

79. 08.03.2002:

Death certificate of Smt. Kempamma issued by the Registrar of Births and Deaths, Town Municipal Council, Bommanahalli. Date of death 24.10.2001.

80. 22.01.2005:

Death certificate of Sri. Sampangi issued by the Registrar of Births and Deaths, Town Municipal Council, Bommanahalli. Date of death 10.11.2004.

81. 08.05.2000:

Death certificate of Sri. Ramaiah issued by the Registrar of Births and Deaths, Town Municipal Council, Bommanahalli. Date of death 02.04.2000.

82. 07.06.1994:

Death certificate of Sri. V.C. Thippa Reddy issued by the Tahsildar, Bangalore South Taluk. Date of death 21.05.1994.

FAMILY TREE:

83. 21.04.2003:

Family tree of Sri. Chikka Munireddy and his wife, Smt. Sakamma attested by Village Accountant, Bommanahalli Circle, Begur Hobli, Bangalore South Taluk.



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84. 03.04.2006:

Family tree of Sri. V.C.Thippa Reddy and his wife Smt. Jayamma attested by Village Accountant, Bommanahalli Circle, Begur Hobli, Bangalore South Taluk.

85. 15.10.2012:

Family tree of Sri. Muniyappa attested by Sri S. Vijayakumar, Notary.

CONVERSION:

86. 05.10.2007:

Notice issued by the Deputy Commissioner, Bangalore District, Bangalore, demanding a sum of Rs. 28,642/- towards conversion fine and sub division charges in respect of S.No.9/10 (12 guntas) and 9/16 (9 guntas).

87. 08.10.2007:

Challan bearing No. 43 for payment of Rs.28,587/- towards conversion charges in respect of S.No.9/10 and S.No. 9/16 of a total extent of 21 guntas paid in State Bank of Mysore.

88. 08.10.2007:

Challan bearing No. 44 for payment of Rs. 55/- towards sub division charges issued by the Tahsildar, Bangalore South Taluk, in respect of S.No.9/10 and S.No.9/16 of a total extent of 21 guntas.

NGB

89. 02.06.2009:

Official Memorandum bearing No. ALN SR(S)19/2007-08, issued by the Special Deputy Commissioner (Revenue), Bangalore District, Bangalore, regarding conversion of S.Nos.9/16 (9 guntas) and 9/10 (12 guntas) for nonagricultural residential purpose.

ENDORSEMENTS:

90. 28.08.2011

Endorsement bearing No. RK/CR 3198/11-12 issued on behalf of Tahsildar, Bangalore South Taluk, Bangalore stating that copy of the IHC 2/03-04 and IHC 1/2005-06 is not available.

91. 23.09.2010:

Endorsement bearing No. LRF/STC/CR: 472/2010-11 issued by the Special Tahsildar, Bangalore South Taluk, Bangalore, stating that the endorsement regarding Section 48A cannot be furnished as the register is produced before the High Court of Karnataka in W.P.C. No.12249-25003 and an application may be made after the same is returned.

92. 22.09.2011

Endorsement bearing No. LRF/CR/103/2011-12 issued by the Assistant Commissioner, Bangalore South Taluk, stating that no proceedings under Sec 79(A) (B) are initiated in respect of S. Nos. 7/2 (20 guntas); 9/10 (12 guntas); 9/11 (12 guntas); 9/12 (9 guntas); 2 (1 acre 20 guntas); 9/13 (9 guntas); 9/14 (9 guntas); 9/15 (9 guntas); 9/16 (9 guntas); 10 (21 guntas) and 55/2 (29 guntas).



93. 07.02.2012

Endorsement bearing No.RK.CR/1/11-12 issued by the Tahsildar, Divisional Commissioner's Office, Bangalore stating that according to CR 93/11-12 dated 30.01.2012 the file ALN(BS)CR/24/89-90 dated 24.09.94, ALN(BS)/CR/24/89-90 dated 30.08.1994 and ALN(BS).CR/266/90-91 dated 25.04.1989 are not recorded in the registers of the office and therefore copies cannot be issued.

94. 02. (illegible).2011

Endorsement bearing No.RK.CR/2801/11-12 issued by the Tahsildar, Bangalore South Taluk, stating that ILRR copies cannot be issued in respect of S. No.9/16.

JOINT DEVELOPMENT AGREEMENT:

95. 10.02.2011:

Joint Development Agreement executed by Smt. R. Pushpavathi, Mr. Rajendra Patil and Sri Sanganna Gowda Patil with M/s. Sterling Developers Private Limited registered as document No.BMH-1-10256 /2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of the Sub Registrar, Bommanahalli, Bangalore in respect of property bearing S.Nos.9/11 (12 guntas), 9/12 (9 guntas), 9/13 (9 guntas), 9/14 (5 guntas and 4 guntas - 2 portions), 55 (29 guntas), 7/2 (20 guntas), 8/2 (1 acre 20 guntas), 9/15 (17 guntas), 10 (13 guntas), 9/10 (12 guntas) and 9/16 (9 guntas) of Agara Village.

96. 11.02.2011:

General power of attorney executed by Smt. R. Pushpavathi, Mr. Rajendra Patil and Sri Sanganna Gowda Patil in favour M/s. Sterling Developers Private Limited registered as document No.BMH-4-00688/2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of the Sub Registrar, Bommanahalli, Bangalore pursuant to the Joint Development Agreement in respect of property bearing S.Nos.9/11, 9/12, 9/13, 9/14 (2 portions), 55, 7/2, 8/2, 9/15, 10, 9/10 and 9/16 of Agara Village.

PROPERTY SCHEDULE

All that piece and parcel of immovable property bearing S.No.9/10 of an extent of 12 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore Urban District and bounded on the:-

East By : S.No.9/11;

West By : S.No.9/9;

North By : S.No.55;

South By : S.No.10.

(The boundaries are given as in the sale deed dated 19.09.2005, document No.7962/2005-06)



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PROPERTY SCHEDULE

All that piece and parcel of the immovable property bearing S.No.9/16 of an extent of 9 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore Urban District and bounded on the:-

East By : Rajendra Patil – S.No.8/2;
West By : Rajendra Patil – S.No.9/15;
North By : Thippa Reddy – S.No.55;
South By : Rajendra Patil – S.No.10.

(The boundaries are given as in the sale deed dated 07.09.2006, document No.15398/2006-07).

DISCUSSION

Re. S. No. 9/10:

1. Sri. Munishamappa, son of Sri. Dhobi Chikkanna purchased S. No.9/10 of Agara Village of an extent of 12 guntas from Sri. Mooga Reddy and his wife Smt. Guramma under the sale deed dated 04.11.1943 (Document No. 2733). The katha of the property was transferred to the name of the purchaser as evidenced by the mutation register entry MR 7/43-44.

N.G.

2. Smt. Laguvamma, Sri Ramaiah and four others agreed to sell the property in favour of Sri. P. Satish Pai by agreement for sale dated 23.07.1990 (Document. No.1219/90-91). The document recites that the property belonged to Sri. Munishammappa, that the property was inherited by his two sons, namely, Sri. Muniyappa and Sri. Ramaiah, that on the death of Sri. Muniyappa his right was transferred to his wife Smt. Laguvamma and the other vendors.

3. The mutation register entry MR 54/1987-88 shows that the katha is registered in the name of Smt. Lagumamma and Sri Ramaiah pursuant to the partition between Sri Ramaiah and Sri Muniyappa (sons of Sri Munishamappa), on the death of Sri Muniyappa.

4. Smt. Laguvamma and others represented by their Power of Attorney Holder Sri S. Raghunath, sold the property in favour of M/s. Ramya Housing Development Company, a partnership firm represented by its Director Sri P. Satish Pai by the sale deed dated 09.06.1993 (Document.No.2865/1993-94).

5. Sri. Sangana Gowda G. Patil purchased S. No.9/10 of an extent of 12 guntas from Sri. M. Ramesh (son of late Sri Muniyappa) and eight others by the sale deed dated 19.8.2005 (Document No.BAS-1-07962/2005-06). The deed recites that the KIADB acquired the land and the katha was transferred to the name of KIADB by mutation register entry MR



No.34/2004-05, that the said acquisition was quashed by order dated 28.07.2005 in W.P.No.1898 C/W 19605 and 24851/2004, that possession of the property was handed over to the first vendor Sri Ramesh as evidenced by the mutation registration entry MR 3/2005-06.

6. The mutation register entry MR 3/2005-06 shows that the property is registered in the name of Sri M. Ramesh on the basis of the order of the Karnataka High Court in Writ Petition No.1898 C/W 19605 and 24851/2004,

7. The copy of the order dated 31.01.2007 in L.R.F.(83).B/22/06-07 passed by the Assistant Commissioner, Bangalore South Sub Division between Government and Sri Sangana Gowda G. Patil is produced. A proceedings regarding violation of the provisions of Section 79A and 80 of the Karnataka Land Reforms Act are initiated in view of the purchase of S. No.9/10 of an extent of 12 guntas by Sri Sangana Gowda G. Patil. The Assistant Commissioner held that Sri Sangana Gowda G. Patil belonged to a family of agriculturists and his nonagricultural income did not exceed Rs.2,00,000/- a year and on that finding dropped the proceedings.

8. The RTC for the years 1969-70 to 1978-79 shows the name of Sri Muniswamappa as the kathedar and cultivator. The RTC for the years 1984-85 to 1988-89 shows that the katha was transferred to the name of Laguvamma and Ramaiah by MR 54/1987-88. They are shown as the



kathedars and cultivators from 1987-88. The RTC for 2003-04 shows the name of Sri R. Sampangi, Sri R. Chikkanna, M. Manjunath and M. Ramesh jointly as kathedars pursuant to MR 12/2003-04. The said mutation entry shows that the katha was transferred to the names of these four persons on the death of Smt. Laguvamma. They are also shown as the cultivators from 2003-04 Hingaru. The RTC for 2005-06 shows the name of Sri Sanganagowda G. Patil as the kathedar pursuant to MR 6/2005-06. He is also shown as the cultivator from 2005-06 Hingaru till 2012-13.

Re S. No.9/16:

9. Sri. Rama Reddy and Sri.V.C. Thippa Reddy (sons of late Sri. Chikka Munireddy) agreed to sell the property bearing S.No.9/16 of an extent of 9 guntas and other properties in favour of Sri. P. Satish Pai, son of late Sri. P. Narasimha Pai by the agreement of sale dated 13.07.1990 registered as (Document.No.1185 /90-91). Sri Muni Reddy and Sri Shankar Reddy (sons of Sri Rama Reddy) and Sri Vasudeva Reddy and Sri Srinivasa Reddy (minor sons of Sri V.C. Thippa Reddy) are also vendors under the agreement. They also executed a special power of attorney on the same day registered as document No.138 of Book IV, Volume 16, at pages 41 to 47 in the office of the Sub Registrar, Bangalore South Taluk, in favour of Sri S. Raghunath, inter alia granting him the power to execute deed of conveyance in favour of Sri P. Satish Pai or his nominees pursuant to the above agreement of sale.



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10. Sri S. Rama Reddy and others represented by their power of attorney holder Sri S. Raghunath sold S. No.9/16 of an extent of 9 guntas along with other properties in favour of M/s Soumya Enterprises & Finance, a partnership firm represented by its partner Sri P. Satish Pai by the sale deed dated 28.11.1992 registered as document No. 1331/1994-95 of Book I, Volume 3972 at pages 2 to 9, in the office of the Sub Registrar, Bangalore South Taluk.

11. Sri Sangana Gowda G. Patil purchased the property bearing S. No.9/16 of an extent of 9 guntas from Sri. T. Narayana Reddy (s/o late Sri. V. C. Thippa Reddy) and eight others, (including minors) by the sale deed dated 07.09.2006, registered as document No. BAS-1-15398-2006-2007 of Book I and stored in CD No. BASD 271 on 07.09.2006, in the office of the Sub Registrar, Bangalore South Taluk. The deed recites that the KIADB acquired the land and the katha was transferred to the name of KIADB by mutation register entry MR No.34/2004-05, that the said acquisition was quashed by order dated 28.07.2005 in W.P.No.1898 C/W 19605 and 24851/2004, that possession of the property was handed over to Sri V.C. Thippa Reddy.

12. The RTC for the years 1969-70 to 1973-74 shows the name of Sri Chikka Gundappa as the kathedar and the cultivator. It also shows that half gunta is acquired for rifle range. The RTC for the years 1984-85 to 1988-89 shows that the katha was transferred to the name of Sri Rama Reddy and Sri V.C. Thippa Reddy by IHC 10/1983-84. They are shown



as cultivators from 1985-86. Their names are continued as kathedars till 2004-05 and as cultivators till then (except for the years 1997-98 to 2000-2001 wherein the cultivators column is blank). The RTC for the year 2005-06 shows the name of KIADB. The RTC for 2006-07 shows the name of Sri Sanganagowda G. Patil as the kathedar pursuant to MR 1/2006-07. He is also shown as the cultivator from 2006-07 Hingaru till 2012-13.

13. The mutation register entry MR 1/2006-07 shows that the katha was transferred to the name of Sri Sangana Gowda G. Patil pursuant to the sale deed in his favour. The mutation entry MR 13/2005-06 shows that the katha was transferred from the joint names of Sri V.C. Thippa Reddy and Sri Rama Reddy to the names of Sri Narayana Reddy, Sri Mattama Reddy, Sri Vasudeva Reddy and Sri Rama Reddy in view of the death of Sri V.C. Thippa Reddy and pursuant to IHC 1/2005-06.

Re. S. No.9/10 and 9/16:

14. On the application of Sri Sangana Gowda G. Patil got S. No.9/10 of an extent of 12 guntas and 9/16 of an extent of 9 guntas was converted for nonagricultural residential purpose as seen from the Official Memorandum No.ALN.SR(S)/19/2007-08 dated 02.06.2009 issued by the Special Deputy Commissioner, Bangalore District.

15. The katha of the above properties, now numbered as 1093/9/10/9/16 of Agara Village in the HSR Sub Division, was



registered in the name of Sri Sanganagowda Patil as evidenced by the certificate dated 05.02.2010 issued by the Bruhat Bangalore Mahanagara Palike. The extract of the register of houses and vacant sites for the year 2009-2010 issued by the Bruhat Bangalore Mahanagara Palike shows that the property is at Sl. No.1093 and Old No. is 9/10/9/16 of an extent of 22869 sq. ft. The receipt dated 02.03.2010 (No.1010100) issued by the BBMP is for payment of the property tax for the years 2003-2004 to 2009-2010 by Sri Sangana Gowda G. Patil.

16. The Hissa Tippani of S. No.9 prepared on 20.05.1929 shows that Sri Karagada Erappa (son of Sri Byrappa) is the kathedar of S. No.9/10 and Sri Muniyappa @ Doddamunireddy (son of Sri Thippa Reddy) is the kathedar of S. No.9/16. The family tree of Sri Muniyappa shows that he has four sons and several grandchildren.

17. The RTCs of S. No.9/16 show the extent as 9 guntas. However, the Karnataka Revision Settlement Akarband issued by the Assistant Director of Land Records on 29.08.2003 (Application No.2523/03-04) shows that the extent is 12 guntas. The Record of Rights Sl. No.52 shows that an extent of 4/16 gunta is acquired for rifle range. The RTC for the years 1969-70 to 1973-74 shows that half gunta is acquired for the rifle range out of the total extent of 9 guntas. These two issues require clarification.



18. An endorsement dated 23.09.2010 issued by the Special Tahsildar, Bangalore South Taluk states that an endorsement as to whether any applications are made under Section 48A of Karnataka Land Reforms Act, 1961 in respect of S. No.9/10 cannot be issued as the file has been sent to the High Court of Karnataka in WP 12249-250/2003 and an application may be made after return of the file.
19. An endorsement dated 22.09.2011 is issued ;by the Assistant Commissioner, Bangalore South Taluk, that no proceedings have been initiated under Section 79(A) (B) of the Karnataka Land Reforms Act and the PTCL Act in respect of S. Nos.9/10, 9/16 and other properties.
20. We are informed by M/s Sterling Developers Private Limited that the sales by Sri. M. Ramesh and others (document No. 7962/2005-06) and T. Narayana Reddy and others document No. 15398/2006-07 in favour of Sri. Sangana Gowda G. Patil are for legal necessity, that the Vendors had a valid and marketable title to the properties sold, that the transactions are valid and are in compliance of law, including all Central and State statutes and that there is no violation of any law. We are also informed that there are no third party rights of any nature or claims by any person, including minors and women and that no legal or acquisition proceedings are pending in respect of the property
21. An endorsement dated 28.08.2011 is issued by the Tahsildar, Bangalore South Taluk that copies of IHC 2/03-04 and IHC 1/2005-06 cannot be issued as the same is not available.



22. An endorsement dated 07.02.2012 is issued by the Divisional Commissioners Office, Bangalore that copies of ALN(BS).CR.24/89-90 dated 24.09.1994, ALN(BS).CR.24/89-90 dated 30.08.1994 and ALN(BS).CR.266/90-91 dated 25.04.1989 cannot be issued as the same is not recorded in the office.

23. The encumbrances from 01.04.1974 till 02.05.2013 in respect of both the properties do not disclose any transactions other than those referred to above.

RELEASE DEED :

24. M/s Ramya Housing Development Company has executed a deed of release dated 28.01.2014 registered as document No.BMH-1-09079-2013-14 of Book I and stored in C.D. No.BMHD662 on 28.01.2014 in the office of the Sub Registrar, Bommanahalli in favour of Sri. Sangana Gowda G Patil. Certain typographical errors in the said deed were corrected by a deed of rectification dated 24.02.2014 registered as document No.BMH-1-09895-2013-14 of Book I and stored in CD No.BMHD666 on 24.02.2014 in the office of the Sub Registrar, Bommanahalli.

25. Therefore the release deed has to be read as corrected by the rectification deed. The deed states that the sale deed dated 07.09.1993 (document No.2865/1993-94) in favour of the releasor is a nominal sale deed and that the releasor has no right, title or interest in the property and



that in spite of the sale deed possession of the property continued with Smt. Laghumamma and others. The releasor has further stated that :

“1. The Releasor hereby releases and relinquishes and transfers all the right, title and interest that the releaser may have in the of converted immoveable property bearing survey No.9/10 measuring to an extent of 12 guntas, and Situated at Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore, which is more fully described in schedule hereunder and hereinafter referred to as the SCHEDULE PROPERTY, in favour of the Releasee for a consideration of Rs.100/- (Rupees One Hundred Only).

2. The Releasor hereby confirms and declares that the Releasee is in actual and physical possession of the schedule property and that the Releasor has no right, title or interest in the schedule property and that the Releasee is the absolute owner in possession of the Schedule Property having purchased the same under a registered Sale Deed 19.08.2005.

3. The Releasor hereby declares that the Sale Deed Dated 19.06.1993 executed by Smt. Luguvamma and others in favour of the Releasor and registered as Document No.2865/93-94, referred to hereinabove is a nominal and sham Sale deed and that no title whatsoever passed on to the Releaser pursuant to the said Sale Deed.”

26. Thus by virtue of the sale deed in his favour and the release deed executed by M/s Ramya Housing Development Company, relinquishing,



transferring and releasing all their rights, if any, in the property bearing S.No.9/10, Sri Sangana Gowda G. Patil has become the absolute owner of the said property sold to him by Sri. M. Ramesh and others.

27. M/s Soumya Enterprises and Finance has executed a deed of release dated 28.01.2014 registered as document No.BMH-1-09074-2013-14 of Book I and stored in C.D. No.BMHD662 on 28.01.2014 in the office of the Sub Registrar, Bommanahalli in favour of Sri. Sangana Gowda G Patil. Certain typographical errors in the said deed were corrected by a deed of rectification dated 24.02.2014 registered as document No.BMH-1-09897-2013-14 of Book I and stored in CD No.BMHD666 on 24.02.2014 in the office of the Sub Registrar, Bommanahalli.

28. Therefore the release deed has to be read as corrected by the rectification deed. The deed states that the sale deed dated 28.11.1993 (document No.1331/1994-95) in favour of the releasor is a nominal sale deed and that the releasor has no right, title or interest in the property and that in spite of the sale deed possession of the property continued with Sri. S. Rama Reddy and others. The releasor has further stated that :

"1. The Releasor hereby releases and relinquishes and transfers all the right, title and interest that the releaser may have in the of converted immoveable property bearing survey No.9/16 measuring to an extent of 09 guntas, and Situated at Agara Village, Begur Hobli, Bangalore South

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Taluk, Bangalore, which is more fully described in schedule hereunder and hereinafter referred to as the SCHEDULE PROPERTY, in favour of the Releasee for a consideration of Rs.100/- (Rupees One Hundred Only).

2. *The Releasor hereby confirms and declares that the Releasee is in actual and physical possession of the schedule property and that the Releasor has no right, title or interest in the schedule property and that the Releasee is the absolute owner in possession of the Schedule Property having purchased the same under a registered Sale Deed 27.09.2006.*
3. *The Releasor hereby declares that the Sale Deed Dated 28.11.1993 executed by Sri. S. Rama Reddy and others in favour of the Releasor, and registered as Document No.1331/1994-95, referred to hereinabove is a nominal and sham Sale deed and that no title whatsoever passed on to the Releaser pursuant to the said Sale Deed."*
29. Thus by virtue of the sale deed in his favour and the release deed executed by M/s Soumya Enterprises and Finance, relinquishing, transferring and releasing all their rights, if any, in the property bearing S.No.9/16, Sri Sangana Gowda G. Patil has become the absolute owner of the said property sold to him by Sri. T. Narayana Reddy and others.
30. Sri. Sanganna Gowda G. Patil along with Sri. Rajendra Patil and Smt. R. Pushpavathi have entered into a Joint Development Agreement dated 10.02.2011 with M/s. Sterling Developers Private Limited, in



respect of the above properties and other properties on the terms and conditions contained therein.

31. In the said Joint Development Agreement the owners (including Sri. Sangana Gowda Patil) have represented that:

"(a) That the owners are the absolute owners of the Schedule Property and his/her/their title in respect of the Schedule Property is good, marketable and subsisting and none else has right, title, interest or share therein;

(b) That the Schedule property is not subject to any litigation, encumbrances, attachments, court or acquisition proceedings of any kind or to any agency coupled with interest with interests or tax liabilities, Attachment towards tax liabilities not has the Schedule Property been given as security for any purpose either directly or indirectly or made part of any surety/guarantee in any case or court proceedings and is not subject to any charges and/or mortgages or lien of any kind;

(c) That he/she/they has/have not entered into any agreement/s for sale/Memorandum of Understanding, Lease, transfer/Development and/or any Arrangement/s in respect of the Schedule Property with anyone else;

(d) That the Owners have paid up to date taxes, Land revenue, and the Statutory Charges with regard to the Schedule Property.

(e) That the Schedule property is not a land in respect of which there is a prohibition regarding sale and that there is no bar or prohibition to acquire, hold or to sell the Schedule property;

(f) That there is no impediment for the Owners to acquire or hold or to sell and or deal with the Schedule property under any law;

(g) *That the Owners have agreed to comply with the requirement/s of the Developer and the obligations undertaken by the Owners under this Agreement.*

(h) *That there are no proceedings in any forum nor is there a threat of any appeals from any orders passed in favour of the Owners in any of the Proceedings concerning the Schedule Property;*

xxxx xxxx xxxx xxxx xxxx

j. *That the Owners are entitled to sell and dispose off or develop the Schedule Property and that there are no restrictions to develop the Schedule Property or any part thereof;*

xxxx xxxx xxxx xxxx xxxx

32. The term regarding Title and Indemnity in the said Joint Development Agreement reads as under:

“6. TITLE AND INDEMNITY:

1. *The Landowners hereby represent at the title of the Landowners in respect of the Schedule Property is good, clear, valid, legal marketable and subsisting and that no one else has any, right, title, interest, claim or share in the Schedule Property and that the Schedule Property is not subject to any encumbrance, attachment, court or taxation or acquisition proceedings or charges of any kind nor have the Landowners entered into any agreement for the sale/joint development/lease and/or arrangement/s thereof with any other party/ies.*

xxxx xxxx xxxx xxxx xxxx

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3. *The Landowners shall keep the Developer fully indemnified and harmless, against any loss or liability, cost or claim, action or proceedings that may arise against the developer on account of any defect in or want of title on the part any of the Landowners, or on account of any delay caused at the instance any of the Landowners or by anyone acting or claiming to act under the instructions of the Landowners.*

4. *The Development of the Schedule Property is subject to the condition that the Landowners make out, at the Landowners' own cost and expense, legal, valid, subsisting, clear encumbrance free and marketable title to the Schedule Property. Further, the Landowners hereby permit the Developer to insert, at its costs, public notice/s in the newspapers notifying its intention to develop the Schedule Property and inviting objections to the transaction proposed hereunder.*

33. From the above representations and indemnities offered by the owners it is clear that they also clearly and unequivocally state that they have a clear, marketable title to the property, free from all claims and that the transactions are legal and valid and that they undertake to make out such title at their cost.

OPINION

In the light of the above discussion and our observations, we are of the opinion that Sri Sangana Gowda G. Patil is the absolute owner of the converted properties bearing S. No.9/10 of an extent of 12 guntas and S. No.9/16 of an extent of 9 guntas, both situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore having purchased the same under the sale deeds (i) dated 19.08.2005, registered as document No.



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7962/2005-2006 from Sri. M. Ramesh and others in respect of S.No.9/10 and (ii) dated 07.09.2006, registered as document No.15398/2006-2007 executed by Sri. T. Narayana Reddy and others in respect of S.No.9/16.

N. Gourinda Bhaskar
(HOLLA & HOLLA)

Housiey.com

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Advocates

Udaya Holla B.Sc., LL.M.

Senior Advocate

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Vivek Holla, B.A., LL.B. (Hons.)

Level 4, Prestige Nebula
No.8, Cubbon Road,
(Opp.) Income Tax Office,
Bangalore - 560001
India.

February 26, 2014

Mr. Ramani Sastri
Managing Director
Sterling Developers Private Limited
Level 5, Prestige Nebula,
Opp. Income Tax Office,
Bangalore – 560001

Sir,

Sub: Legal Opinion regarding the title of Sri. Rajendra Patil to the immovable property bearing S.No.9/15 of an extent of 17 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk Bangalore.

We have examined the xerox copies of the following documents which were made available by you, which we assume for the purpose of this opinion, to be true copies of genuine originals. The opinion is also based on the information provided by you and your representations to us regarding the above property. This legal opinion is given on such basis only and is limited to the question of title of Sri. Rajendra Patil to the property.

NGB

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LIST OF DOCUMENTS

TITLE DEEDS:

1. 22.09.2003:

Unregistered partition deed entered into between Sri. A.M. Venkataswamy and Sri. A. M. Mariswamy (sons of late Sri. Munichikkaiah). S.Nos.9/11 and 9/12 of a total extent of 23 guntas was allotted to the share of Sri. A.M. Venkataswamy. S.No.9/15 of an extent of 17 guntas was allotted to the share of Sri. A.M. Mariswamy.

2. 01.10.2003:

Sale deed executed by Sri. A.M. Mariswamy and his children in favour of Sri. Rajendra Patil, registered as document No. BNG(U)-BLR(S)/12997-2003-04 of Book I and stored in CD No.118 on 09.10.2003 in the office of the Sub Registrar, Bangalore South Taluk. The property sold is S.No.9/15 of an extent of 17 guntas.

R.T.C.:

3. 29.09.(year illegible):

RTC for the years 1969-70 to 1973-74 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Munichikkaiah is shown as the khathedar and cultivator.



4. 29.09.(year illegible):

RTC for the years 1974-75 to 1978-79 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Munichikkaiah is shown as the khathedar and cultivator.

5. 20.08.2003:

RTC for the years 1979-80 to 1983-84 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Munichikkaiah is shown as the khathedar. Cultivator column is blank for the years 1980-81 and 1981-82. Sri. Munichikkaiah is shown as the cultivator for the remaining years.

6. 29.09.2007

RTC for the years 1984-85 to 1988-89 (mungaru) issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A.M. Mariswamy is shown as the khathedar pursuant to IHC 40-87-88 and cultivator.

7. 29.09.2007

RTC for the years 1989-90 (mungaru) to 1993-94 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A.M. Mariswamy is shown as the khathedar and cultivator.

8. 29.09.2007

RTC for the years 1994-95 to 1996-97 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A.M. Mariswamy is shown as the khathedar and cultivator.



9. 29.09.2007

RTC for the years 1997-98 to 2000-2001 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A.M. Mariswamy is shown as the khathedar. The cultivator's column is blank.

10. 13.10.2003

RTC for the year 2000-2001 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. A.M. Mariswamy is shown as the khathedar and cultivator.

11. 09.07.2010

RTC for the year 2001-2002 (mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk. Bangalore. Sri. A.M. Mariswamy is shown as the khatedar and cultivator

12. 06.08.2003

RTC for the year 2002-2003 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. A.M. Mariswamy is shown as the khathedar and cultivator.

13. 09.07.2010

RTC for the year 2003-2004 (hingaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the khathedar pursuant to MR 6/2003-04. Sri A. M.



Mariswamy is shown as the cultivator for Mungaru and Sri Rajendra Patil for Hingaru.

14. 02.09.2005:

RTC for the year 2004-2005(mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the khathedar and cultivator.

15. 10.04.2006:

RTC for the year 2005-2006 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the khathedar and cultivator. The conversion of land is noted under MR 7/2005-06.

16. 22.09.2007

RTC for the year 2006-2007 (mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the khathedar and cultivator.

17. 09.07.2010

RTC for the year 2007-08 issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as khatedar and cultivator.



18. 09.01.2012

RTC for the year 2008-09 issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as khatedar and cultivator.

19. 09.01.2012

RTC for the year 2009-10 issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as khatedar and cultivator.

20. 09.01.2012

RTC for the year 2010-2011 issued by Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as khatedar and cultivator

21. 09.01.2012

RTC for the year 2011-2012 issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as khatedar and cultivator.

22. 07.05.2013

RTC for the year 2012-2013 issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as khatedar and cultivator.



MUTATION REGISTER EXTRACT:

23. 25.05.2004:

Mutation Register extract relating to IHC 40/1987-88. The katha of S. Nos.9/11, 9/12 and 15/20 are registered in the name of Sri A.M. Venkataswamy and that of S.No.9/15 in the name of Sri A.M. Mariswamy, on the death of their father Sri Munichikkaiah.

24. 23.10.2003

Mutation register extract relating to entry MR No. 6 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry the khata of property bearing S.No. 9/15 of an extent of 17 guntas was transferred to the name of Sri. Rajendra Patil on the basis of the sale deed, registered as document No. 12997/2003-04 on 01.10.2003.

25. 10.04.2006:

Mutation register extract relating to entry MR No. 7/2005-06 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry the conversion of the land was noted.

RECEIPTS:

26. 09.12.2003:

Receipt bearing No. 2992342 for payment of land revenue of Rs.25/- paid by Sri Rajendra Patil in respect of S. No.9/15, issued by the Village Accountant.



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27. 09.12.2003:

Receipt bearing No. 2992321 for payment of land revenue of Rs.20/- by Sri Rajendra Patil, in respect of S. No.9/15, issued by the Village Accountant.

28. 05.09.2005:

Receipt bearing No. 4876019 for payment of Rs.50/- by Sri Rajendra Patil, issued by the Village Accountant in respect of S. No.9/15.

29. 30.05.1995:

Receipt No.89271 for payment of Rs.10/- by Sri Mariswami towards land revenue for the year 1994-95 issued by the Village Accountant, Bangalore South Taluk, Bangalore, in respect of S.No.9/15.

30. 30.05.1995:

Receipt No.1010099 for payment of Rs.94,571/- towards property tax for the years 2003-2004 to 2009-2010 by Sri Rajendra Patil issued by the Revenue Inspector, BBMP, Bangalore, in respect of property bearing No.7/2/8/2/9/15/10.

31. 24.02.2010:

Receipt No.247799 for payment of Rs.6297/- towards katha registration fee by Sri Rajendra Patil issued by the BBMP, Bangalore, in respect of property bearing No.7/2/8/2/9/15/10.

NCP

32. 02.03.2010:

Receipt No.247866 for payment of Rs.375/- by Sri Rajendra Patil issued by the BBMP, Bangalore.

SURVEY RECORDS

33. 08.12.1995

Atlas issued by the Asst. Director of Land Records, Bangalore Sub-Division, Bangalore, in respect of S.No.9/11, 9/12, 9/13 and 9/15.

34. 07.02.2012:

Karnataka Revision Settlement Akarband in respect of S.No.9/15.

35. 15.12.2010:

Hissa Survey Tippani prepared on 29.05.1929 issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore, in respect of S. No.9. Sri Mariyanna, s/o Sri. Venkatappa is shown as the kathedar of S. No.9/15.

36. 05.08.2003:

Village map of Agara prepared in the year 1904 issued by the Assistant Director of Land Records, Bangalore Sub Division, Bangalore.

37. Undated:

Mysore Revision Settlement Register of Agara Village, prepared in the

N.G.F.

year 1965. Sri. Ramaiah, son of Sri. Phasal Reddy is shown as the kathedar of S.Nos.7 and 8. Sri. Muniyappa is shown as the kathedar of S.No.9/10. Sri. Munichikkaiah is shown as the katehdar of S.No. 9/11. Smt. Chikkamma is shown as the kathedar of S.No. 9/12. Sri. Dodda Nagappa is shown as the kathedar of S.Nos.9/13 and 9/14. Sri. Muni Chikkaiah is shown as the kathedar of S.No.9/15. Sri. Dodda Gundappa is shown as the kathedar of S.No. 9/16. Sri. Chikka Munishamappa is shown as the kathedar of S.No.10. Archaka Krishna is shown as the kathedar of S.No.55.

38. Undated:

Record of rights. Sri Mariyanna, s/o of Sri Venkatappa is shown as the kakthedar by the entry at Sl. No.50. The entry at Sl. No.51 shows that there is a water channel over the property leading to S. No.9/16.

CONVERSION:

39. 12.12.2003

Notice No.ALN:SR(S):365:03-04 issued by the Special Deputy Commissioner, Bangalore District to Sri. Rajendra Patil directing him to pay conversion charges of Rs.23,197/-.

40. 22.12.2003:

Challan No.113 for payment of Rs.23,197/- towards conversion fine and sub division charges.

MRB

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41. 24.12.2003 :

Official Memorandum bearing No.BDS:ALN:SR(S):365/2003-04 issued by the Special Deputy Commissioner (Revenue), Bangalore District in respect of S.No. 9/15 of an extent of 17 guntas regarding conversion of the property to non agricultural residential purpose.

42. 23.12.2003 :

Letter by Sri. Rajendra Patil to the Special Deputy Commissioner, Bangalore District requesting for issue of conversion order in respect of S.No.9/15 of an extent of 17 guntas for non-agricultural residential purpose as the conversion fine, subdivision fees etc., are paid and the undertaking is enclosed.

B.B.M.P.:

43. 05.02.2010:

Certificate bearing No. DA/KTR/182/09-10 & DA/MR/138/09-10, issued by the Assistant Revenue Officer, BBMP, that the katha of the property bearing No. 1095/7/2/8/2/9/15/10 in Agara village stands in the name of Sri. Rajendra Patil,

44. 05.02.2010:

Houses and vacant lands register for the year 2009-2010 issued by the Revenue Department, BBMP, in respect of property bearing Serial No.1094 and old No. 1095/7/2/8/2/9/15/10 of an extent of 119790 sq. ft. in the name of Sri. Rajendra Patil,



ENCUMBRANCE CERTIFICATE:

45. 26.08.2003:

Nil Encumbrance certificate for the period from 15.02.1957 to 24.08.2003 issued by the Senior Sub Registrar, Bangalore South Taluk.

46. 12.07.2010

Encumbrance certificate for the period from 01.04.1970 to 09.07.2010 issued by the Sub Registrar, Bommanahalli, Bangalore South Taluk.

47. 06.01.2011:

Nil Encumbrance certificate for the period from 01.04.2004 to 02.01.2011 issued by the Sub Registrar, Bommanahalli, Bangalore Urban District.

48. 12.01.2012

Encumbrance certificate for the period from 02.01.2011 to 11.01.2012 issued by the Sub Registrar, Bommanahalli, Bangalore.

FAMILY TREE:

49. Undated:

Family tree of Sri. Muni Chikkaiah and his wife Smt. Thayamma.

50. Undated:

Family tree of Sri. A.M. Mariswamy attested by the Village Accountant, Agara, Begur Hobli, Bangalore South Taluk.



ENDORSEMENTS:

51. 03.07.2003:

Endorsement No. LRF NTC CR 173/2003-04 issued by the Tahsildar, Bangalore South Taluk, Bangalore, that no applications are filed in Form 7A of the Land Reforms Act, and that endorsement regarding Sec. 48A will be furnished after receipt of the register from the Ulsoor Gate police station.

52. 12.08.2003:

Endorsement No. (illegible) /B/2003-04 issued by the Assistant Commissioner, Bangalore South Sub-Division, Bangalore that no proceedings have been initiated under Sections: 79(A) and (B) of the Land Reforms Act in respect of S. No. 9/15 and other survey numbers.

53. 13.12.1995

Endorsement bearing No. RK.CR.1097/95-96 issued by the Tahsildar, Bangalore South Taluk, Bangalore, stating that the copy of the IL and RR cannot be issued as the register is mutilated.

JOINT DEVELOPMENT AGREEMENT:

54. 10.02.2011:

Joint Development Agreement executed by Smt. R. Pushpavathi, Mr. Rajendra Patil and Sri Sanganna Gowda Patil with M/s. Sterling Developers Private Limited registered as document No.BMH-1-10256 /2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of

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the Sub Registrar, Bommanahalli, Bangalore in respect of property bearing S.Nos.9/11 (12 guntas), 9/12 (9 guntas), 9/13 (9 guntas), 9/14 (5 guntas and 4 guntas - 2 portions), 55 (29 guntas), 7/2 (20 guntas), 8/2 (1 acre 20 guntas), 9/15 (17 guntas), 10 (13 guntas), 9/10 (12 guntas) and 9/16 (9 guntas) of Agara Village.

55. 11.02.2011:

General power of attorney executed by Smt. R. Pushpavathi, Mr. Rajendra Patil and Sri Sanganna Gowda Patil in favour M/s. Sterling Developers Private Limited registered as document No.BMH-4-00688/2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of the Sub Registrar, Bommanahalli, Bangalore pursuant to the Joint Development Agreement in respect of property bearing S.Nos.9/11, 9/12, 9/13, 9/14 (2 portions), 55, 7/2, 8/2, 9/15, 10, 9/10 and 9/16 of Agara Village.

PROPERTY SCHEDULE

All that piece and parcel of the immovable property being converted non-agricultural, residential land bearing S.No.9/15 of an extent of 17 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore and bounded on the:-

East By :- Land bearing S.No.9/16;

NDB

West By :- Land bearing S.No.9/14;

North By :- Land bearing S.No.55;

South By :- Land bearing S.No.10.

(The boundaries are given as in sale deed dated 01.10.2003 – document No.12997/2003-04 in the office of the Sub Registrar, Bangalore South).

DISCUSSION

1. Sri. A.M. Venkatashami and Sri. A.M. Mariswami, sons of Sri. Muni Chikkaiah divided their ancestral properties by the Panchayath partition deed dated 29.09.2003. S. Nos. 9/11 and 9/12 (contiguous lands of a total extent of 23 guntas) in Agara Village were allotted to the share of Sri. A.M. Venkataswami and S.No.9/15 of an extent of 17 guntas was allotted to A.M. Mariswamy. The khata was transferred to their respective names by the mutation entry IHC.No.40/87-88.
2. The RTC for the years 1969-70 to 1983-84 shows the name of Munichikkaiah as the khatedar and cultivator in respect of S. No. 9/15. The RTC for the year 1984-85 to 1988-1989 shows the name of Sri. A.M. Mariswami as the khatedar pursuant to I.H.C 40/83-84. Sri A.M. Mariswamy is shown as the cultivator for the years 1984-85 to 2003-2004 (mungaru), He is shown as the kathedar till 2003-2004 (Mungaru). Sri. Rajendra Patil is shown as the kathedar for the years 2003-2004 to 2012-2013. He is also shown as the cultivator from 2003-2004 (Hingaru) till 2012-2013.

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3. Sri. Rajendra Patil purchased the schedule property from Sri. A.M. Mariswamy (for himself and as guardian of his minor children, A.M. Kalavathi and A.M. Murali) and his son, A.M. Venkatachala and his daughters, Smt. A.M. Thayamma, Smt. A.M. Madhumala and Smt. A.M. Chaitra by the sale deed dated 01.10.2003 registered as document No.12997/2003-2004 in the office of the Sub Registrar, Bangalore South. Sri. A.M. Venkataswamy (brother of Sri A.M. Mariswamy) has attested the deed as a consenting witness. In the said sale deed it is stated :

"WHEREAS the vendors are in need of funds to meet their family and legal necessities and decided to dispose off the Schedule Property and offered to sell the same to the Purchaser herein, "

4. The khata was transferred to the name of Sri. Rajendra Patil as evidenced by the mutation register entry M.R.No.6. From the RTCs listed above it is seen that Sri. Rajendra Patil and his predecessors in interest have been in possession of the schedule property from the year 1988-1989.

5. The Special Deputy Commissioner, Bangalore District permitted conversion of S. No.9/15 of an extent of 17 guntas from agricultural to non-agricultural residential purpose by the Official Memorandum dated 24.12.2003 bearing No.ALN/SR(S)365/2003-04 subject to various conditions detailed therein, on the application of Sri. Rajendra Patil.



6. The copy of the Houses and Vacant Sites Register for the year 2009-10 issued by the Bruhut Bangalore Mahanagara Palike shows that Sri. Rajendra Patil is the owner of the property No.7/2/8/2/9/15/10 of an extent of 119790 sq. ft. situated at Agara Village at Sl. No.1095 in the said register. The certificate dated 05.02.2010 issued by the BBMP shows that Sri. Rajendra Patil is the kathedar of the said property. A receipt dated 02.03.2010 issued by the HSR Layout Division of the BBMP for Rs.94571/- being the property tax for the years 2003-2004 to 2009-10 is produced. Several other receipts listed above are also produced.

7. The Akarband shows that there is no kharab in the property. The Hissa Survey Tippani prepared on 20.05.1929 shows that there are 17 sub divisions in S. No.9 of Agara Village and that S. No.9/15 is in the name of Marianna, S/o Sri Venkatappa.

8. An endorsement dated 12.08.2003 is issued by the Assistant Commissioner, Bangalore South Sub Division, Bangalore that no proceedings are initiated under 79(A) and 79(B) of the Karnataka Land Reforms Act, 1961. An endorsement dated 03.07.2003 is issued by the Tahsildar, Bangalore South Taluk that no applications are filed in form 7(A) and issuing of an endorsement regarding filing of applications under Section 48 (A) of the Karnataka Land Reforms Act will be considered after the file is received from the police station. No other endorsement is produced.



9. The family tree of Sri Munichikkaiah and his wife Smt. Thayamma is produced. It shows that they had two sons, viz. A. M. Venkataswamy and A. M. Mariswamy, Sri A. M. Venkataswamy has three sons. A.M. Mariswamy has six children including minors. Another family tree of Sri. A.M. Mariswamy is produced. It shows that Sri. A.M. Mariswamy has two wives and six children including minors. Both the family trees are undated and therefore the number of minor children cannot be ascertained. We are informed by M/s Sterling Developers Private Limited that the sale by A.M. Mariswamy and his children had a valid absolute and marketable title to the property, the sale in favour of Sri Rajendra Patil is for legal necessity, that the transactions in respect of the property are valid and are in compliance with law, including all Central and State statutes and that there is no violation of any law. We are also informed that there are no third party rights of any nature or claims by any person, including minors and women and that no legal or acquisition proceedings are pending in respect of these properties. No documents other than those listed above are produced. The encumbrance certificates listed above do not disclose any transactions other than those referred to above.

10. Sri. Rajendra Patil along with Smt. R. Pushpavathi and Sri. Sanganna Gowda Patil has entered into a Joint Development Agreement dated 10.02.2011 with M/s. Sterling Developers Private Limited, in respect of the above property and properties on the terms and conditions contain therein.



11. In the said Joint development the owners (including Sri. Rajendra Patil) have represented that:

" (a) That the owners are the absolute owners of the Schedule Property and his/her/their title in respect of the Schedule Property is good, marketable and subsisting and none else has right, title, interest or share therein;

(b) That the Schedule property is not subject to any litigation, encumbrances, attachments, court or acquisition proceedings of any kind or to any agency coupled with interest with interests or tax liabilities, Attachment towards tax liabilities not has the Schedule Property been given as security for any purpose either directly or indirectly or made part of any surety/guarantee in any case or court proceedings and is not subject to any charges and/or mortgages or lien of any kind;

(c) That he/she/they has/have not entered into any agreement/s for sale/Memorandum of Understanding, Lease, transfer/Development and/or any Arrangement/s in respect of the Schedule Property with anyone else;

(d) That the Owners have paid up to date taxes, Land revenue, and the Statutory Charges with regard to the Schedule Property.

(e) That the Schedule property is not a land in respect of which there is a prohibition regarding sale and that there is no bar or prohibition to acquire, hold or to sell the Schedule property;

(f) That there is no impediment for the Owners to acquire or hold or to sell and or deal with the Schedule property under any law;

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(g) *That the Owners have agreed to comply with the requirement/s of the Developer and the obligations undertaken by the Owners under this Agreement.*

(h) *That there are no proceedings in any forum nor is there a threat of any appeals from any orders passed in favour of the Owners in any of the Proceedings concerning the Schedule Property;*

xxxx xxxx xxxx xxxx xxxx

(i) *That the Owners are entitled to sell and dispose off or develop the Schedule Property and that there are no restrictions to develop the Schedule Property or any part thereof;*

xxxx xxxx xxxx xxxx xxxx

12. The term regarding Title and Indemnity in the said Joint Development Agreement reads as under:

“ 6 TITLE AND INDEMNITY:

1. *The Landowners hereby represent that the title of the Landowners in respect of the Schedule Property is good, clear, valid, legal marketable and subsisting and that no one else has any, right, title, interest, claim or share in the Schedule Property and that the Schedule Property is not subject to any encumbrance, attachment, court or taxation or acquisition proceedings or charges of any kind nor have the Landowners entered into any agreement for the sale/joint development/lease and/or arrangement/s thereof with any other party/ies.*

xxxx xxxx xxxx xxxx xxxx

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3. The Landowners shall keep the Developer fully indemnified and harmless, against any loss or liability, cost or claim, action or proceedings that may arise against the developer on account of any defect in or want of title on the part any of the Landowners, or on account of any delay caused at the instance any of the Landowners or by anyone acting or claiming to act under the instructions of the Landowners.

4. The Development of the Schedule Property is subject to the condition that the Landowners make out, at the Landowners' own cost and expense, legal, valid, subsisting, clear encumbrance free and marketable title to the Schedule Property. Further, the Landowners hereby permit the Developer to insert, at its costs, public notice/s in the newspapers notifying its intention to develop the Schedule Property and inviting objections to the transaction proposed hereunder.

13. From the above representations and indemnities offered by the owners it is clear that they also clearly and unequivocally state that they have a clear, marketable title to the property, free from all claims and that the transactions are legal and valid and that they undertake to make out such title at their cost.

OPINION

In the light of the discussion, our observations and representations of the Developer and the Owner referred to above, we are of the opinion that Sri. Rajendra Patil is the absolute owner of the property bearing S. No.

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9/15 of an extent of 17 guntas situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore, having purchased the same under the sale deed dated 01.10.2003 registered as document No. BNG(U)-BLR(S)/12997-2003-04 of Book I and stored in CD No.118 on 09.10.2003 in the office of the Sub Registrar, Bangalore South Taluk, executed by Sri. A.M. Mariswamy (s/o late Sri. Muni Chikkaiah) and his six children in his favour.

Narinda Shah
(HOLLA & HOLLA)

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Holla & Holla
Advocates

Udaya Holla B.Sc., LL.M.
Senior Advocate
Maya Holla, B.A., LL.B.
Nettar Govinda Bhat, B.Sc., B.L
Vivek Holla, B.A., LL.B. (Hons.)

Level 4, Prestige Nebula
No.8, Cubbon Road,
(Opp.) Income Tax Office,
Bangalore - 560001
India.

26th February, 2014

Mr. Ramani Sastri
Managing Director
Sterling Developers Private Limited
Level 5, Prestige Nebula,
Opp. Income Tax Office,
Bangalore – 560001

Sir,

Sub: Legal Opinion regarding the title of Sri. Rajendra Patil to the immovable property bearing S.No.10 of an extent of 17 guntas (out of total extent of 21 guntas), situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore.

We have examined the xerox copies of the following documents which were made available by you, which we assume for the purpose of this opinion, to be true copies of genuine originals. The opinion is also based on the information provided by you and your representations to us regarding the above property. This legal opinion is given on such basis only and is limited to the question of title of Sri Rajendra Patil to the property.

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LIST OF DOCUMENTS**TITLE DEEDS:****1. 10.06.1980:**

Sale deed executed by Sri. Narayana Shetty, son of Sri. Hanumantha Shetty in favour of Sri. Shankarappa, son of late Sri. A.V Ramaiah registered as Document.No.9/80-81 of Book-I, Volume 1993 at pages 19 to 22 in office of Sub-Registrar, Bangalore South Taluk, Bangalore, in respect of S. Nos.9/8 of an extent of 26 guntas, 9/9 of an extent of 9 guntas and 10/1 of an extent of 4 guntas.

2. 06.08.1990:

Agreement of Sale executed by Sri. S. Rama Reddy in favour of Sri. P. Satish Pai registered as Document.No.1302/90-91, of Book-I, Volume 3276, at pages 234-238 in the office of Sub Registrar, Bangalore South Taluk, in respect of S. No.10 of an extent of 17 guntas.

3. 28.11.1992:

Sale deed executed by Sri. S. Rama Reddy represented by his Power of Attorney Holder Sri. S. Raghunath in favour of M/s. Soumya Enterprises & Finance, represented by its partner Sri P. Satish Pai, registered as Document.No.5423/92-93 of Book-I, Volume 3679 at pages 162-167 on 08.03.1993 in the office of the Sub Registrar, Bangalore South Taluk in respect of S. No.10 of an extent of 17 guntas. Sri P. Satish Pai is the consenting witness to the document.



4. 02.02.2001:

Partition Deed executed between Sri S. Rama Reddy and his sons, Sri R. Muni Reddy, Sri R. Gopalakrishna and Sri R. Sudarshan registered as Document No.9221/2000-01 in the office of the Sub-Registrar, Bangalore South Taluk, Bangalore. An extent of 7 guntas each in S.No.10 is allotted to Sri. R. Munireddy, Sri. R. Gopalakrishna and Sri. R. Sudarshan Reddy apart from other properties.

5. 15.09.2003:

Affidavit regarding partition of the property on 19.09.1990, between Sri. Rama Reddy and six others (sons of Sri. Subbarayappa). The affidavit is not a valid document. Registered partition deed is required or all the parties must execute the sale deed in favour of Sri. Rajendra Patil.

6. 15.09.2003:

Sale deed executed by Sri D. S. Rama Reddy @ S. Ramaiah Reddy, (s/o late Sri Subbarayappa), his three sons, two daughters and seven grandchildren, including six minors, in favour of Sri. Rajendra Patil registered as Document No.11812/2003-04 of Book I, stored in CD No.117 on 19.09.2003 in the office of the Sub-Registrar, Bangalore South Taluk, Bangalore. The property sold is two portions of S. No.10 of a total extent of 17 guntas.

7. 28.01.2014:

Release deed executed by M/s Soumya Enterprises & Finance, represented by its Partner Sri P. Satish Pai in favour of Sri Rajendra Patil



registered as document No.BMH-1-09078-2013-14 and stored in CD No.BMHD662 on 28.01.2014 in the office of the Sub Registrar, Bommanahalli releasing all its right, title and interest in S. No.10 in favour of Sri Rajendra Patil.

8. 24.02.2014:

Deed of Rectification executed by M/s Soumya Enterprises & Finance in favour of Sri Rajendra Patil correcting certain typographical errors in the release deed dated 28.01.2014 registered as document No.BMH-1-09898-2013-14 of Book I and stored in CD No.BMHD666 on 24.02.2014 in the office of the Sub Registrar, Bommanahalli..

R.T.C.:

9. 25.07.2011:

R.T.C. for the years 1969-70 to 1973-74 (Besige) issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri Subbrayappa (10 g), Sri Ramaiah (4 g), Sri Munichikka (2 g), Sri Munishami (2 g), Sri Doddanagappa (3 g) are shown as the Khatedars and cultivators.

10. 29.09.2007:

Endorsement bearing No. RK/CR/798/10-11 issued by the Tahsildar, Bangalore South Taluk, Bangalore stating that the RTC for the years 1974-75 to 1983-84 in respect of S.No.10 and other survey numbers cannot be issued as the register is mutilated.



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11. 25.07.2011:

R.T.C. for the years 1984-85 to 1988-89 (Mungaru) issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri A. R. Shankara Reddy, Sri. R. Srinivasa Reddy, Sri R. Kodandarama Reddy, Sri R. Gopalakrishna Reddy, Sri R. Manjunath and Sri. S. Rama Reddy are shown as the Khatedars pursuant to MR No.4/1980-81 and MR 50/1987-88. Cultivators column is blank for 1984-85. They are also shown as cultivators for the years 1987-88 to 1988-89 (Mungaru).

Sri A.R. Shankar Reddy is shown as the cultivator for 1985-86 (Mungaru) and 1986-87 (Mungaru).

12. 25.07.2011

R.T.C. for the years 1989-90 to 1993-94 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A.R. Shankara Reddy and others are shown as kathedars and cultivators.

13. 25.07.2011:

R.T.C. for the years 1994-95 to 1996-97 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. A.R. Shankara Reddy and others are shown as kathedars and cultivators.

14. 25.07.2011:

R.T.C. for the years 1997-98 to 2000-01 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri A.R. Shankara Reddy and five others are shown as the Khatedars. The cultivators column is blank.



15. 22.03.2011:

R.T.C. for the year 2001-2002 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri A.R. Shankara Reddy and six others are shown as the Khatedars. Cultivators column is blank.

16. 22.03.2011:

R.T.C. for the year 2002-2003 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri A.R. Shankara Reddy and six others are shown as the Kathedars. Cultivators column is blank.

17. 22.03.2011

RTC for the year 2004-05 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri.A.R. Shankar Reddy and five others including Sri Rajendra Patil are shown as khatedars. Sri. Rajendra Patil is shown as the cultivator.

18. 15.12.2010:

RTC for the year 2005-2006 (Mungaru & Hingaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. A. R. Shankara Reddy, KIADB and Sri. Rajendra Patil are shown as the kathedars. Sri. Rajendra Patil is shown as the cultivator.

19. 15.12.2010:

RTC for the year 2006-2007 (Mungaru & Hingaru) issued by the Village



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Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. A. R. Shankara Reddy, KIADB and Sri. Rajendra Patil are shown as the kathedars. Sri. Rajendra Patil is shown as the cultivator.

20. 08.07.2011:

RTC for the year 2007-2008 (Mungaru & Hingaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. A. R. Shankara Reddy, KIADB and Sri. Rajendra Patil are shown as the kathedars. Sri. Rajendra Patil is shown as the cultivator.

21. 15.12.2010:

R.T.C. for the year 2008-2009 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri A.R. Shankara Reddy and Sri Rajendra Patil are shown as the kathedars. Sri Rajendra Patil is shown as the Cultivator.

22. 15.12.2010:

R.T.C. for the year 2009-2010 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri A.R. Shankara Reddy and Sri Rajendra Patil are shown as the kathedars. Sri Rajendra Patil is shown as the Cultivator.

23. 09.01.2012

R.T.C. for the year 2010-2011 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. A.R. Shankara Reddy and Sri Rajendra Patil are shown as the kathedars. Sri Rajendra Patil is shown as the Cultivator.

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24. 09.01.2012

R.T.C for the year 2011-2012 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri.A.R. Shankar Reddy and Sri. Rajendra Patil are shown as the kathedars and Sri. Rajendra Patil is shown cultivator.

25. 07.05.2013

R.T.C for the year 2012-2013 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri.A.R. Shankar Reddy and Sri. Rajendra Patil are shown as the kathedars and Sri. Rajendra Patil is shown as the cultivator.

MUTATION REGISTER EXTRACT:

26. 08.09.2003:

Mutation Register Extract relating to entry IHC 29/1987-88 issued by the Tahsildar, Bangalore South Taluk, Bangalore. By this entry, the Khata of the property bearing S.No.10 of an extent of 17 guntas and other properties was transferred to the name of Sri. S. Rama Reddy on the death of his father, Sri. Subbarayappa, with the consent of the other family members.

27. Illegible:

Mutation Register Extract relating to entry MR 50/1987-88 issued by the Tahsildar, Bangalore South Taluk, Bangalore. By this entry, the Katha of S. No.10 of an extent of 4 guntas and another property was transferred to the names of Sri. Srinivasa Reddy, Sri. R. Kodandarama



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Reddy, Sri. R. Govinda Reddy and Sri. Manjunatha Reddy on the basis of the oral partition and statement given by the eldest brother, Sri. R. Shankara Reddy. The entry is not very clear.

28. 08.09.2003:

Mutation Register Extract relating to entry MR 4/1980-81 issued by the Tahsildar, Bangalore South Taluk, Bangalore. By this entry, the Katha of the property bearing S.No.10 of an extent of 4 guntas and other properties was transferred to the name of Sri. A.R. Shankara Reddy on the basis of the sale deed, registered as document No.9/1980-81 dated 10.08.1980.

29. 20.11.2003:

Mutation Register Extract relating to entry MR 5/2003-04 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the Khata of the property bearing S.No.10 of an extent of 17 guntas, was transferred to the name of Sri. Rajendra Patil on the basis of the sale deed, document No. 11812/2003-2004.

30. 20.11.2003:

Mutation Register Extract relating to entry MR 2/2005-2006 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the Khata of the property bearing S.No.10 of an extent of 4 guntas was transferred to the name of KIADB and that of 17 guntas transferred to the name of Sri. Rajendra Patil.



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31. 20.11.2003:

Mutation Register Extract relating to entry MR 8/2005-2006 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the conversion of 13 guntas of land to nonagricultural, residential purpose is noted.

32. 07.05.2004:

Mutation Register Extract relating to entry MR 34/2004-05 issued by the Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore. By this entry, khata of S. No.10 of an extent of 21 guntas was transferred to the name of KIADB, in addition to several other lands.

RECEIPT:

33. 29.01.2001:

Receipt No.2990963 for payment of land revenue of Rs.25/- in respect of S. Nos.10 and 13/11, by Sri Rama Reddy, issued by the Village Accountant, Begur Hobli, Agara Village, Bangalore South Taluk, Bangalore.

34. 09.12.2003:

Receipt bearing No. 2992343 for payment of land revenue of Rs.25/-, paid by Sri. Rajendra Patil in respect of S.No.10, issued by the Village Accountant, Begur Hobli, Agara Village, Bangalore South Taluk, Bangalore.



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35. 05.09.2005:

Receipt bearing No.4876020, for payment of land revenue of Rs.100/- paid by Sri. Rajendra Patil in respect of S.No.10, issued by the Village Accountant, Begur Hobli, Agara Village, Bangalore South Taluk, Bangalore.

36. 30.05.1995:

Receipt No.1010099 for payment of Rs.94,571/- towards property tax for the years 2003-2004 to 2009-2010 by Sri Rajendra Patil issued by the Revenue Inspector, BBMP, Bangalore, in respect of property bearing No.7/2/8/2/9/15/10.

37. 24.02.2010:

Receipt No.247799 for payment of Rs.6297/- towards katha registration fee by Sri Rajendra Patil issued by the BBMP, Bangalore, in respect of property bearing No.7/2/8/2/9/15/10.

38. 02.03.2010:

Receipt No.247866 for payment of Rs.375/- by Sri Rajendra Patil issued by the BBMP, Bangalore.

ENCUMBRANCE CERTIFICATE:

39. 19.07.2010:

Encumbrance certificate from 01.04.1970 to 08.07.2010 issued by the Sub Registrar, Bommanahalli, Bangalore Urban District.

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40. 06.01.2011:

Nil encumbrance certificate from 01.04.2004 to 02.01.2011 issued by the Sub Registrar, Bommanahalli, Bangalore Urban District.

41. 12.01.2012:

Nil encumbrance certificate from 02.01.2011 to 11.01.2012 issued by the Sub Registrar, Bommanahalli, Bangalore Urban District.

FAMILY TREE :

42. 10.09.2003:

Notarised affidavit of Sri. R. Sudarshan Reddy, regarding family tree of his father, Sri. S. Rama Reddy, attested by Sri. H.V. Mohan, Notary Public.

43. 22.05.2001:

Family tree of Sri. D.S. Rama Reddy attested by the Village Accountant, Agara, Begur Hobli, Bangalore South Taluk.

SURVEY RECORDS:

44. 05.08.2003:

Village map of Agara prepared in the year 1904 issued by the Assistant Director of Land Records, Bangalore Sub Division, Bangalore.

45. 29.08.2003:

Tippani of S.No.10.

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46. 29.08.2003:

Karnataka Revision Settlement Akarbund issued by the Assistant Director of Land Records, Bangalore Sub Division, Bangalore.

47. Undated:

Mysore Revision Settlement Register of Agara Village, prepared in the year 1965. Sri. Ramaiah, son of Sri. Phasal Reddy is shown as the kathedars of S.Nos.7 and 8. Sri. Muniyappa is shown as the kathedar of S.No.9/10. Sri. Munichikkaiah is shown as the katehdar of S.No. 9/11. Smt. Chikkamma is shown as the kathedar of S.No. 9/12. Sri. Dodda Nagappa is shown as the kathedar of S.Nos.9/13 and 9/14. Sri. Muni Chikkaiah is shown as the kathedar of S.No.9/15. Sri. Dodda Gundappa is shown as the kathedar of S.No.9/16. Sri. Chikka Munishamappa is shown as the kathedar of S.No.10. Archaka Krishna is shown as the kathedar of S.No.55.

48. 07.02.2012:

Atlas of S. No.10.

ENDORSEMENTS:

49. 24.09.2003:

Endorsement No.LRF.STC/CR 357/2003-04 issued by the Tahsildar, Bangalore South Taluk, Bangalore, stating that no applications are filed in Form 7A of the Land Reforms Act and that the endorsement regarding Section 48A will be considered after the records are received from the High Court of Karnataka.

[Signature]

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50. 03.09.2003:

Endorsement No.LRF/9/2003-04 issued by the Assistant Commissioner, Bangalore South Sub-Division, Bangalore stating that no proceedings have been initiated under Section 79A and B of the Karnataka Land Reforms Act in respect of S.No.10 of an extent of 17 guntas.

51. 02. (illegible).2011

Endorsement bearing No.RK.CR/2801/11-12 issued by the Tahsildar, Bangalore South Taluk, stating that ILRR copies cannot be issued in respect of S. Nos.9/16 and 10.

52. 07.02.2012

Endorsement bearing No.RK.CR/1/11-12 issued by the Tahsildar, Divisional Commissioner's Office, Bangalore stating that according to CR 93/11-12 dated 30.01.2012 the file ALN(BS)CR/24/89-90 dated 24.09.94, ALN(BS)/CR/24/89-90 dated 30.08.1994 and ALN(BS).CR/266/90-91 dated 25.04.1989 are not recorded in the registers of the office and therefore copies cannot be issued.

CONVERSION:

53. 12.12.2003:

Demand Notice No.ALN:SR(S):366:03-04 issued by the Special Commissioner, Bangalore District to Sri. Rajendra Patil demanding a sum of Rs.17,752/- as conversion fine and sub division charges.



54. 23.12.2003:

Letter by Sri. Rajendra Patil to the Special Deputy Commissioner, Bangalore District, requesting conversion of property bearing S.No.10 of an extent of 13 guntas for non-agricultural residential purpose and enclosing the challan for payment of conversion fine and an undertaking.

55. 24.12.2003:

Official Memorandum No.BDS:ALN:SR(S):366/2003-04, issued by the Special Deputy Commissioner, Bangalore District regarding conversion of property bearing S.No.10 of an extent of 13 guntas from agricultural to non-agricultural residential purpose.

JOINT DEVELOPMENT AGREEMENT

56. 10.02.2011:

Joint Development Agreement executed by Smt. R. Pushpavathi, Mr. Rajendra Patil and Sri Sanganna Gowda Patil with M/s. Sterling Developers Private Limited registered as document No.BMH-1-10256 /2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of the Sub Registrar, Bommanahalli, Bangalore in respect of property bearing S.Nos.9/11 (12 guntas), 9/12 (9 guntas), 9/13 (9 guntas), 9/14 (5 guntas and 4 guntas - 2 portions), 55 (29 guntas), 7/2 (20 guntas), 8/2 (1 acre 20 guntas), 9/15 (17 guntas), 10 (13 guntas), 9/10 (12 guntas) and 9/16 (9 guntas) of Agara Village.

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57. 11.02.2011:

General power of attorney executed by Smt. R. Pushpavathi, Mr. Rajendra Patil and Sri Sanganna Gowda Patil in favour M/s. Sterling Developers Private Limited registered as document No.BMH-4-00688/2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of the Sub Registrar, Bommanahalli, Bangalore pursuant to the Joint Development Agreement in respect of property bearing S.Nos.9/11, 9/12, 9/13, 9/14 (2 portions), 55, 7/2, 8/2, 9/15, 10, 9/10 and 9/16 of Agara Village.

PROPERTY SCHEDULE

All that piece and parcel of the converted immovable property bearing S.No.10 of a total extent of 17 guntas in two portions situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore and bounded on the:-

ITEM-1

East By : Land bearing S.No.6 belonging to Srinivas Reddy and others

West By : Portion of land bearing S.No.10 owned by Sri.Shankar Reddy;

North By : Various sub-numbers of S.No.9;

South By : Sarjapura Road situated in S.No.11.

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ITEM-II

East By: Portion of land in S.No. 10 owned by Sri. Shankar Reddy;

West by: Temple situated in S.No. 9/1;

North By: Various sub-numbers of S.No.9;

South By: Sarjapura Road situated in S.No.11.

[The boundaries are given as in the sale deed dated 15.09.2003 (document No.11812/2003-04)]

DISCUSSION

1. Sri. Narayana Shetty, (son of Sri. Hanumantha Shetty) executed the sale deed dated 10.06.1980, registered as Document.No.9/80-81 of Book-I, Volume 1993 at pages 19 to 22 in office of the Sub-Registrar, Bangalore South Taluk, Bangalore in favour of Sri. Shankarappa, (son of late Sri. A.V. Ramaiah) in respect S.No.10/1 of an extent of 4 guntas in Agara Village and other properties. The katha of the property was transferred to the name of the purchaser by the mutation register entry M.R. No.4/1980-1981. The RTC for the years 1984-85 to 1988-89 also shows the name of Sri. A.R. Shankara Reddy as the kathedars of 4 guntas. Even in the RTC for the year 2012-2013 Sri. A.R. Shankara Reddy is shown as the kathedars under MR No.4/1980-81. However it is also shown that KIADB has acquired the land and that the same is recorded by the mutation register entry MR 34/2004-2005.

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2. The Affidavit of Sri. Rama Reddy, Sri. Bala Reddy, Sri. Muni Reddy, Sri. Narayana Reddy, Sri. Yallappa Reddy, Sri. Seenappa Reddy and Sri. Vasudeva Reddy (sons of Sri. Subbarayappa) dated 15.09.2003, attested by Smt. B.R. Shashikala, Notary states that the deponents had on 19.09.1990 divided their family properties as detailed in the said affidavit. According to it 7 guntas in S. No. 10 was allotted to the share of Sri. Rama Reddy, apart from other properties.

3. Sri. S. Rama Reddy entered into an agreement of sale dated 06.08.1990 in favour of Sri. P. Satish Pai, registered as document No.1302/90-91, in the office of the Sub Registrar, Bangalore South Taluk, in respect of property bearing S.No.10 of an extent of 17 guntas. Pursuant to the said agreement Sri. S. Rama Reddy represented by his General Power of Attorney holder, Sri. S. Raghunath sold the said property in favour of M/s. Soumya Enterprises & Finance, a partnership firm by the sale deed dated 28.11.1992 registered as document No.5423/92-93, in the office of the Sub Registrar, Bangalore South Taluk.

4. Sri. S. Rama Reddy and his sons namely Sri. R. Muni Reddy, Sri. R. Gopal Krishna and Sri. R. Sudarshan Reddy, executed a partition deed dated 02.02.2001, registered as document No.9221/2000-01, in the office of the Sub Registrar, Bangalore South Taluk. An extent of 7 guntas each in S. No.10 was allotted to each of them.



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5. Sri D.S. Rama Reddy @ S. Ramaiah Reddy, (s/o late Sri Subbarayappa), his three sons, two daughters and seven grandchildren, including six minors, executed a sale deed dated 15.09.2003 registered as Document No.11812/2003-04 of Book I, stored in CD No.117 on 19.09.2003 in the office of the Sub-Registrar, Bangalore South Taluk, Bangalore in favour of Sri. Rajendra Patil, (s/o R.S. Patil) in respect of two portions of S. No.10 of a total extent of 17 guntas. The katha was transferred to the name of the purchaser by the mutation register entry MR 5/2003-2004.

6. M/s Soumya Enterprises and Finance has executed a deed of release dated 28.01.2014 registered as document No.BMH-1-09078-2013-14 of Book I and stored in C.D. No.BMHD662 on 28.01.2014 in the office of the Sub Registrar, Bommanahalli in favour of Sri Rajendra Patil. Certain typographical errors in the said deed were corrected by a deed of rectification dated 24.02.2014 registered as document No.BMH-1-09898-2013-14 of Book I and stored in CD No.BMHD666 on 24.02.2014 in the office of the Sub Registrar, Bommanahalli.

7. Therefore the release deed has to be read as corrected by the rectification deed. The deed states that the sale deed dated 28.11.1992 (document No.5423/1992-93) in favour of the releaser is a nominal sale deed and that the releaser has no right, title or interest in the property and that in spite of the sale deed possession of the property continued with Sri Rama Reddy. The releaser has further stated that :



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“1. The Releasor hereby releases and relinquishes and transfers all the right, title and interest that the releaser may have in the property bearing survey No.10 (portion) measuring 17 guntas and Situated at Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore, which is more fully described in schedule hereunder and hereinafter referred to as the SCHEDULE PROPERTY, in favour of the Releasee for a consideration of Rs.100/- (Rupees One Hundred Only)

2. The Releasor hereby confirms and declares that the Releasee is in actual and physical possession of the schedule property and that the Releasor has no right, title or interest in the schedule property and that the Releasee is the absolute owner in possession of the Schedule Property having purchased the same under a registered Sale Deed 15.09.2003.

3. The Releasor hereby declares that the Sale Deed Dated 28.11.1992 executed by Sri. Rama Reddy in favour of the Releasor and registered as Document No.5423/1992-93, referred to hereinabove is a nominal and sham Sale deed and that no title whatsoever passed on to the Releasor pursuant to the said Sale Deed.”

8. Thus by virtue of the sale deed in his favour and the release deed executed by M/s Soumya Enterprise & Finance, relinquishing, transferring and releasing all their rights, if any, in the property to him, Sri Rajendra Patil has become the absolute owner of the above property sold to him by Sri Rama Reddy and others.

9. Sri. Rajendra Patil applied for conversion of an extent of 13 guntas in S.No.10 and the Special Deputy Commissioner, Bangalore District ordered conversion from agricultural to non-agricultural residential purpose. By the Official Memorandum dated 24.12.2003, bearing No.



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BDS:ALN:SR(S):366/2003-04. The conversion is noted in the RTC by mutation register entry M.R. No.8/2005-2006. No conversion order is produced in respect of the remaining extent of 4 guntas and therefore the said land cannot be developed without an order of conversion.

10. The RTC for the years 1984-85 to 1993-94 shows that Sri. S. Rama Reddy is kathedar of 17 guntas. From the year 1994-95 the kathedar of said extent is shown as Sri. S. Ramaiah Reddy. This continues till the year 2002-2003. From the year 2004-2005 Sri. Rajendra Patil is shown as the kathedar of said extent till 2012-2013. The total extent of the survey number is 21 guntas and it is not subdivided.

11. The Hon'ble High Court of Karnataka, by the order dated 06.03.2007 allowed W.P.No.1964/2007 filed by Sri. Rajendra Patil against The Principal Secretary, Government of Karnataka and three others and quashed the acquisition proceedings by the KIADB, following the ruling of Division Bench in W.A. 3774/2005. Sri. Rajendra Patil filed a joint memo in W.P No. 18918/2004 connected with 19605 & 24851/2004 agreeing to provide a right of way to Manipal ETA Infotech in S.No. 10. Therefore the same will have to be provided by him.

12. An endorsement dated 24.09.2003 is issued by the Tahsildar, Bangalore South Taluk, Bangalore, stating that no applications are filed in Form 7A of the Land Reforms Act and that the endorsement regarding Section 48A will be considered after the records are received from the High Court of Karnataka. The Assistant Commissioner,



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Bangalore South Division has issued an endorsement dated 03.09.2003 stating that no proceedings have been initiated under Section 79A and B of the Karnataka Land Reforms Act in respect of S.No.10 of an extent of 17 guntas. The Tahsildar, Bangalore South Taluk has issued an endorsement, stating that IL and RR copies cannot be issued in respect of S. Nos.9/16 and 10.

13. We are informed by M/s Sterling Developers Private Limited that the sale by Sri D. S. Rama Reddy @ S. Ramaiah Reddy, (s/o late Sri Subbarayappa) and his family members in favour of Sri. Rajendra Patil registered as Document No.11812/2003-04 is for legal necessity, that they had a valid and marketable title to the property sold, that the transactions are valid and are in compliance of law, including all Central and State statutes and that there is no violation of any law. We are also informed that there are no third party rights of any nature or claims by any person, including minors and women and that no legal or acquisition proceedings are pending in respect of the property.

14. An endorsement bearing No.RK.CR/1/11-12 dated 07.02.2012 is issued by the Tahsildar, Divisional Commissioner's Office, Bangalore stating that according to CR 93/11-12 dated 30.01.2012 the file ALN(BS)CR/24/89-90 dated 24.09.94, ALN(BS)/CR/24/89-90 dated 30.08.1994 and ALN(BS).CR/266/90-91 dated 25.04.1989 are not recorded in the registers of the office and therefore copies cannot be issued.

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15. Sri. Rajendra Patil along with Sri. Sanganna Gowda G. Patil and Smt. R. Pushpavathi has entered into a Joint Development Agreement dated 10.02.2011 with M/s. Sterling Developers Private Limited, in respect of the above property, along with various other properties, on the terms and conditions contained therein.

16. In the said Joint Development Agreement the owners (including Sri. Sangana Gowda Patil) have represented that:

" (a) That the owners are the absolute owners of the Schedule Property and his/her/their title in respect of the Schedule Property is good, marketable and subsisting and none else has right, title, interest or share therein;

(b) That the Schedule property is not subject to any litigation, encumbrances, attachments, court or acquisition proceedings of any kind or to any agency coupled with interest with interests or tax liabilities, Attachment towards tax liabilities not has the Schedule Property been given as security for any purpose either directly or indirectly or made part of any surety/guarantee in any case or court proceedings and is not subject to any charges and/or mortgages or lien of any kind;

(c) That he/she/they has/have not entered into any agreement/s for sale/Memorandum of Understanding, Lease, transfer/Development and/or any Arrangement/s in respect of the Schedule Property with anyone else;

(d) That the Owners have paid up to date taxes, Land revenue, and the Statutory Charges with regard to the Schedule Property.

(e) That the Schedule property is not a land in respect of which there is a prohibition regarding sale and that there is no bar or prohibition to acquire, hold or to sell the Schedule property;

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- (f) *That there is no impediment for the Owners to acquire or hold or to sell and or deal with the Schedule property under any law;*
- (g) *That the Owners have agreed to comply with the requirement/s of the Developer and the obligations undertaken by the Owners under this Agreement.*
- (h) *That there are no proceedings in any forum nor is there a threat of any appeals from any orders passed in favour of the Owners in any of the Proceedings concerning the Schedule Property;*

xxxx xxxx xxxx xxxx xxxx

- j. *That the Owners are entitled to sell and dispose off or develop the Schedule Property and that there are no restrictions to develop the Schedule Property or any part thereof;*

xxxx xxxx xxxx xxxx xxxx

17. The term regarding Title and Indemnity in the said Joint Development Agreement reads as under:

“ 6 TITLE AND INDEMNITY:

- 1. *The Landowners hereby represent that the title of the Landowners in respect of the Schedule Property is good, clear, valid, legal marketable and subsisting and that no one else has any, right, title, interest, claim or share in the Schedule Property and that the Schedule Property is not subject to any encumbrance, attachment, court or taxation or acquisition proceedings or charges of any kind nor have the Landowners entered into any agreement for the sale/joint development/lease and/or arrangement/s thereof with any other party/ies.*



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xxxx xxxx xxxx xxxx xxxx

3. *The Landowners shall keep the Developer fully indemnified and harmless, against any loss or liability, cost or claim, action or proceedings that may arise against the developer on account of any defect in or want of title on the part any of the Landowners, or on account of any delay caused at the instance any of the Landowners or by anyone acting or claiming to act under the instructions of the Landowners.*

4. *The Development of the Schedule Property is subject to the condition that the Landowners make out, at the Landowners' own cost and expense, legal, valid, subsisting, clear encumbrance free and marketable title to the Schedule Property. Further, the Landowners hereby permit the Developer to insert, at its costs, public notice/s in the newspapers notifying its intention to develop the Schedule Property and inviting objections to the transaction proposed hereunder.*

18. From the above representations and indemnities offered by the owners it is clear that they also clearly and unequivocally state that they have a clear, marketable title to the property, free from all claims and that the transactions are legal and valid and that they undertake to make out such title at their cost.

19. The encumbrance certificates for the period from 01.04.1970 to 11.01.2012 do not show the Joint Development Agreement dated 10.02.2011 document No.BMH-1-10256 /2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of the Sub Registrar, Bommanahalli, Bangalore. All other transactions referred to above are disclosed. No documents other than those referred to above have been made available.



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OPINION

In the light of the discussion and our observations above, we are of the opinion that Sri Rajendra Patil is the absolute owner of S. No.10 of an extent of 17 guntas situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore, having purchased it under the sale deed dated 15.09.2003 registered as document No.11812/2003-04 in the office of the Sub Registrar, Bangalore South Taluk from Sri Rama Reddy and his family members.

N. Girenda Bhat
(HOLLA & HOLLA)

Holla & Holla
Advocates

Udaya Holla B.Sc., LL.M.
Senior Advocate
Maya Holla, B.A., LL.B.
Nettar Govinda Bhat, B.Sc., B.L.
Vivek Holla, B.A., LL.B. (Hons.)

Level 4, Prestige Nebula
No.8, Cubbon Road,
(Opp.) Income Tax Office,
Bangalore - 560001
India.

11th February, 2014

Mr. Ramani Sastri
Managing Director
Sterling Developers Private Limited
Level 5, Prestige Nebula,
Opp. Income Tax Office,
Bangalore – 560001.

Sir,

Sub: Legal Opinion regarding the title of Sri. Rajendra Patil to the immovable property bearing S.No.7/2 of an extent of 20 guntas and S.No.8/2 of an extent of 1 acre 20 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk, Bangalore.

We have examined the xerox copies of the following documents which were made available by you, which we assume for the purpose of this opinion, to be true copies of genuine originals. The opinion is also based on the information provided by you and your representations to us regarding the above property. This legal opinion is given on such basis only and is limited to the question of title of Sri Rajendra Patil to the above properties.



LIST OF DOCUMENTS

TITLE DEEDS:

1. 26.02.1954:

Partition deed between Sri. Chikka Munishamappa, Sri. V. Gundappa and Sri. Subbarayappa (children of Late Sri. Venkata Reddy), registered as document No.7306/1953-54 of Book I, Volume 1396 at pages 43 to 52 in the office of the Sub Registrar, Bangalore. An extent of 20 guntas in S. No.7 was allotted to Sri. Chikka Munishamappa. S. No.7/1 and S. No.8/1 of a total extent of 16 guntas was allotted to Sri. V. Gundappa. This was apart from various other properties.

2. 01.03.1954:

Sale Deed executed by Sri. V. Gundappa, son of Sri. Venkata Reddy in favour of Sri. Pasalu Reddy, son of Sri. Muniyappa, registered as Document No. 7313/1953-54, in Book I, Volume 1383 at pages 205 and 206 on 08.03.1954, in the office of the Sub Registrar, Bangalore Taluk, Bangalore. The property sold is S.No.7/1 and S.No.8/1 of a total extent of 16 guntas, situated in Agara Village.

3. 15.03.1961 :

Sale Deed executed by Sri. A. P. Ramaiah, (son of Pasalu Reddy) and his adopted son Sri. Muniyappa, in favour of Sri. Pasalappa Reddy, (son of Sri. Muniyappa), registered as Document No. 5531, in Book I, Volume 227 at pages 249 and 250 on 27.03.1961, in the Office of the Sub Registrar, Bangalore South Taluk, Bangalore. The property sold is S.No. 8 of an extent of 17 guntas.

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4. 01.10.2003 :

Sale Deed executed by Sri. P. Muni Reddy, son of late Sri. Dodda Pasalappa Reddy and 7 others in favour of Mr. Rajendra Patil, son of Sri. R.S. Patil, registered as Document No.12992/2003-04, in Book I and stored in CD No.118 on 07.10.2003, in the office of the Sub Registrar, Bangalore South Taluk. The property sold is S.No. 7/2 of an extent of 20 guntas and S.No. 8/2 of an extent of 1 acre 20 guntas.

R. T. C.:

S. No.7/2:

5. 29.09.2007:

R.T.C. for the years 1969-70 to 1973-74, issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Pasalappa Reddy is shown as the khatedar and cultivator.

6. Undated:

R.T.C. for the years 1974-75 to 1978-79, issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Pasala Reddy is shown as the Khatedar and Sri. Pasalappa Reddy as the cultivator.

7. Undated:

R.T.C. for the years 1979-80 to 1983-84, issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. V. Gundappa, is shown as the Khatedar of 8 guntas and Sri Pasalappa Reddy is shown as the Khatedar of 12 guntas. Sri. Pasalappa Reddy is shown as the cultivator.



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8. 20.05.2003 :

R.T.C. for the years 1984-85 to 1988-89 (Mungaru), issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri P. Muni Reddy, Sri. Munirama Reddy and Sri. Chandrashekara Reddy are shown as the kathedars. Sri. Pasala Reddy is shown as the cultivator for the year 1984-85. Sri. Pasala Reddy, Sri. P. Muni Reddy, Sri. Munirama Reddy and Sri. Chandrashekhar Reddy are shown as the cultivators for the years 1985-86 to 1988-89.

9. 29.09.2007 :

R.T.C. for the years 1989-90 (Mungaru) to 1993-94, issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri P. Muni Reddy, Sri. Munirama Reddy and Sri. Chandrashekhar Reddy are shown as the Khatedars and the cultivators.

10. 29.09.2007:

R.T.C. for the years 1994-95 to 1996-97, issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. P. Muni Reddy, Sri. Munirama Reddy and Sri. Chandrashekara Reddy are shown as khatedars and cultivators .

11. 29.09.2007 :

R.T.C. for the years 1997-98 to 2000-2001, issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. P. Muni Reddy, Sri. Munirama Reddy and Sri. Chandrashekara Reddy are shown as the Khatedars. Cultivators column is blank.

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12. Undated:

R.T.C. for the year 2001-2002 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. P. Muni Reddy, Sri. Munirama Reddy and Sri Chandrashekara Reddy are shown as the Khatedars and cultivators.

13. 06.08.2003:

R.T.C. for the year 2002-2003 (Mungaru), issued by the Village Accountant, Bangalore South Taluk, Bangalore. Sri. P. Munireddy, Sri. Munirama Reddy and Sri. Chandrashekara Reddy are shown as the kathedars and cultivators.

14. 02.12.2003:

R.T.C. for the year 2003-2004 (Hingaru), issued by the Village Accountant, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Khatedar and cultivator.

15. 02.09.2006:

RTC for the year 2004-2005 (Mungaru) issued by the Village Accountant, Computer Centre, Bangalore South Taluk. Sri. Rajendra Patil is shown as the kathedar and cultivator.

16. 10.04.2006:

R.T.C. for the year 2005-2006 (Mungaru and Hingaru), issued by the Village Accountant, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Khatedar and the Cultivator, pursuant to MR 5/2005-2006 dated 28.10.2005.



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17. 09.01.2012:

R.T.C. for the year 2006-2007 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Khatedar and the cultivator.

18. 09.07.2010:

R.T.C. for the year 2007-2008 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Khatedar and the Cultivator.

19. 09.07.2010:

R.T.C. for the year 2008-2009 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Khatedar and the Cultivator.

20. 09.07.2010:

R.T.C. for the year 2009-2010 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Khatedar and the Cultivator.

21. 09.01.2012:

R.T.C. for the year 2010-2011 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Khatedar and the Cultivator.



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22. 09.01.2012:

R.T.C. for the year 2011-2012 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Khatedar and the Cultivator.

23. 23.05.2013:

R.T.C. for the year 2012-2013 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Khatedar and the Cultivator.

R.T.C.: S. No.8/2 :

24. Undated:

R.T.C. for the years 1969-70 to 1973-74 (Besige), issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Phasalappa Reddy is shown as the Khatedar and the Cultivator.

25. 22.07. (year not legible)

RTC for the years 1974-75 to 1978-79 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Pasala Reddy (son of Sri, Munepa) is shown as the kathedars. Sri. Pasalappa Reddy is shown as the cultivator.

26. Illegible:

RTC for the years 1979-80 to 1983-84 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. V. Gundappa and Sri. Pasalappa Reddy are shown as the kathedars. Sri. Pasalappa Reddy is shown as the cultivator.

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27. 22.09.2007 :

R.T.C. for the years 1984-85 to 1988-89 (Mungaru), issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. Pasala Reddy, Sri. P. Muni Reddy, Sri. Munirama Reddy and Sri. Chandrashekhar Reddy are shown as the Kathedars. Sri. Pasala Reddy is shown as the cultivator for the years 1984-85 and 1985-86. Sri. Muni Reddy, Sri. Munirama Reddy and Sri. Chandrashekhar Reddy are shown as the Cultivators for the years 1986-87 and 1988-89 (Mungaru).

28. 22.09.2007 :

R.T.C. for the years 1989-90 (Mungaru) to 1993-94, issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri V. Gundappa, Sri. P. Muni Reddy, Sri. Munirama Reddy and Sri. Chandrashekhar Reddy are shown as Kathedars. Except Sri V. Gundappa others are shown as the Cultivators.

29. 22.09.2007 :

R.T.C. for the years 1994-95 to 1996-97, issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. P. Muni Reddy, Sri. Munirama Reddy and Sri Chandrashekhar Reddy are shown as Kathedars and as Cultivators.

30. 22.09.2007 :

R.T.C. for the years 1997-98 to 2000-2001, issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri. P. Muni Reddy, Sri. Munirama Reddy and Sri Chandrashekhar Reddy are shown as the Kathedars, Cultivators column is blank.

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31. 08.07.2011 :

R.T.C. for the years 2001-2002 (Mungaru) issued by the Village Accountant, Computer Center, Bangalore South Taluk, Bangalore. Sri. P. Muni Reddy, Sri. Munirama Reddy and Sri Chandrashekara Reddy are shown as the Kathedars and Cultivators

32. 13.10.2003:

R.T.C. for the year 2002-2003 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. P. Muni Reddy, Sri. Munishama Reddy and Sri Chandrashekara Reddy are shown as the Kathedars and Cultivators.

33. 02.12.2003:

R.T.C. for the year 2003-2004 (Hingaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Kathedar and Cultivator.

34. 09.01.2012:

R.T.C. for the year 2004-2005 (Mungaru), issued by the Village Accountant, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Kathedar and the Cultivator,

35. 09.01.2012:

R.T.C. for the year 2005-2006 (Mungaru and Hingaru), issued by the Village Accountant, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Kathedar and the Cultivator,

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36. 09.01.2012:

R.T.C. for the year 2006-2007 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Kathedar and Cultivator.

37. 09.07.2010:

R.T.C. for the year 2007-2008 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Kathedar and cultivator.

38. 09.07.2010:

R.T.C. for the year 2008-2009 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Kathedar and cultivator.

39. 09.07.2010:

R.T.C. for the year 2009-2010 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Kathedar and cultivator.

40. 09.01.2012:

R.T.C. for the year 2010-2011 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Kathedar and cultivator.



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41. 09.01.2012:

R.T.C. for the year 2011-2012 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Kathedar and cultivator.

42. 23.05.2013:

R.T.C. for the year 2012-2013 (Mungaru), issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. Sri. Rajendra Patil is shown as the Kathedar and cultivator.

B.B.M.P.:

43. 05.02.2010:

Certificate bearing No.DA/KTR/182/09-10 & DA/MR/138/09-10, issued by the Assistant Revenue Officer, BBMP, stating that the katha of the property bearing No. 1095/7/2/8/2/9/15/10 in Agara village stands in the name of Sri. Rajendra Patil.

44. 05.02.2010:

Houses and vacant lands register for the year 2009-2010 issued by the Revenue Department, BBMP, in respect of property bearing Serial No.1094 and old No. 1095/7/2/8/2/9/15/10 of an extent of 119790 sq. ft. in the name of Sri. Rajendra Patil.

MUTATION REGISTER EXTRACT:

45. 30.07.2003:

Mutation Register entry No. IHC 35/1987-88 issued by the Tahsildar, Bangalore South Taluk, Bangalore. By this entry, the khata of

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S.Nos.7/2 (20 guntas) and 8/2 of an extent of 1 acre 30 guntas, was transferred to the names of Sri. P. Muni Reddy, Sri. Munirama Reddy and Sri. Chandrashekhar Reddy on the death of Sri. M. Pasala Reddy, with the consent of his wife Smt. Achamma.

46. 02.12.2003:

Mutation Register entry No.7/2003-2004 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the khata of S.Nos.7/2 (20 guntas) and 8/2 of an extent of 1 acre 20 guntas, was transferred to the name of Sri. Rajendra Patil on the basis of Sale deed (document No.12992/2003-2004).

47. Undated:

Mutation Register entry MR 34/2004-2005 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the katha of S. No.8/2 and other properties was transferred to the name of KIADB pursuant to acquisition of land.

48. Undated:

Mutation Register Extract relating entry MR 4/2005-2006 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the katha is registered in name of Sri Rajendra Patil.

49. 02.12.2003:

Mutation Register Extract relating entry MR 5/2005-2006 issued by the Village Accountant, Computer Centre, Bangalore South Taluk,



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Bangalore. By this entry, the conversion of the land to non-agricultural residential purpose was noted.

50. 10.04.2006:

Mutation Register Extract relating entry MR 9/2005-2006 issued by the Village Accountant, Computer Centre, Bangalore South Taluk, Bangalore. By this entry, the conversion of the land to non-agricultural residential purpose was noted.

FAMILY TREE :**51. 20.09.2003:**

Affidavit regarding the Family tree of Sri. Doddapasalappa Reddy, sworn to before Sri. H. V. Mohan, Notary Public, Bangalore. In this the husband of Achamma is shown as Doddaphasalappa Reddy.

52. Undated:

Family tree of Sri. Doddapasalappa Reddy and his wife Achamma, attested by the Village Accountant, Agara, Beguru Hobli, Bangalore South Taluk.

53. Undated:

Family tree of Sri. Phasala Reddy and his wife Achamma, attested by Village Accountant, Agara, Begur Hobli, Bangalore South Taluk.

54. Undated:

Family tree of Sri. Phasala Reddy, attested by Village Accountant, Agara, Begur Hobli, Bangalore South Taluk. The name of Sri. Phasala Reddy (husband of Achamma is shown as Doddaphasala Reddy in this family tree).

RECEIPTS:

55. 30.05.1995:

Receipt No.1010099 for payment of Rs.94,571/- towards property tax for the years 2003-2004 to 2009-2010 by Sri Rajendra Patil issued by the Revenue Inspector, BBMP, Bangalore, in respect of property bearing No.7/2/8/2/9/15/10.

56. 24.02.2010:

Receipt No.247799 for payment of Rs.6297/- towards katha registration fee by Sri Rajendra Patil issued by the BBMP, Bangalore, in respect of property bearing No.7/2/8/2/9/15/10.

57. 02.03.2010:

Receipt No.247866 for payment of Rs.375/- by Sri Rajendra Patil issued by the BBMP, Bangalore.

58. 05.09.2005:

Receipt No.4876018 for payment of land revenue of Rs.50/- by Sri. Rajendra Patil in respect of S.No.7/2 issued by the Village Accountant, Bangalore South Taluk.

59. 09.12.2003:

Receipt No.2902341 for payment of land revenue of Rs.50/- by Sri. Rajendra Patil in respect of S.Nos.7/2 & 8/2 issued by the Village Accountant, Bangalore South Taluk.

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60. 02.08.2003:

Receipt No. 2992318 for payment of land revenue of Rs.30/- by Sri. Muni Reddy and two others in respect of S. Nos.7/2 and 8/2, issued by the Village Accountant.

61. 18.05.2011:

Receipt No. 10114130012083 for payment of property tax of Rs.90800/- for the year 2010-2011 by Sri. Rajendra Patil in respect of property Nos. 7 2 8 2 9 15 10 issued by Tax Collector, H.S.R. Sub Division, BBMP.

62. 18.05.2011:

Receipt No. 1112441062521 for payment of property tax of Rs.70600/- for the year 2011-2012 by Sri. Rajendra Patil in respect of property Nos. 7 2 8 2 9 15 10 issued by Tax Collector, H.S.R. Sub Division, BBMP.

SURVEY RECORDS:

63. 01.10.2008:

Pucca Book - Column Nos.1 to 15 issued by the Tahsildar, Bangalore South Taluk, Bangalore. Sri Rajendra Patil is shown as the Hissedar of S.No.8/2 of an extent of 1 acre 21 guntas including 1 gunta of kharab.

64. 01.10.2008:

Atlas of S. No.8 issued by the Tahsildar, Bangalore South Taluk, Bangalore.

65. 01.10.2008:

Form No.2 issued by the Tahsildar, Bangalore South Taluk, Bangalore. It shows that the property was measured and subdivided, that S. No.8/2 includes 1 gunta of kharab.

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66. 01.10.2008:

Akarbund of S. Nos. 7, 7/1, 7/2, 8/1 and 8/2, issued by the Tahsildar, Bangalore South Taluk, Bangalore.

67. 01.10.2008:

Atlas of S. No.7 issued by the Tahsildar, Bangalore South Taluk, Bangalore.

68. 29.08.2003:

Tippani issued by the Assistant Director of Land Records, Bangalore Sub Division, Bangalore, relating to S.No.7.

69. 07.02.2012:

Hissa Tippani of S. No.7, prepared on 20.08.2008. Kharab of 1 gunta is confirmed in respect of S. No.7/1. It is not clear whether S. No.7/2 includes any kharab. S. No.7/2 is registered in the name of Sri Rajendra Patil

70. 07.02.2012:

Hissa Tippani of S. No.8, prepared on 20.08.2008. Kharab of 2 gunta is confirmed in respect of S. No.8/1 and 1 gunta of kharab in respect of S. No.8/2. S. No.8/2 is registered in the name of Sri Rajendra Patil.

71. Undated:

Mysore Revision Settlement Register of Agara Village, prepared in the year 1965. Sri. Ramaiah, son of Sri. Phasal Reddy is shown as the kathedar of S.Nos.7 and 8. Sri. Muniyappa is shown as the kathedar of

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S.No.9/10. Sri. Munichikkaiah is shown as the katehdar of S.No. 9/11. Smt. Chikkamma is shown as the kathedar of S.No.9/12. Sri. Dodda Nagappa is shown as the kathedar of S.Nos.9/13 and 9/14. Sri. Muni Chikkaiah is shown as the kathedar of S.No.9/15. Sri. Dodda Gundappa is shown as the kathedar of S. No.9/16. Sri. Chikka Munishamappa is shown as the kathedar of S.No.10. Archaka Krishna is shown as the kathedar of S.No.55.

VILLAGE MAP:

72. 05.08.2003:

Village map of Agara prepared in the year 1904 issued by the Assistant Director of Land Records, Bangalore Sub Division, Bangalore.

RECORDS OF RIGHTS:

73. Undated/Unsigned:

Records of rights (form No.V). The entry at Sl.Nos.16 and 17 show that Sri. Ramaiah, S/o Sri. Phasala Reddy is the kathedar of S.Nos.7 and 8 (the name of the village is not mentioned). It also shows that 4 acres 19 guntas of land is acquired for Rifle range.

CONVERSION :

74. 24.12.2003 :

Official Memorandum bearing No. BDS:ALN:SR(S):363/2003-04 issued by the Special Deputy Commissioner (Revenue), Bangalore District regarding conversion of S.No.7/2 of an extent of 20 guntas to non-agricultural, residential purpose.

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75. 24.12.2003 :

Official Memorandum bearing No. BDS:ALN:SR(S):364/2003-04 issued by the Special Deputy Commissioner (Revenue), Bangalore District regarding conversion of S.No.8/2 of an extent of 1 acre 20 guntas to non-agricultural, residential purpose.

ENCUMBRANCE CERTIFICATE OF S. No. 7/2:

76. 27.01.2012:

Nil encumbrance certificate from 01.04.1953 to 14.02.1957 issued by the Sub Registrar, Peenya, Bangalore.

77. 26.08.2013:

Nil encumbrance certificate from 15.02.1957 to 24.08.03 issued by the Sub Registrar, Bangalore South Taluk, Bangalore.

78. 18.10.(illegible):

Encumbrance certificate from 01.01.2003 to 08.10.2003 issued by the Sub Registrar, Bangalore South Taluk, Bangalore.

79. 12.07.2010:

Nil encumbrance certificate from 01.04.2007 to 11.07.2010 issued by the Senior Sub Registrar, Bommanahalli, Bangalore South Taluk, Bangalore.

80 18.01.2012:

Nil encumbrance certificate from 11.07.2010 to 11.01.2012 issued by the Senior Sub Registrar, Bommanahalli, Bangalore South Taluk, Bangalore.



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81. 06.05.2013:

Nil encumbrance certificate from 12.01.2012 to 02.05.2013 issued by the Senior Sub Registrar, Bommanahalli, Bangalore South Taluk, Bangalore.

ENCUMBRANCE CERTIFICATE OF S. No. 8/2:

82. 16.01.2012:

Nil encumbrance certificate from 15.02.1957 to 24.08.2003 issued by the Sub Registrar, Bommanahalli, Bangalore South Taluk, Bangalore.

83. 06.05.2013:

Nil encumbrance certificate from 12.01.2012 to 02.05.2013 issued by the Sub Registrar, Bangalore South Taluk, Bangalore.

ENCUMBRANCE CERTIFICATE IN RESPECT OF
S.Nos. 7/2 & 8/2.

84. 29.09.2007:

Encumbrance certificate from 01.04.1974 to 26.09.2007 issued by the Senior Sub Registrar, Bommanahalli, Bangalore Urban District. Only the sale deed dated 01.10.2003 document No.12992/2003-04 is listed.

85. 18.10.2003:

Encumbrance certificate from 01.01.2003 to 08.10.2003 issued by the Senior Sub Registrar, Bommanahalli, Bangalore Urban District.

86. 06.01.2011:

Encumbrance certificate from 01.04.2004 to 02.01.2011 issued by the Senior Sub Registrar, Bommanahalli, Bangalore Urban District.

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ENDORSEMENTS:

87. 16.09.2003:

Letter No. BDA(LA)/293/2003-04 issued by the Special Land Acquisition Officer, Bangalore Development Authority, Bangalore stating that S.Nos.7/2 and 8/2 of Agara Village, Beguru Hobli, Bangalore South Taluk, have not been notified for acquisition by the BDA.

88. 12.08.2003:

Endorsement No... (illegible)/B/2003-04 issued by the Assistant Commissioner, Bangalore South Sub-Division, Bangalore that no proceedings have been initiated under Sections 79(A) and (B) in respect of S. Nos. 7/2, 8/2, 9/11, 9/12, 9/13, 9/14, 9/15, 9/16 and 55.

89. 03.07.2003:

Endorsement No. LRF NTC CR 173/2003-04 issued by the Tahsildar, Bangalore South Taluk, Bangalore, stating that no applications are filed in Form 7A of the Karnataka Land Reforms Act in respect of S. Nos. 3/1A, 7/1, 7/2, 8/2, 9/11, 9/12, 9/15 and 55. The issue of endorsement regarding Section 48A will be considered after receipt of the register from the Ulsoor Gate police station.

90. 13.08.2010:

Endorsement bearing No. PTCL/CR61/10-11 issued by the Assistant Commissioner, Bangalore South Taluk, Bangalore that no cases have been filed under the PTCL Act in respect of S. Nos. 7/2, 8/2 and other survey numbers of Agara Village.

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91. 22.09.2011:

Endorsement bearing No.LRF/CR/103/11-12 issued by the Assistant Commissioner, Bangalore South Taluk that no cases have been filed under Section 79(A) & (B) of the Karnataka Land Reforms Act and the PTCL Act in respect of S. Nos.7/2, 8/2 and other survey numbers of Agara Village.

92. 22.09.2011:

Endorsement bearing No.LRF/NTC/813/11-12 issued by the Special Tahsildar, Bangalore South Taluk, Bangalore that no application has been filed under Section 48(A) of the Karnataka Land Reforms Act in respect of S. Nos.7/2, 8/2 and 10 of Agara Village.

JOINT DEVELOPMENT AGREEMENT

93. 10.02.2011:

Joint Development Agreement executed by Smt. R. Pushpavathi, Mr. Rajendra Patil and Sri Sanganna Gowda Patil with M/s. Sterling Developers Private Limited registered as document No.BMH-1-10256 /2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of the Sub Registrar, Bommanahalli, Bangalore in respect of property bearing S.Nos.9/11, 9/12, 9/13, 9/14 (2 portions), 55, 7/2, 8/2, 9/15, 10, 9/10 and 9/16 of Agara Village.

94. 11.02.2011:

General Power of Attorney executed by Smt. R. Pushpavathi, Mr. Rajendra Patil and Sri Sanganna Gowda Patil in favour M/s. Sterling Developers Private Limited registered as document No.BMH-4-

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00688/2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of the Sub Registrar, Bommanahalli, Bangalore pursuant to the Joint Development Agreement in respect of property bearing S.Nos.9/11, 9/12, 9/13, 9/14 (2 portions), 55, 7/2, 8/2, 9/15, 10, 9/10 and 9/16 of Agara Village.

WRIT PETITIONS:

95. 12.07.2005:

Order in Writ Petition No.18918 C/W 19605 and 24851/2004 (LA.KIADB) in the High Court of Karnataka, filed by Smt. M. Shantamma and others against the KIADB and others, allowing petition and quashing the notification dated 24.04.2004 issued by the KIADB under Section 28(4) of the Karnataka Industrial Area Development Act. Sri Rajendra Patil is the petitioner in WP 19605/2004.

96. Undated:

Incomplete copy of the Writ Petition No.1964/2007 (LA.KIADB) filed by Sri Rajendra Patil against the Principal Secretary to the Government of Karnataka and others challenging the notification dated 23.04.2004 regarding acquisition of S. No.7/2 and 8/2. The prayer is to quash the notification following the order passed in W.P. Nos.18919 c/w 19605 and 24851/2004 (LA.KIADB) dated 12.07.2005.

97. 09.02.2007:

Joint Memo filed in Writ Appeal No.3774/2005 between Manipal ETA Infotech and Smt. M. Shanthamma and others agreeing to the condition that the respondents shall provide the right of way to the appellant in S. No.10.



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98. 09.02.2007:

Order passed in W.A. No.1170/2006 (LA.KIADB) c/w W.A. No.3774/2005 (LA-KIADB), before the High Court of Karnataka, between Coremind Software & Services Vs. The State of Karnataka and others. W.A. No.3774/ 2005 is filed by Manipal ETA Infotech against Smt. M. Shanthamma and others, including Sri. Rajendra Patil.

99. 06.03.2007:

Order passed in W.P. No. 1964/2007(LA-KIADB) before the High Court of Karnataka, filed by Sri. Rajendra Patil against The Principal Secretary to the Government of Karnataka and others. The writ petition is allowed and the acquisition is quashed following the order dated 09.02.2007 in W.A. No.3774/2005.

JOINT DEVELOPMENT AGREEMENT:

100. 10.02.2011:

Joint Development Agreement executed by Smt. R. Pushpavathi, Mr. Rajendra Patil and Sri Sanganna Gowda Patil with M/s Sterling Developers Private Limited registered as document No.BMH-1-10256/2010-11 and stored in CD No.BMHD476 on 30.03.2011 in the office of the Sub Registrar, Bommanahalli, Bangalore in respect of property bearing S.Nos.9/11, 9/12, 9/13, 9/14 (2 portions), 55, 7/2, 8/2, 9/15, 10, 9/10 and 9/16 of Agara Village.



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PROPERTY SCHEDULE

ITEM -I - S. No.7/2

All that piece and parcel of the immovable property being converted for non-agricultural, residential purpose land bearing S.No.7/2 of an extent of 20 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk Bangalore and bounded on the:-

East By :- Property bearing S.No.7/3;

West By :- Property bearing S.No. 8/2;

North By :- Property belongs to Riful Range;

South By :- Property bearing S.No. 6

ITEM-II - S. No.8/2

All that piece and parcel of the immovable property being converted for non-agricultural, residential purpose land bearing S.No.8/2 of an extent of 1 acre 20 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk Bangalore and bounded on the:-

East By :- Property bearing S.No.7/2;

West By :- Property bearing S.No. 9/16;

North By :- Property belongs to Riful Range;

South By :- Property bearing S.No. 6.

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DISCUSSION

1. Sri. Chikka Munishamappa, Sri. V. Gundappa and Sri. Subbarayappa (children of Late Sri. Venkata Reddy), partitioned their family properties by the partition deed dated 26.02.1954 registered as document No.7306/1953-54 of Book I, Volume 1396 at pages 43 to 52 in the office of Sub Registrar, Bangalore An extent of 20 guntas in S. No.7 was allotted to Sri. Chikka Munishamappa. S. No.7/1 and S. No. 8/1 of a total extent of 16 guntas was allotted to Sri. V. Gundappa. (the properties allotted to Sri. V. Gundappa are not the subject matter of this opinion). This was apart from various other properties.

2. Sri. V. Gundappa sold S.No.7/1 and 8/1 of an extent of 16 guntas to Sri. Pasalu Reddy, son of Sri. Muniyappa by the sale deed dated 01.03.1954 registered as Document No.7313/1953-54, in Book I, Volume 1383 at pages 205 and 206 on 08.03.1954, in the office of the Sub Registrar, Bangalore Taluk, Bangalore This deed has no relevance to this opinion as the properties in respect of which the title is being verified are S. No.7/2 of an extent of 20 guntas and 8/2 of an extent 1 acre 20 guntas. No other earlier documents of title are produced.

3. In respect of S. No.7/2 :

- i) The R.T.C for the years 1969-70 to 1973-74 show the name of Sri Pasalappa Reddy, son of Sri. Muniappa as the kathedar. Sri Pasalappa Reddy is shown as the cultivator. For 1971-72 (Besige) Sri Pasalappa is shown as the cultivator.



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ii) For the years 1974-75 to 1978-79 Sri Pasala Reddy, son of Sri. Muniappa is shown as the kathedar. Sri Pasalappa Reddy is shown as the cultivator for the years 1974 -75 to 1983-84.

iii) For the years 1979-80 to 1983-84 Sri V. Gundappa is shown as the kathedar of 8 guntas and Sri Pasalappa Reddy is shown as the kathedar of 12 guntas.

iv) For the years 1984-85 to 2002-2003 Sri .V. Gundappa is shown as the kathedar of 8 guntas and Sri. Munirama Reddy and Sri. Chandrashekhar Reddy are shown as kathedars. They are shown as the cultivators for the years 1985-86 to 2002- 2003.

v) For the years 2003-2004 to 2012-2013 Sri .Rajendra Patil is shown as the kathedar and cultivator. However from the year 2005-2006 column 10 shows that the land was converted.

4. In respect of S.No. 8/2 :

i) The R.T.C for the years 1969-70 to 1973-74 show the name of Sri Pasalappa Reddy, son of Sri. Muniappa as the kathedar. Sri Pasalappa Reddy is shown as the cultivator. For 1971-72 (Besige) Sri Pasalappa is shown as the cultivator.

ii) For the years 1974-75 to 1978-79 Sri Pasala Reddy, son of Sri. Muniappa is shown as the kathedar. Sri Pasalappa Reddy is shown as the cultivator for the years 1074 -75 to 1983-84.

iii) For the years 1979-80 to 1983-84 Sri V. Gundappa is shown as the kathedar of 8 guntas and Sri Pasalappa Reddy is shown as the kathedar of 12 guntas.



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iv) For the years 1984-85 to 2002-2003 Sri .V. Gundappa is shown as the kathedar of 8 guntas and Sri. Munirama Reddy and Sri. Chandrashekara Reddy are shown as kathedars. They are shown as the cultivators for the years 1985-86 to 2002- 2003.

v) For the years 2003-2004 to 2012-2013 Sri .Rajendra Patil is shown as the kathedar and cultivator. However from the year 2005-2006 column 10 shows that the land was converted.,

5. The mutation register entry No.IHC.35/1987-88 issued by the Tahsildar, Bangalore South Taluk, Bangalore, shows that the khata of S.Nos.7/2 (20 guntas) and 8/2 of an extent of 1 acre 30 guntas, was transferred to the joint names of his sons Sri. P. Muni Reddy, Sri. Munirama Reddy and Sri. Chandrashekhar Reddy on the death of Sri. M. Pasala Reddy, with the consent of his wife Smt. Achamma.

6. Several family trees listed above are produced. i) The undated family tree of Sri. Pasala Reddy shows that he had four sons, namely, Sri. A.P. Gurappa Reddy, Sri. A.P. Venkata Reddy, Sri. A.P. Thimma Reddy and Sri. A.P. Ramaiah. Sri. A.P. Ramaiah's son Sri. Muniyappa and his son is Sri. Doddapasala Reddy, whose wife is Smt. Achamma. ii) A family tree of Sri. Doddapasala Reddy and his wife, Smt. Achamma dated 23.09.2003 is produced. This shows the names of their three sons and their respective wives and children. iii) An undated family tree of Sri. Pasala Reddy and his wife Smt. Achamma is produced. Showing the names of their three sons. iv) Affidavit of Sri. P. Muni Reddy attested by Sri. H.V. Mohan, Notary Public, shows that Sri. Doddapasalappa Reddy and his wife, Smt. Achamma had three sons and several grandchildren.

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7. By the sale deed dated 15.03.1961, registered as Document No. 5531, in Book I, Volume 227 at pages 249 and 250 on 27.03.1961, in the office of the Sub Registrar, Bangalore Taluk, Bangalore Sri. A.P. Ramaiah and his adopted son, Sri. Muniyappa sold 17 guntas in S.No.8 to Sri. Pasalappa Reddy, son of Sri. Muniyappa, who is the son of Pasalu Reddy. It is not clear whether Sri. Muniyappa (adopted son of Sri. A.P. Ramaiah) who is the vendor is the father of Sri. Pasalappa Reddy and his father is another Sri. Pasalappa Reddy who is not mentioned in the family tree. This is because in the family tree referred to in the above paragraph it is mentioned that Sri. A.P. Ramaiah did not have any children. This is also consistent with the statement in the sale deed, document No.5331 that Sri. Muniyappa is his adopted son.

8. From the above family trees and description of the parties in the sale deed, (document No.5331) as also the various RTC's it is not very certain whether Sri. Dodda Pasalappa Reddy and Sri Pasalappa Reddy are the same person, as also whether the Sri. Muniyappa described in the sale deed is the same as the one referred to in the family tree of Sri Pasala Reddy.

9. Sri. Rajendra Patil, son of Sri. R.S. Patil, purchased the properties bearing S. No.7/2 of an extent of 20 guntas and 8/2 of an extent 1 acre 20 guntas from Sri. P. Muni Reddy, Sri. P. Munirama Reddy and Sri. P. Chandrashekhar Reddy, (sons of late of Sri. Dodda Pasalappa Reddy) and their children, by the sale deed dated 01.10.2003 registered as Document No. 12992/2003-04, in Book I and stored in CD No.118 on 07.10.2003, in the office of the Sub Registrar, Bangalore South



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Taluk. The sale deed recites that the property originally belonged to Sri. Pasala Reddy and on his death the khata was transferred to the names of the vendors by the IHC.No.35/1987-88. The said deed recites that:

"WHEREAS the Vendors are in need of funds to meet their family and legal necessities and decided to dispose off the Schedule Property and offered to sell the same to the Purchaser herein"

10. The khata of the property was transferred to the name of Sri. Rajendra Patil by the mutation register entry MR.No.7/2003-04.

11. Sri Rajendra Patil applied for conversion of S.No.7/2 of an extent of 20 guntas and the Special Deputy Commissioner (Revenue) Bangalore District granted conversion from agricultural to nonagricultural residential purpose by the Official Memorandum dated 24.12.2003 bearing No. BDS:ALN:SR(S):363/2003-04.

12. Sri Rajendra Patil applied for conversion of S.No.8/2 of an extent of 1 acre 20 guntas and the Special Deputy Commissioner (Revenue) Bangalore District granted conversion from agricultural to nonagricultural residential purpose by the Official Memorandum dated 24.12.2003 bearing No. BDS:ALN:SR(S) 364/2003-04.

13. The Karnataka Industrial Areas Development Board seems to have acquired the lands and issued the final notification under Section 28(4) of the Act, on 23.04.2004.



*Holla & Holla**Advocates*

14. i) Sri. Rajendra Patil filed writ petition 19605/2004 in the High Court of Karnataka against the Principal Secretary to the Government of Karnataka, Department of Industries and Commerce and the KIADB challenging the above notification. The writ petition was heard along with W.P Nos.18918 and 24851/2004. By the order dated 12.07.2005 the Hon'ble Court allowed the writ petitions and quashed the notification dated 23.04.2004. In this writ petition a memo was filed by Sri. Rajendra Patil and the appellant, Manipal ETA Infotech, wherein Sri Rajendra Patil agreed to provide a right of way to the appellant in S.No.10 of an extent of 17 guntas.

ii) Sri. Rajendra Patil filed WP No. 1964/2007 in the High Court of Karnataka against the Principal Secretary to the Government of Karnataka, Department of Industries and Commerce and three others. This writ petition was filed (according to para 12 of writ petition) because S.No.7/2 and 8/2 were left out in the writ petition No.19605/2004. This writ petition was allowed by the order dated 06.03.2007, on the basis that the subject matter of the writ petition was covered by the ruling of a division bench of the High Court in W.A. No.3774/2005, disposed of on 09.02.2007.

iii) The order dated 09.02.2007 in W.A. No. 1170/2006 (LA – KIADB) c/w Writ Appeal No. 3774/2005 (LA-KIADB), shows that Sri. Rajendra Patil is Respondent No. 12 in W.A. 3774/2005 filed by Manipal ETA Infotech. By the said order the order of the Single Judge in Writ Petition 18918 c/w 19605 and 24851/2004 dated 12.07.2005 was confirmed.



*Holla & Holla**Advocates*

15. The copy of the Houses and Vacant Sites Register for the year 2009-10 issued by the BBMP shows that Sri. Rajendra Patil is the owner of the property No.7/2/8/2/9/15/10 of an extent of 119790 sq. ft. situated at Agara Village at Sl. No.1095 in the said register. The certificate dated 05.02.2010 issued by the BBMP shows that Sri. Rajendra Patil is the kathedar of the said property.

16. Receipts for payment of property tax for the years 2003-2004 to 2009-2010, 2010-2011 and 2011-2012 to the Bangalore Mahanagara Palike are produced. Certain other receipts listed above are also produced.

17. An endorsement is issued by the Assistant Commissioner that no proceedings under Section 79(A) and 79(B) of the Karnataka Land Reforms Act and under the PTCL Act is produced. Another endorsement by the Special Tahsildar, Bangalore South, Bangalore states that no applications have been filed under Section 48(A) of the Karnataka Land Reform Act, 1961. Several other earlier endorsements are also produced.

18. Sri Rajendra Patil (along with Smt. R. Pushpavathi, and Sri Sanganna Gowda Patil) has entered into a Joint Development Agreement dated 10.02.2011 with M/s Sterling Developers Private Limited registered as document No.BMH-1-10256/2010-11 in respect of property bearing S.Nos.9/11, 9/12, 9/13, 9/14 (2 portions), 55, 7/2, 8/2, 9/15, 10, 9/10 and 9/16 of Agara Village on the terms and conditions therein.

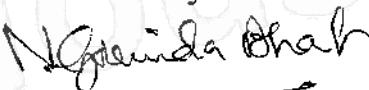


Holla & Holla
Advocates

OPINION

In the light of the discussion and our observations above we are of the opinion that Sri Rajendra Patil is the absolute owner of the properties bearing bearing S.No.7/2 of an extent of 20 guntas and S.No.8/2 of an extent of 1 acre 20 guntas, situated in Agara Village, Begur Hobli, Bangalore South Taluk Bangalore, having purchased the same under the sale deed dated 01.10.2003 as Document No.12992/2003-04, in Book I and stored in CD No.118 on 07.10.2003, in the office of the Sub Registrar, Bangalore South Taluk, executed by Sri. P. Muni Reddy, son of late Sri. Doddha Pasalappa Reddy and 7 others in his favour.

Yours faithfully


(HOLLA & HOLLA)