

ಪ್ರಕಾಶ್ ಟಿ. ಹೆಬ್ಬಾರ್, ಬಿ.ಎ., ಎಲ್.ಎಲ್.ಎಮ್.

ವಕೀಲರು

ಕಾರ್ಯಾಲಯ :

ನಂ. ಎಸ್ ಎಫ್-17, 2ನೇ ಮಹಡಿ, ಹಮೀದ್ ಷಾ ಕಾಂಪ್ಲೆಕ್ಸ್,

ಕಬ್ಬನ್‌ಪೇಟೆ ಮುಖ್ಯ ರಸ್ತೆ, ಬೆಂಗಳೂರು - 560 002.

Prakash T. Hebbar, B.A., LL.M.,

ADVOCATE

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Email : hebbarlawfirm@gmail.com

Ref: TIR/HLF/ Chokkanahalli/2023

13.12.2023

To,

M/s. VAJRAM ESTATES PVT. LTD.,

A private limited company

Registered under the Companies Act

Having its principal place of business at:

Marathahalli - Sarjapura Outer Ring Road,

Devarabisanahalli

Bellandur, Bengaluru

Represented by its Managing Director

Mr. Vajram Pavan Kumar

PROJECT - VAJRAM NEW TOWN PHASE-II

SUBJECT: Title Investigation Report in respect of land measuring 2 acres 32 guntas (1,21,968 Sq. Ft appx) converted for residential use in Sy. No. 60 of Chokkanahalli Village, Yelahanka Hobli, Bangalore North (Additional) Taluk

We acknowledge receipt of the photocopies of the following documents relating to the above land for our scrutiny.

INDEX OF DOCUMENTS SCRUTINISED

Sl No.	Description of Document
I	TITLE DEEDS
1.	Registered sale deed dated 26.08.1925, executed by Shri N.S. Srinivas Rao s/o Shanubhag Seshagiriappa in favour of Smt Achamma d/o Shanubhag Seshagiriappa vide Document No.533/1925-26, Book No. I, Volume 35 at pages 122-127, along with typed copy.
2.	Registered Settlement Deed dated 10.07.1955, executed by Smt. Achamma vide Document No.2201/1955-56, recorded in Book No. I, Volume 1480 at Pages 88 to 92 along with typed copy.

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3.	Release Deed dated 09.11.1975 executed by Smt Chandravati Bai in favour of Shri R. Radhakrishna Rao.
4.	Deed of Declaration dated 19.03.2015 executed by Shri R. Radhakrishna Rao vide Document No.1100/2014-15.
5.	Registered Gift Deed dated 19.03.2015 executed by Shri R. Radhakrishna Rao in favour of Shri R. Madhu vide Document No.KCH-1-06989/2014-15 CD No.KCHD189.
6.	Registered Release Deed dated 20.01.2021 executed by Smt R. Sushma in favour of Shri R. Madhu vide Document No.BYP-1-01622/2021-22 CD No.BYPD884.
7.	Registered Joint Development Agreement dated 31.12.2021 executed between Shri R. Madhu and M/s Vajram Estates Pvt Ltd vide Document No.GAN-1-05616/2021-22, CD No.GAND1085.
8.	Registered General Power of Attorney dated 31.12.2021 executed by Shri R. Madhu and M/s Vajram Estates Pvt Ltd vide Document No.GAN-4-00388/2021-22, CD No.GAND 1085.
9.	Sharing Agreement dated 14.09.2023 executed between M/s Vajram Estates Pvt Ltd and Shri R. Madhu in lieu of the Joint Development Agreement dated 31.12.2021.
10.	Relinquishment Deed dated 29.06.2018 in favour of BDA executed by Shri R. Madhu vide Document No.BDA-1-02005-2018-19, CD No.BDAD 238.
11.	Relinquishment Rectification Deed dated 20.07.2018 executed by Shri R. Madhu in favour of BDA, Bengaluru, vide Document No.BDA-1-02636-2018-19, CD No.BDAD239.
II	GRANT RECORDS
12.	Order Sheet in case No.24 and 27/1954-55 dated 15.10.1958 issued by the Special Deputy Commissioner for Abolition of Inams, Bengaluru.
13	Extract in Form No.VIII along with typed copy



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III	REVENUE RECORDS AND TAX PAID RECEITS
14.	RR - right side extract (showing MR No.22/1965-66 in favour of Smt Chandravati Bai).
15.	RR - right side extract (showing IHC No.3/1979-80).
16.	Mutation in MT No.42/1968-69 in favour of Smt Chandravati Bai.
17.	Mutation in MR No.9/1995-96 in favour of Shri R. Radhakrishna Rao.
18.	Property Tax paid receipt vide DA/(N)5/KTR/196/2018-19 in favour of Shri R. Madhu.
19.	BBMP Khata vide DA/(N)5/KTR/238/2018-19 in favour of Shri R. Madhu along with paid receipts.
20.	Record of Rights for the period from 1984-85 to 1992-93 and from 2001-02 to 2016-17.
V	ENCUMBRANCE CERTIFICATES
21.	Encumbrance Certificate for the period from 01.06.1989 to 08.03.2017.
V	APPROVALS AND ENDORSEMENTS FROM STATUTORY AUTHORITIES
22.	Conversion Order dated 25.10.2008 in OM No.ALC:(NAY):SR:35/2008-09 along with sketch.
23.	Death Certificate of Smt. Chandravathi Bai dated:25.05.2011 issued by the Govt. of India.
24.	Environment Clearance Certificate issued by the State Level Environment Impact Assessment Authority, Karnataka dated 03.08.2018 vide No.SEIAA 97CON2018.
25.	NOC issued by BESCOM in favour of Shri R. Madhu and M/s Vajram Estates Pvt Ltd dated 03.06.2019 vide No.ME(V)/BUV/ AE(V)/ CE(V)-2 of 2019-20.

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26.	Approved Building Licence issued by BBMP vide Licence SL No.BBMP/CC/1405/2019-20. (to check)
27.	Paper Publication issued in Indian Express and Kannada Prabha newspapers dated 16.11.2021.
28.	NOC issued by the Karnataka State Fire & Emergency Services dated 25.11.2021 vide KSFES/GBC(1)/305.
29.	NOC for height clearance issued by Airport Authority of India dated 17.01.2022 vide No.BIAL/SOUTH/B/120621/639383. (Updated)
30.	NOC issued by BESCOM in favour of Shri R. Madhu and M/s Vajram Estates Pvt Ltd dated 31.01.2022 vide No.ME(V)/BUV/AE(V)/ CE (V)-2 of 2021-22.
31.	NOC issued by BWSSB dated:01.09.2022 in favour of M/s Vajram Estates Pvt. Ltd.
32.	Consent order Vide CTE-329991 issued by the Karnataka State Pollution Control Board dated:24.02.2022 permitting establishment for conducting large scale activity.
33.	Genealogical Tree of Smt. Achamma w/o late C. Krishna Rao issued by Village Accountant, Chokkanahalli village.
34.	Village Map of Chokkanahalli village.

FLOW OF TITLE

Originally, Sy. No. 60 of Chokkanahalli Village, Yelahanka Hobli, Bangalore North (Additional) Taluk, now Yelahanka Taluk, measuring 5 acres 25 guntas (including 1 gunta kharab) was owned and possessed by two brothers, namely Shri. B. Nagesha Raya and Shri. Srinivasa Raya along with other extent of lands in different survey numbers. The said Shri. B. Nagesha Raya and Shri. Srinivasa Raya sold the above land



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along with the other extents, in favor of Shri. Srinivasa Rao s/o Shyanbhog Seshagiriappa under a registered sale deed dated 19.12.1924 and put him in possession of the above land (source: sale deed dated 16.08.1925).

On 16.08.1925, Shri. Srinivasa Rao s/o Shyanbhog Seshagiriappa sold the above extent of land in favor of his elder sister, Smt. Achamma W/o Late Krishna Rao, under a registered sale deed executed on 26.08.1925, vide Document No.533/1925-26, Book No. I, Volume 35 at pages 122-127 (Document No. 1) and put her in possession and enjoyment of the above land on the date of purchase. On the above basis, Smt. Achamma acquired absolute ownership and lawful possession.

Smt. Achamma was married to Shri. Krishna Rao and they had four children, namely (1) Shri. C. Rama Rao, (2) Smt. Rama Bai, (3) Smt. Krishna Bai and (4) Smt. Indira Bai. The eldest son Shri. Rama Rao was married to Smt. Chandravathi Bai and out of the said wedlock they begot six children namely (1) Smt. Sundaramma, (2) Smt. Shanthamma. @ Sudha, (3) Shri. R. Radhakrishna Rao, (4) Smt. Krishnaveni, (5) Shri. Madhav Rao and (6) Shri. R. Krishna Murthy. A detailed Genealogical Tree of the family of Smt. Achamma detailing three generations is provided at Document No. 33.

On 10.07.1955, Smt. Achamma divided all her family properties including Sy. No. 60 of K. G. Chokkanahalli village amongst the sons of her eldest son, Shri. C. Rama Rao under a Settlement Deed dated 10.07.1955 which is registered as Document No.2201/1955-56, recorded in Book No. I, Volume 1480 at Pages 88 to 92 (Document

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No. 2). In the said settlement deed, Sy. No. 60 of K. G. Chokkanahalli village measuring 5 acres 25 guntas (including 01 gunta kharab) was allotted to the share of Shri. Madhav Rao, who was a minor then (the grandson of Smt. Achamma through Shri. C. Rama Rao) and minor Madhav Rao was represented by his mother Smt. Chandravathi Bai as the guardian.

Meanwhile, the erstwhile Government of Mysore brought about an enactment known as the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954, wherein K. G Chokkanahalli village was notified as a Jodi Inam village. Consequently, the above land in Sy.No.60 was vested with the government under Section 1(4) of the Mysuru (Personal & Miscellaneous) Inams Abolition Act, 1956 (for short "the Act 1954"), under a notification bearing No.R.8347. L.S.63-56-2, dated 15.09.1956, gazette under Karnataka Gazzette dated 20.09.1956, free from all encumbrances. Under the scheme of the Act 1954, a right was reserved to the occupants of those inam lands, either as tenants or as an Inamdhar/Jodidar, to seek registration of occupancy rights before the Special Deputy Commissioner for Inams Abolition, appointed under the Act, 1954.

Mrs. Chandravathi Bai, on her behalf and also on behalf of her son Shri. R. Madhava Rao (then minor), applied for registration of occupancy rights in respect of the above land along with other extent of lands, before the Special Deputy Commissioner for Inams Abolition and the same was granted by the Special Deputy Commissioner vide his order dated 15.10.1958 in Case No.24-27/1956-57. (Document No. 12), under Section 9 of the Act, 1954. The revenue authorities, accepting



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the said title conferred on Mr. Madhav Rao, certified the Khatha and revenue entries, vide M.R.No.22/1965-66 (recital in Document No. 14). On the basis of the above grant the name of Mr. Madhav Rao represented by Smt. Chandravathi Bai, revenue records were mutated (Document No.14)

On 24.07.1971, Shri. Madhava Rao died unmarried, leaving behind him his mother Smt. Chandravathi Bai, only to succeed to his estate. Thus, Smt. Chandravathi Bai, the mother, succeeded to the said estate of her son Shri. Madhava Rao u/s 8 of the Hindu Succession Act, 1956 as shown in IHC No.3/1979-80 (extracted from RR copy, Document No. 15).

On 09.11.1975, Smt. Chandravati Bai settled the above extent of 2 Acres 32 Guntas in Sy. No.60 of Chokkanahalli Village along with other extent of land in different survey numbers in favour of her son Shri R. Radhakrishna Rao under a Settlement Deed (Document No.3). On the basis of the above Settlement Deed and subsequent transfer of title, the revenue authorities have recorded the name of Shri R. Radhakrishna Rao in the revenue records and issued Khata in his favour vide MR No.9/1995-96 (Document No.17) and his name has been reflected in the revenue entries for the period from 1984-85 to 2001-02 to 2016-17 (Document No.20). The said Shri Radhakrishna Rao applied for the conversion of the above extent of 2 Acres 32 Guntas in Sy. No.60 of Chokkanahalli Village (more vividly described in the Schedule hereunder written and hereinafter referred to as the 'Schedule Property') from agricultural to non-agricultural, residential purpose before the Deputy Commissioner, Bengaluru North and the same was



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granted vide OM No.ALN:(NAY)SR:35/2008-09 dated 25.10.2008 (Document No.22). On 19.03.2015 Shri R. Radhakrishna Rao has executed a registered Deed of Declaration stating that he is the absolute owner and in lawful possession of the Schedule Property having acquired the title from his mother Smt Chandravati Bai. The said Deed of Declaration is registered as Document No.1100/2014-15 recorded in Book No.IV (Document No.4).

Thereafter, Mrs. Chandravathi Bai sold an extent of 2 Acres 32 Guntas out of the total extent of 5 Acres 25 Guntas in Sy. No. 60 in favor of Mr. M. Nagaraju and Mrs. Lakshmi Deyi under a registered sale deed dated 22.08.1990, vide Document No. 1031/1990-91, Book No.I, Volume 75 at Pages 73 to 77 (extracted from Encumbrance Certificate) and retained the remaining extent of 2 Acres 32 Guntas in the said Sy. No.60.

On 19.03.2015, Shri R. Radhakrishna Rao gifted the Schedule Property measuring 2 Acres 32 Guntas in Sy. No.60 under a registered Gift Deed vide Document No. KCH-1-06989/2014-15 recorded in CD No.KCHD189 registered in the office of the Sub Registrar, Gandhinagar, Bengaluru (Document No.5), in favour of his son Shri Madhu Radhakrishna and put him in possession of the Schedule Property. On the basis of the above transfer of title, the BBMP has issued Khata in favour of Shri R. Madhu son of R. Radhakrishna Rao vide No.DA/(N)5/KTR/196/2018-19. He has paid property tax in respect of the Schedule Property up to date (Document Nos.18 & 19).

On 20.01.2021, Smt R. Sushma (the sister of Shri R. Madhu) executed a registered Release Deed vide Document No.BYP-1-01622/2021-22

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recorded in CD No.BYPD884, relinquishing all her right, title and interest in respect of the Schedule Property in favour of her brother Shri R. Madhu (Document No.6). Thus, Shri. R. Madhu has acquired absolute title and lawful possession of the above land.

Pursuant to the above, Shri R. Madhu entered into a Joint Development Agreement with M/s Vajram Estates Pvt Ltd (for short referred as VEPL) in order to develop the Schedule Property into a multistoried residential apartment complex known as 'Vajram New Town Phase-2' and agreed to share the developed units in the ratio of 66:34 (Vajram 66 & Madhu 34) and also executed a registered General Power of Attorney in favor of M/s Vajram Estates Pvt Ltd on the very same date (Document No. 7 & 8 respectively) to facilitate Joint Development. Sharing Agreement was also executed by and between Shri. R. Madhu and VEPL on 14.09.2023 (Document No. 9).

M/s Vajram Estates Pvt Ltd on behalf of itself and representing Shri R. Madhu has approached various statutory authorities in order to obtain requisite approvals and statutory clearances in order to develop the Schedule Property into a multistoried apartment complex "Vajram New Town Phase-II". Pursuant to the above, Shri R. Madhu has relinquished an extent of 3031.47 sq.ft in favour of the BDA under a Deed of Relinquishment dated 29.06.2018 which is registered as Document No.BDA-1-02005-2018-19, CD No.BDAD238 registered in the office of the Sub Registrar, BDA Complex, Bengaluru District and Rectification of Relinquishment Deed dated 20.07.2018 (Document Nos. 10 & 11)., towards park, open space, road widening etc.



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I. RECORD OF TENANCY (RTC): (Document No.20)

Scrutiny of the Record of Rights for the period from 1984-85 to 1992-93 in the name of Smt. Chandravathi Bai and for the period from 2000-01 to 2016-17 reveals that the Schedule Property was held and possessed by Shri R. Radhakrishna Rao pursuant to the Settlement Deed dated 09.11.1975 as elaborated above.

II. ENCUMBRANCE CERTIFICATES: (Document No.21)

We have examined the encumbrance certificates collectively (Document No.21) which covers the period from 01.06.1989 up to 08.03.2017. The details mentioned in the encumbrance certificates are in conformity with the facts narrated above and confirm the above transactions.

III. NO OBJECTION CERTIFICATES/STATUTORY CLEARANCE.
(Document Nos.25.to 31)

- 1) Endorsement from Airport Authority of India dated 17.01.2022 confirming their No Objection to the development of multistoried apartment complex in the schedule property.
- 2) Endorsement from State Level Environment Impact Assessment Authority- Karnataka dated 03.08.2018 confirming their No Objection to the development of residential layout in the schedule property.
- 3) Endorsement from Karnataka State Fire and Emergency Services, Bangalore dated 25.11.2021 confirming their No



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Objection to the development of the multistoried apartment complex in the schedule property.

- 4) Endorsement issued by the BESCOM confirming No Objection to the development of multistoried apartment complex in the schedule property. (2 Nos)
- 5) NOC issued by BWSSB dated:01.09.2022 in favour of M/s Vajram Estates Pvt, Ltd.
- 6) Consent order-Vide CTE-329991 issued by the Karnataka State Pollution Control Board dated:24.02.2022 permitting establishment for conducting large scale activity.
- 7) Paper publication issued in Indian Express and Kannada Prabha newspapers dated 16.11.2021 issuing public notice calling for objections regarding joint development of the schedule property by Shri R. Madhu and M/s Vajram Estates Pvt Ltd under Joint Development Scheme.

IV. OPINION:

On scrutiny of the documents listed above, search carried out in the office of the sub-registrar concerned and the flow of title, it is clear that Chokkanahalli Village was a jodi inam village governed by the provisions of the Mysore (Personal & Miscellaneous) Inams Abolition Act, 1954 and the Special Deputy Commissioner for Abolition of Inams was the authority to register the occupants of the land conferring fresh title on such occupants. The facts narrated in the flow of title would make it clear that the schedule property was registered in the name of then

minor Madhav Rao represented by his mother and minor guardian Smt Chandravati Bai by way of registration of occupancy rights in Case No. 24 & 27 of 1956-57. Madhav Rao died un-married leaving behind his mother Chandravathi Bai as his only legal heir to succeed to his estate. Thereafter, she has settled the schedule property in favour of her son Shri R. Radhakrishna Rao under a Release Deed on 09.11.1975 followed by a decree in a declaratory suit O.S. No.1155/2010. Thus, Shri R. Radhakrishna Rao became the absolute owner and in lawful possession of the schedule property. Shri R. Radhakrishna Rao gifted the schedule property in favour of his son Shri R. Madhu, and later his daughter Smt R. Sushma has relinquished her right, title and interest in favour of her brother Shri R. Madhu and thus, Shri R. Madhu became the absolute owner and in lawful possession of the entire Schedule Property.

The said Mr. R. Madhu, intending to develop the schedule property, entered into a Joint Development Scheme with M/s. Vajram Estates Private Limited, a Company incorporated under the Companies Act and evolved a Scheme of Joint Development on various terms and conditions bilaterally agreed. To facilitate joint development, the said Mr. Madhu has also executed a registered General Power of Attorney (GPA) on the same day, conferring upon the said developer - M/s. Vajram Estates Private Limited to convey the developed units which are allotted to the share of the said Developer to an extent of 66% on a condition that the remaining 34% of the developed units would be handed over to the owner - Mr. R. Madhu. The said developer - M/s. Vajram Estates Private Limited has already obtained the requisite approval from the BDA and also the plan sanctioned for construction of the apartment building by the Bruhat Bengaluru Mahanagara Palike

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(BBMP). VEPL has obtained all required clearances from statutory authorities confirming their no objection to the developer as well as the owner to construct the aforesaid apartment building nomenclatured as "Vajram New Town - Phase-II". The BDA and the BBMP have given necessary approval for sanctioning the plans for the construction of the apartment building (i.e. Development Plan and Sanction Plan for construction).

From these facts, supported by documents, it is clear that Mr. R. Madhu has acquired valid title to the schedule property under the aforesaid registered Gift Deed executed by his father Mr. R. Radhakrishna Rao, as elaborately stated in the body of this report. Thus, the title of Mr. R. Madhu is absolute, marketable and the possession has been lawful. With the said perfect title and lawful possession, the said Mr. R. Madhu has entered into a Joint Development Scheme evidenced by a registered Deed of Joint Development Agreement with the facilitating registered General Power of Attorney (GPA), with a renowned and established developer - M/s. Vajram Estates Private Limited, on a mutually agreed sharing ratio of 66:34.

V. CONCLUSION:

In view of the foregoing, I have absolutely no hesitation to certify that, under the Joint Development Scheme covered by the registered Joint Development Agreement, coupled with a registered General Power of Attorney, the owner - Mr. R. Madhu and the Developer - M/s. Vajram Estates Private Limited, Bengaluru, can transfer valid, lawful, absolute and marketable title and lawful possession to any prospective purchaser to the extent of the ratio of share allotted to the owner and the



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developer on the basis of the Sharing Agreement. The schedule property is also capable of offering for a valid mortgage with any financial institution, as the schedule property is free from all encumbrances, subject to the post script given below.

SCHEDULE PROPERTY

All that piece and parcel of converted land for residential use measuring in all 02 acres 32 guntas bearing BBMP Khatha No.2092/58, 60, 61/1, 64/1 formed in Sy. No.60, situated at Chokkanahalli Village, Yelahanka Hobli, Bengaluru North (Additional) Taluk, having the following common boundaries:

East by : Land in Sy. No.59;
West by : Land in Sy. No.64/1;
North by : Remaining land in Sy. No.60;
South by : Land in Sy. No.61.

[Converted vide O.M. No.ALN (NAY):SR:35/2008-09 dated 25.10.2008]

POST SCRIPT

Details of civil proceedings relating to Sy. No.60.

1. RFA No.2170/2019 arising out of a decree passed in O.S. No.2430/2003.

Mr. R. Madhu, junior uncle of R.Krishnamurthy filed the above suit for partition in respect of various immovable properties including Sy.No.60.

Mr. R. Madhu's predecessor-in-title had filed O.S. No.1155/2010 for declaration and injunction against Smt. Chandravathi Bai including Sy. No.60. The said suit was decreed under compromise as Chandravathi Bai admitted the ownership and possession of Mr. R.Madhu's predecessor-in-title. R. Madhu's junior uncle Mr. R. Krishnamurthy has filed Misc. Petition No.27/2021 which is pending. Declaration sought was on the basis of a Release Deed



KASH T. HEBBAR

Advocate

E/No. kar.441-A/87

ಪ್ರಕಾಶ್ ಟಿ. ಹೆಬ್ಬಾರ್, ಬಿ.ಎ., ಎಲ್.ಎಲ್.ಎಮ್.

ವಕೀಲರು

ಕಾರ್ಯಾಲಯ :

ನಂ. ಎಸ್ ಎಫ್-17, 2ನೇ ಮಹಡಿ, ಹಮೀದ್ ಶಾ ಕಾಂಪ್ಲೆಕ್ಸ್

ಕಬ್ಬನ್‌ಪೇಟೆ ಮುಖ್ಯ ರಸ್ತೆ, ಬೆಂಗಳೂರು - 560 002.

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executed by Smt. Chandravathi Bai in favour of Mr. R. Madhu's predecessor-in-title Mr. Radhakrishna Rao by delivery of possession.

O.S. No.2430/2003 was decreed without considering the decree passed in O.S. No.1155/2010.

2. O.S. No.737/2022 was filed by Mr. R. Radhakrishna Rao's sister B. K. Sudha @ Shanthamma in respect of all the family properties seeking partition. Our defence is since all the immovable properties in the suit were disposed of by registered Settlement Deed in the year 1955 by the erstwhile owner Smt. Achamma, Mrs. Sudha's said suit for partition seeking share would not survive for consideration in view of the Law settled by the Hon'ble Apex Court in Vinitha Sharma's case.



Prakash T. Hebbar,
Advocate