

## LEGAL SCRUTINY REPORT

Dated: 20.01.2024

To,  
 Modern Spaaces  
 Bangalore.

Dear Sir,

Sub:- Title due diligence report related to Project "**ENGRACE VISTA**" developed by **Developer**: M/s. Modern Spaaces Ventures represented by its Partner Sri. S. Yathish over the land bearing Sy.No.38/1, measuring 0.25 Guntas **and** land bearing Sy.No.38/2, measuring 3 Acres 12 Guntas **and** residentially converted land bearing Sy.No.38/3 (old Sy.No.38/1) (vide Official Memorandum dated 15.06.2023, bearing No. ALN (ASH) SR. 66/2023-24), measuring 0.27 Guntas **and** residentially converted land bearing Sy.No.38/4 (old Sy.No.38/1) (vide Official Memorandum dated 15.06.2023, bearing No. ALN (ASH) SR. 69/2023-24), measuring 0.28 Guntas **and** land bearing Sy.No.42/2, measuring 1 Acre 15 Guntas **and** land bearing Sy.No.42/2, measuring 1 Acre 15 Guntas, situated at Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District.

Sl. No.	Description	Details
1.	Name of the project:	" <b>ENGRACE VISTA</b> "
2.	Name of the title holders:	Sri. K.C. Nagesh Reddy, Smt. Gopalamma and others <b>and</b> M/s. Modern Spaaces Ventures.
3.	Name of the builder	M/s. Modern Spaaces Ventures
4.	RERA registration number:	Awaited
5.	Subject:	Project " <b>ENGRACE VISTA</b> " of Sri. K.C. Nagesh Reddy, Smt. Gopalamma and others <b>and</b> <b>landowner cum Developer</b> : M/s. Modern Spaaces Ventures represented by its Partner Sri. S. Yathish land bearing Sy.No.38/1, measuring 0.25 Guntas <b>and</b> land bearing Sy.No.38/2, measuring 3 Acres 12 Guntas <b>and</b> residentially converted land bearing Sy.No.38/3 (old Sy.No.38/1) (vide Official Memorandum dated 15.06.2023, bearing No. ALN (ASH) SR. 66/2023-24), measuring 0.27 Guntas <b>and</b> residentially converted land bearing Sy.No.38/4 (old Sy.No.38/1) (vide Official Memorandum dated 15.06.2023, bearing No. ALN (ASH) SR. 69/2023-24), measuring 0.28 Guntas <b>and</b> land bearing Sy.No.42/2, measuring 1 Acre 15 Guntas <b>and</b> land bearing Sy.No.42/2, measuring 1 Acre 15 Guntas, situated at Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District.

	Sy.No.38/4 (old Sy.No.38/1) (vide Official Memorandum dated 15.06.2023, bearing No. ALN (ASH) SR. 69/2023-24), measuring 0.28 Guntas <i>and</i> land bearing Sy.No.42/2, measuring 1 Acre 15 Guntas <i>and</i> land bearing Sy.No.42/2, measuring 1 Acre 15 Guntas, situated at Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District.
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RERA REGISTRATION NUMBER OF THE PROJECT	Awaited
WHETHER DEVELOPER HAS ACQUIRED DEVELOPMENT RIGHTS VIDE JDA AND GPA	YES
IF YES, HAVE THE LANDOWNERS EMPOWERED THE DEVELOPER TO RAISE LOANS FROM FINANCIAL INSTITUTIONS AND CREATE A MORTGAGE ON THE PROPERTY?	YES
PLEASE MENTION THE CLAUSE (ALONG WITH CLAUSE NUMBER) IN THE JDA/GPA THAT EMPOWERS THE DEVELOPER TO RAISE LOANS AND MORTGAGE ITS SHARES	<i>Clause No.12 of JDA and clause Nos.10 and 11 of GPA the developer has power to raise funds in respect of said land</i>
WHETHER THE CONSIDERATION TO THE LANDOWNERS IS TO BE PROVIDED BY WAY OF REVENUE SHARING OR AREA SHARING	REVENUE SHARING
HAS A SUPPLEMENTARY AGREEMENT BEEN EXECUTED FOR ALLOCATION OF UNITS BETWEEN THE LANDOWNERS AND DEVELOPER?	Not Applicable
HAVE ALL THE LANDOWNERS EXECUTED THE SUPPLEMENTARY AGREEMENT IN THEIR OWN CAPACITIES?	Not Applicable
HAS THE LAND BEEN CONVERTED FOR THE USE (RESIDENTIAL/COMMERCIAL) THAT IS ENVISAGED	YES
PLEASE SHARE THE DETAILS OF THE CONVERSION ORDER	Official Memorandum dated 15.06.2023 bearing No. ALN (ASH) SR.68/2023-24 (498740), 2) Official Memorandum dated 15.06.2023 issued by Deputy Commissioner, Bangalore Urban District, Bangalore bearing No. ALN (ASH) SR.66/2023-24 (498735), 3) Official

	Memorandum dated 15.06.2023 bearing No. ALN (ASH) SR.69/2023-24 (498736), 4) Official Memorandum dated 15.06.2023 bearing No. ALN (ASH) SR.70/2023-24 (498737) & 5) Official Memorandum dated 15.06.2023 bearing No. ALN (ASH) SR 67/2023-24 (498738)
ARE THERE MINORS RIGHTS IN THE PROPERTY?	NO
IS THE PROJECT LAND SUBJECT TO ANY LAND ACQUISITION ORDERS	NO
IS THE PROJECT LAND SUBJECT TO ANY LITIGATIONS	NO
IF YES, PLEASE ELABORATE ON THE IMPACT OF THE LITIGATION ON OUR MORTGAGE	Not Applicable
OTHER OBSERVATIONS, IF ANY.	No

## I. DESCRIPTION OF THE PROPERTY:

### ITEM NO.01:

All that piece and parcel of land bearing Sy.No.38/1 of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District, measuring 0.25 Guntas, and is bounded as follows:

On the East by	:	Land bearing Sy.No.38/2;
West by	:	Land bearing Sy.No.39;
North by	:	Land bearing Sy.No.42/5 and 42/2;
South by	:	Raj Kaluve;

### ITEM NO.02:

All that piece and parcel of land bearing Sy.No.38/2 of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District, measuring 3 Acres 12 Guntas, and is bounded as follows:

On the East by	:	Land bearing Sy.No.47/1, 47/2 and 47/3 of Kadaagrahara Village;
West by	:	Land bearing Sy.Nos.38/1, 38/3 and 38/4;
North by	:	Road and Land in Sy.Nos.42/2, 43/1 and 43/2;
South by	:	Land in Sy.Nos.36/1, 36/2 and 37 of Kadaagrahara Village;

### ITEM NO.03:

All that piece and parcel of residentially converted land bearing Sy.No.38/3 (old Sy.No.38/1) (vide

Official Memorandum dated 15.06.2023, bearing No. ALN (ASH) SR. 66/2023-24) of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District, measuring 0.27 Guntas, and is bounded as follows:

On the East by	:	Land bearing Sy.No.38/2;
West by	:	Land bearing Sy.No.39 and Road;
North by	:	Land bearing Sy.No.38/1;
South by	:	Land bearing Sy.No.38/4;

**ITEM NO.04:**

All that piece and parcel of residentially converted land bearing Sy.No.38/4 (old Sy.No.38/1) (vide Official Memorandum dated 15.06.2023, bearing No. ALN (ASH) SR. 69/2023-24) of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District, measuring 0.28 Guntas, and is bounded as follows:

On the East by	:	Land bearing Sy.No.38/2;
West by	:	Land bearing Sy.No.39;
North by	:	Land bearing Sy.No.38/3;
South by	:	Land bearing Sy.No.34/3 and 36/2;

**ITEM NO.05:**

All that piece and parcel of land bearing Sy.No.42/2 of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District, measuring 1 Acre 15 Guntas, and is bounded as follows:

On the East by	:	Land bearing Sy.No.43/2;
West by	:	Land bearing Sy.No.42/1 and 42/5;
North by	:	Remaining portion of land bearing Sy.No.42/2;
South by	:	Land bearing Sy.No.38;

**ITEM NO.06:**

All that piece and parcel of land bearing Sy.No.42/2 of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District, measuring 1 Acre 15 Guntas, and is bounded as follows:

On the East by	:	Land bearing Sy.Nos.42/3 and 43/2;
West by	:	Land bearing Sy.No.42/1;
North by	:	Road;
South by	:	Land bearing Sy.No.42/2;

**II. LIST OF DOCUMENTS EXAMINED/PERUSED (All Photo-copies):**

**Land bearing Sy.No.38/1:**

1. Sale Deed dated 23.02.1946 executed by Sri. Chooda *in favour of* Sri. Ajjappa (Doc. No.1225/1945-46).
2. Sale Deed dated 19.10.1946 executed by Sri. Ajjappa *in favour of* Sri. Chooda (Doc. No.789/1946-47).
3. Sale Deed dated 19.10.1946 executed by Sri. Chooda *in favour of* Sri. Govindappa (Doc. No.793/1946-47).
4. Sale Deed dated 26.04.1956 executed by Sri. Govindappa *in favour of* Sri. Chinnappa (Doc. No.315/1956-57).
5. Sale Deed dated 15.01.1958 executed by Sri. Chinnappa Reddy *in favour of* Sri. Vanada Muniyappa S/o. Sri. Giriypappa (Doc. No.2881/1957-58).
6. M.R. No.6/1957-58.
7. Record of Rights (*shown as Sri. Vanada Muniyappa*).
8. Family Tree of Sri. Giriypappa (undated) issued by Village Accountant, Yamare Circle.
9. Death Certificate of Sri. Vanada Muniyappa dated 31.05.2005 (died on 08.09.1975).
10. Family Tree of Sri. Vanada Muniyappa issued by Village Accountant, Yamare Circle.
11. Partition Deed dated 23.07.1985 entered into between Sri. K.V. Venkataramanappa, Sri. K.V. Hanumanthappa, Sri. Krishnappa.
12. M.R. No.3/1993-94.
13. Partition Deed dated 08.12.2006 entered into between Sri. K.V. Venkataramanappa, Sri. K.V. Hanumanthappa, Sri. Krishnappa (*legal heirs of Late Vanada Muniyappa*) and Smt. Shanthamma D/o. Late Choodappa (*son of Late Giriypappa*).
14. M.R. No.H8/2012-13.
15. Release Deed dated 29.09.2014 executed by Smt. Munigowramma D/o. Late Vanada Muniyappa and Smt. Shanthamma D/o. Late Choodappa *in favour of* Sri. Venkataramanappa, Sri. Hanumanthappa and Sri. Krishnappa (Doc. No.2611/2014-15)
16. GPA dated 10.01.2017 executed by Sri. Krishnappa, his wife Smt. Narayananamma, Smt. Nagarathnamma, Smt. Manjulamma, Sri. Balaraju and Smt. Renukamma *in favour of* Sri. K.C. Nagesh Reddy (Doc. No.240/2016-17).
17. Sale Agreement dated 10.01.2017 entered into between Sri. Krishnappa, his wife Smt. Narayananamma, Smt. Nagarathnamma, Smt. Manjulamma, Sri. Balaraju and Smt. Renukamma *with* Sri. K.C. Nagesh Reddy (Doc. No.3704/2016-17).
18. Sale Deed dated 18.07.2022 executed by Sri. Krishnappa, Smt. Narayananamma, Smt. Nagarathnamma, Smt. Manjulamma, Sri. Balaraju and Smt. Renukamma represented by their GPA holder Sri. K.C. Nagesh Reddy *in favour of* Sri. K.C. Nagesh Reddy (Doc. No.3438/2022-23).
19. M.R. No.H1/2022-23.
20. MOU dated 15.02.2023 entered into between Sri. K.C. Nagesh Reddy *with* M/s. Modern Spaaces Ventures represented by its Partner Sri. S. Yathish.
21. JDA dated 28.02.2023 entered into between Sri. K.C. Nagesh Reddy *with* M/s. Modern Spaaces Ventures represented by its Partner Sri. S. Yathish (Doc. No.10629/2022-23).
22. GPA dated 28.02.2023 executed by Sri. K.C. Nagesh Reddy *in favour of* M/s. Modern Spaaces Ventures represented by its Partner Sri. S. Yathish (Doc. No.660/2022-23).
23. Official Memorandum dated 15.06.2023 bearing No. ALN (ASH) SR.68/2023-24 (498740).
24. M.R. No.T48/2022-23.
25. Endorsement dated 28.09.2022 issued by Tahasildar, Anekal Taluk with regard to non-

availability of IL and Preliminary Records in respect of land bearing Sy.No.38/1.

26. Endorsement dated 01.10.2022 issued by Tahasildar, Anekal Taluk with regard to non-availability of IHC No.1/1981-82.
27. Endorsement dated 01.10.2022 issued by Tahasildar, Anekal Taluk with regard to non-availability of IHC No.31/1993-94.
28. RTC from the period 1959-60, 1961-62 to 1963-64, 1965-66 to 1968-69 (*Sri. Vanada Muniyappa – 2 Acres 04 Guntas*) in respect of land bearing Sy.No.38/1.
29. RTC from the period 1969-70 to 1983-84 (*Sri. Vanada Muniyappa*) and from 1989-90 to 2000-01 (*Sri. K.V. Venkataramappa and Sri. Hanumanthappa*) in respect of land bearing Sy.No.38/1.
30. RTC from the period 2000-01 to 2022-23 in respect of land bearing Sy.No.38/1.
31. RTC for the period 2023-24 in respect of land bearing Sy.No.38/1.
32. PTCL Endorsement dated 11.07.2023 issued by Deputy Commissioner, Bangalore South Sub-Division, Bangalore in respect of land bearing Sy.No.38/1, measuring 0.25 Guntas.
33. 79 (A) (B) Endorsement dated 11.07.2023 issued by Deputy Commissioner, Bangalore South Sub-Division, Bangalore in respect of land bearing Sy.No.38/1, measuring 0.25 Guntas.
34. Nil Tenancy Certificate dated 05.07.2023 issued by Tahasildar, Anekal Taluk in respect of land bearing Sy.No.38/1, measuring 0.25 Guntas.
35. NOC dated 31.05.2023 issued by KIADB in respect of land bearing Sy.No.38/1, measuring 0.25 Guntas.
36. NOC dated 19.05.2023 issued by KHB in respect of land bearing Sy.No.38/1, measuring 0.25 Guntas.
37. NOC dated 22.06.2023 issued by Yamare Village Panchayath.
38. Copy of Survey Sketch, Moola Survey Tippani and Hissa Mojani in respect of land bearing Sy.No.38/1.
39. Village Map of Kada Agrahara Village.
40. Karnataka Revision Settlement Akarbandh in respect of land bearing Sy.No.38/1.
41. Encumbrance Certificate:
  - a. E.C. dated 22.12.2023 from 01.04.1920 to 31.03.2004 in respect of land bearing Sy.No.38/1.
  - b. E.C. dated 28.06.2023 from 01.04.2004 to 22.06.2023 in respect of land bearing Sy.No.38/1.
  - c. Nil E.C. dated 29.12.2023 from 22.06.2023 to 23.12.2023.

Land bearing Sy.No.38/2:

42. Record of Rights (*shown as Sri. Channappa S/o. Munnaiah (Ancestral)*) in respect of land bearing Sy.No.38/2.
43. Sale Deed dated 02.07.1953 executed by Smt. Papamma *in favour of* Sri. Bakki Reddy S/o. Sri. Bakki Reddy (Doc. No.1283/1953-54).
44. M.R. No.6/1983-84 (*reflecting the name of Sri. Govindareddy*).
45. Gift Deed dated 08.03.1976 executed by Sri. Bakki Reddy *in favour of his adopted daughter* Ms. Shanthamma (Doc. No.2344/1975-76).
46. Family Tree of Sri. Bakki Reddy (*father of Sri. Bakki Reddy*) dated 30.10.2006 issued by Village Accountant, Yamare Circle.
47. Death Certificate of Sri. Bakki Reddy dated 30.10.1979 (died on 23.02.1979).
48. Order dated 12.03.1999 passed in W.P. No.28719/1999 by the High Court of Karnataka at Bangalore.

49. M.R. No.12/2004-05.
50. Judgement and Decree dated 21.12.2002 passed in O.S. No.213/1979 by the Court of the Addl. Civil Judge (Jr. Dn.) and JMFC, Anekal.
51. Order dated 25.01.2007 passed in Regular Appeal Nos.14/2003 and 24/2003 by the Court of the Sessions Judge Fast Track Court-II at Bangalore Rural District.
52. Order dated 15.09.2005 passed in R.A. (S) 285/2004-05 by the Court of the Assistant Commissioner, Bangalore South Sub-Division, Bangalore.
53. Order dated 22.09.2008 passed in Revision Petition No.135/2005-06 by the Court of Special Deputy Commissioner, Bangalore District, Bangalore.
54. Order dated 28.01.2009 passed in W.P. No.15033/2008 (KLR-RR/SUR) by the High Court of Karnataka at Bangalore.
55. Order dated 30.07.2021 passed in R.A. (A) 115/2015-16 by the Court of Assistant Commissioner, Bangalore South Sub-Division, Bangalore.
56. Order dated 30.07.2021 in Revision Petition No.123/2018 by the Court of the Deputy Commissioner, Bangalore Urban District at Bangalore.
57. Copy of Plaintiff filed in O.S. No.1551/2006 before the Court of the Senior Civil Judge at Anekal.
58. Order Sheet passed in O.S. No.1551/2006 (old No.305/2006) by the Court of Prl. Civil Judge (Sr. Dn.) at Bangalore (Bangalore Rural District).
59. Copy of Amended Plaintiff dated 10.11.2017 filed in O.S. No.1551/2006.
60. Copy of Compromise Petition dated 09.11.2022 filed in O.S. No.1551/2006.
61. Family Tree (Computerized) of Smt. Shanthamma dated 05.09.2023 issued by Deputy Tahasildar, Sarjapura-1 Hobli.
62. GPA dated 13.08.2021 executed by Smt. Shanthamma, Smt. S.P. Manjula, Smt. Aruna, Smt. S.P. Suchithra, Smt. S.P. Prabhavathi *in favour of* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish (Doc. No.152/2021-22).
63. Agreement to Sell dated 13.08.2021 entered into between Smt. Shanthamma, Smt. S.P. Manjula, Smt. Aruna, Smt. S.P. Suchithra, Smt. S.P. Prabhavathi *with* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish.
64. Sale Deed dated 26.09.2022 executed by Smt. Shanthamma, Smt. S.P. Manjula, Smt. Aruna, Smt. S.P. Suchithra, Smt. S.P. Prabhavathi represented by their GPA holder M/s. Modern Spaaces Ventures *in favour of* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish (Doc. No.5273/2022-23).
65. M.R. No.H9/2022-23.
66. Computerized Family Tree of Sri. Govinda Reddy dated 19.08.2023 issued by Deputy Tahasildar, Anekal Taluk.
67. Confirmation Deed dated 09.11.2022 executed by Sri. Govidareddy, Smt. Parvathamma, Sri. K.G. Sreepalreddy, Ms. Divya, Ms. Chaithra S., Sri. Bhupal Reddy, Ms. Priyanka B., Ms. Rashika B., Sri. Uday Kiran KB., Sri. Smshekaru, Ms. Sharanya Vanditha, Sri. Srinivas, Ms. Yashiika S., Ms. Keerthana K.S., Sri. Shashank K.S., Sri. Chakrapani K.G., Ms. Harsha C., Master Harikishan C.P. *represented by his father and natural guardian Sri. Chakrapani*, Sri. K.G. Krishna, Ms. K. Ruchitha, Ms. K. Bhavana *represented by her father and natural guardian Sri. K.G. Krishna*, Sri. K.G. Shekar, Master Shreyas Kumar S. and Master Kushvanth Reddy Reddy S., *represented by their father and natural guardian Sri. Shekar in favour of* M/s. Modern Spaaces Ventures represented by its Partners Mr. S. Yathish (Doc. No.6542/2022-23).
68. Endorsement dated 28.09.2022 issued by Tahasildar, Anekal Taluk, Anekal with regard non-

availability of IL and Preliminary Record in respect of land bearing Sy.No.38/2.

69. RTC from the period 1969-70 to 1983-84 (*Bakki Reddy – 3 Acres 15 Guntas*) and from 1989-90 to 1999-2000 (*shown as Sri. Govindareddy (sale deed)*) in respect of land bearing Sy.No.38/2.

70. RTC from the period 2000-01 to 2023-24 in respect of land bearing Sy.No.38/2.

71. Endorsement dated 12.06.2023 issued by Tahasildar, Anekal Taluk with regard to non-availability of RTC from the period 1984 to 1989 in respect of land bearing Sy.No.38/2.

72. Official Memorandum dated 15.06.2023 bearing No.ALN (ASH) SR.70/2023-24 (498737).

73. M.R. No.T49/2022-23.

74. PTCL Endorsement dated 11.07.2023 issued by Deputy Commissioner, Bangalore South Sub-Division, Bangalore in respect of land bearing Sy.No.38/2.

75. 79 (A) (B) Endorsement dated 11.07.2023 issued by Deputy Commissioner, Bangalore South Sub-Division, Bangalore in respect of land bearing Sy.No.38/2.

76. Nil Tenancy Certificate dated 05.07.2023 issued by Tahasildar, Anekal Taluk in respect of land bearing Sy.No.38/2.

77. NOC dated 31.05.2023 issued by KIADB in respect of land bearing Sy.No.38/2.

78. NOC dated 19.05.2023 issued by KHB in respect of land bearing Sy.No.38/2.

79. Copy of Survey Sketch in respect of land bearing Sy.No.38/2.

80. Haddubasthu Sketch.

81. Karnataka Revision Settlement Akarbandh in respect of land bearing Sy.No.38/2.

82. Encumbrance Certificate:
 

- a. E.C. dated 26.09.2022 from 01.04.1920 to 31.03.2004 in respect of land bearing Sy.No.38/2.
- b. E.C. dated 28.06.2023 from 01.04.2004 to 22.06.2023.
- c. Nil E.C. dated 29.12.2023 from 22.06.2023 to 23.12.2023.

#### Land bearing Sy.No.38/3:

83. Death Certificate of Sri. Venkataramanappa dated 11.06.2021 (died on 16.05.2021).

84. Legal Heir Certificate of Sri. K.V. Venkataramanappa dated 22.07.2021 issued by Deputy Tahasildar, Sarjapura-I Hobli.

85. M.R. No.H3/2021-22.

86. MOU dated 20.06.2023 entered into between Mrs. Gopalamma, Mr. Gopala V., Master Gokul Chand G., Kumari Monitha G. *represented by their father and natural guardian Mr. Gopal V., Mr. Suresh, Master Dushyanth S. and Master Ganik Ishan S., represented by their father and natural guardian Mr. Suresh with M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish.*

87. JDA dated 20.06.2023 entered into between Mrs. Gopalamma, Mr. Gopala V., Master Gokul Chand G., Kumari Monitha G. *represented by their father and natural guardian Mr. Gopal V., Mr. Suresh, Master Dushyanth S. and Master Ganik Ishan S., represented by their father and natural guardian Mr. Suresh with M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish (Doc. No.2043/2023-24).*

88. GPA dated 20.06.2023 executed by Mrs. Gopalamma, Mr. Gopala V., Master Gokul Chand G., Kumari Monitha G. *represented by their father and natural guardian Mr. Gopal V., Mr. Suresh, Master Dushyanth S. and Master Ganik Ishan S., represented by their father and natural guardian Mr. Suresh in favour M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish (Doc. No.131/2023-24).*

89. Official Memorandum dated 15.06.2023 issued by Deputy Commissioner, Bangalore Urban District, Bangalore bearing No. ALN (ASH) SR.66/2023-24 (498735).
90. M.R. No.T46/2022-23.
91. RTC from the period 2014-15 to 2020-21, 2022-23, 2023-24 in respect of land bearing Sy.No.38/3.
92. PTCL Endorsement dated 11.07.2023 issued by Deputy Commissioner, Bangalore South Sub-Division, Bangalore in respect of land bearing Sy.No.38/3, measuring 0.27 Guntas.
93. 79 (A) (B) Endorsement dated 11.07.2023 issued by Deputy Commissioner, Bangalore South Sub-Division, Bangalore in respect of land bearing Sy.No.38/3, measuring 0.27 Guntas.
94. Nil Tenancy Certificate dated 05.07.2023 issued by Tahasildar, Anekal Taluk in respect of land bearing Sy.No.38/3, measuring 0.27 Guntas.
95. NOC dated 31.05.2023 issued by KIADB in respect of land bearing Sy.No.38/3, measuring 0.27 Guntas.
96. NOC dated 19.05.2023 issued by KHB in respect of land bearing Sy.No.38/3, measuring 0.27 Guntas.
97. NOC dated 22.06.2023 issued by Yamare Village Panchayath.
98. Copy of Survey Sketch.
99. Karnataka Revision Settlement Akarbandh in respect of land bearing Sy.No.38/3.
100. Encumbrance Certificate:
  - a. E.C. dated 28.06.2023 from 01.04.2004 to 22.06.2023 in respect of land bearing Sy.No.38/3.
  - b. Nil E.C. dated 29.12.2023 from 22.06.2023 to 23.12.2023.

**Land bearing Sy.No.38/4:**

101. Family Tree (Computerized) of Sri. Krishnappa dated 09.07.2020 issued by Deputy Tahasildar, Sarjapura-I Hobli, Anekal Taluk.
102. Gift Deed dated 28.09.2020 executed by Sri. Krishnappa *in favour of his son* Sri. Balaraju K. (Doc. No.2063/2020-21).
103. M.R. No.H6/2021-22.
104. JDA dated 20.06.2023 entered into between Sri. Balaraju K., Master Deepak B., and Kumari Pushpa B. *represented by their father and natural guardian Sri. K. Balaraju K. with* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish (Doc. No.2044/2023-24).
105. GPA dated 20.06.2023 executed by Sri. Balaraju K., Master Deepak B., and Kumari Pushpa B. *represented by their father and natural guardian Sri. K. Balaraju K. in favour of* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish (Doc. No.132/2023-24).
106. Release Deed dated 20.06.2023 executed by Smt. Manjula, Smt. Nagarathanamma and Smt. Renuka K. *in favour of their brother* Sri. Balaraju K. (Doc. No.2046/2023-24).
107. Release Deed dated 20.06.2023 executed by Smt. Narayananamma *in favour of her son* Sri. Balaraju K. (Doc. No.2062/2023-24).
108. Deed of Cancellation of JDA dated 07.07.2023 executed by Sri. Balaraju K., Master Deepak B., and Kumari Pushpa B. *represented by their father and natural guardian Sri. K. Balaraju K. in favour of* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish (Doc. No.2634/2023-24).
109. Deed of Cancellation of GPA dated 07.07.2023 executed by Sri. Balaraju K., Master Deepak B., and Kumari Pushpa B. *represented by their father and natural guardian Sri. K. Balaraju K. in favour of* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish (Doc. No.171/2023-24).

24).

110. Sale Deed dated 07.07.2023 executed by Sri. Balaraju K., Master Deepak B., and Kumari Pushpa B. *represented by their father and natural guardian Sri. K. Balaraju K. in favour of* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish (Doc. No.2635/2023-24).
111. Official Memorandum dated 15.06.2023 bearing No. ALN (ASH) SR.69/2023-24 (498736).
112. RTC from the period 2014-15 to 2020-21, 2022-23, 2023-24 in respect of land bearing Sy.No.38/4.
113. PTCL Endorsement dated 11.07.2023 issued by Deputy Commissioner, Bangalore South Sub-Division, Bangalore in respect of land bearing Sy.No.38/4, measuring 0.28 Guntas.
114. 79 (A) (B) Endorsement dated 11.07.2023 issued by Deputy Commissioner, Bangalore South Sub-Division, Bangalore in respect of land bearing Sy.No.38/4, measuring 0.28 Guntas.
115. Nil Tenancy Certificate dated 05.07.2023 issued by Tahasildar, Anekal Taluk in respect of land bearing Sy.No.38/4, measuring 0.28 Guntas.
116. NOC dated 31.05.2023 issued by KIADB in respect of land bearing Sy.No.38/4, measuring 0.28 Guntas.
117. NOC dated 19.05.2023 issued by KHB in respect of land bearing Sy.No.38/4, measuring 0.28 Guntas.
118. NOC dated 22.06.2023 issued by Yamare Village Panchayath.
119. Copy of Survey Sketch.
120. Karnataka Revision Settlement Akarbandh in respect of land bearing Sy.No.38/4.
121. Encumbrance Certificate:
  - a. E.C. dated 28.06.2023 from 01.04.2004 to 22.06.2023 in respect of land bearing Sy.No.38/4.
  - b. E.C. dated 19.07.2023 from 22.06.2023 to 14.07.2023.
  - c. Nil E.C. dated 29.12.2023 from 14.07.2023 to 23.12.2023.

#### Land bearing Sy.No.42/2:

122. Record of Rights (*shown as Sri. Bakki Reddy*) in respect of land bearing Sy.No.42/2.
123. Sale Deed dated 02.01.1919 executed by Sri. Papa Reddy *in favour of* Sri. Munipapaiah S/o. Sri. Bakki Reddy (Doc. No.598/1918-19).
124. Record of Rights (*reflecting the name of Sri. Muni Papaiah*) bearing No.115.
125. Sale Deed dated 19.02.1970 executed by Sri. Lakshmaiah Reddy *in favour of his brother* Sri. Govindareddy (Doc. No.2732/1969-70).
126. Record of Rights (*Sri. Govindareddy S/o. Late Muni Papaiah (Pavathi Katha)*) bearing No.222.
127. Order (Form No.10) dated 21.04.1981 passed in LRF. ATC. 2421/1975-76 issued in favour of Sri. Govindareddy by Special Tahasildar, Anekal.
128. M.R. No.6/1983-84.
129. WILL dated 19.02.1979 executed by Sri. Bakki Reddy *in favour of his adopted son* Sri. Nyatha Reddy (Doc. No.37/1978-79).
130. M.R. No.4/1978-79.
131. Family Tree of Sri. Muniswamy Reddy (*father of Sri. Nyatha Reddy*) dated 03.11.2020 issued by Deputy Tahasildar, Anekal Taluk.
132. Order dated 28.07.2003 passed in W.A. No.5495/1999 (KLR) by the High Court of Karnataka, Bangalore (dismissed).
133. Order dated 12.03.1999 passed in W.P. No.28718/1991 by the High Court of Karnataka, Bangalore (dismissed).

134. Copy of Plait filed in O.S. No.2504/2004 before the Court of the Civil Judge, Sr. Dn. Bangalore Rural District.
135. Sale Deed dated 09.11.2022 executed by Sri. Govinda Reddy, Smt. Parvathamma, Sri. K.G. Sreepalreddy, Ms. Divya, Sri. Bhupal Reddy, Smt. Priyanka B., Ms. Rashika B., Sri. Uday Kiran K.B., Sri. Somshekaru, Ms. Sharanyaa Vanditha, Sri. Srinivas, Ms. Yashika S., Ms. Keerthana K.S., Sri. Shashank K.S., Sri. Chakrapani K.G., Ms. Harsha C., Master Harikishan C.P., *represented by his father and natural guardian Mr. Chakrapani K.G.*, Sri. K.G. Krishna, Ms. K. Ruchitha, Ms. K. Bhuvana *represented by her father and natural guardian Sri. K.G. Krishna*, Sri. K.G. Shekar, Master Shreyas Kumar S., and Master Kushvanth Reddy S. *represented by their father and natural guardian Sri. K.G. Shekar AND Sri. Nyathareddy*, Sri. K.N. Venkataswamy Reddy, Kumari Tanusha V., *represented by her father and natural guardian Sri. K.N. Venkataswamy Reddy*, Sri. K.N. Manjunatha, Master Chinmail M. Reddy and Master Kusha M. Reddy *represented by their father and natural guardian Sri. K.N. Manjunatha in favour of M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish* (Doc. No.6498/2022-23).
136. Confirmation Deed dated 14.11.2022 executed by Ms. Chaithra S. D/o. Sreepalreddy *in favour of M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish* (Doc. No.6544/2022-23).
137. Official Memorandum dated 15.06.2023 bearing No. ALN (ASH) SR 67/2023-24 (498738).
138. M.R. No.T45/2022-23.
139. Order dated 23.12.2022 passed in case No.RRT/CR/541/2022-23 by the Special Tahasildar, Anekal Taluk, Anekal.
140. M.R. No.T50/2022-23.
141. RTC from the period 1959-60 to 1960-61, 1962-63 to 1963-64, 1965-66 to 1968-69 in respect of land bearing Sy.No.42/2 (*Govindareddy for 2 Acres 32 Guntas*).
142. RTC from the period 1969-70 to 1983-84, 1989-90 to 2000-01 in respect of land bearing Sy.No.42/2 (*totally measuring 2 Acres 30 Guntas*).
143. RTC from the period 2002-03 to 2021-22 in respect of land bearing Sy.No.42/2.
144. Endorsement dated 28.06.2023 issued by Tahasildar, Anekal Taluk with regard to non-availability of RTC from the period 1984 to 1989 in respect of land bearing Sy.Nos.38/1 and 42/2.
145. Endorsement dated 28.09.2022 issued by Tahasildar, Anekal Taluk with regard to non-availability of IL and preliminary record in respect of land bearing Sy.No.42/2.
146. Endorsement dated 01.10.2022 issued by Tahasildar, Anekal Taluk with regard to non-availability of M.R. No.4/1969-70.
147. PTCL Endorsement dated 11.07.2023 issued by Deputy Commissioner, Bangalore South-Sub Division, Bangalore in respect of land bearing Sy.No.42/2.
148. 79 (A) (B) Endorsement dated 11.07.2023 issued by Deputy Commissioner, Bangalore South-Sub Division, Bangalore in respect of land bearing Sy.No.42/2.
149. Nil Tenancy certificate dated 05.07.2023 issued by Tahasildar, Anekal Taluk in respect of land bearing Sy.No.42/2.
150. NOC dated 31.05.2023 issued by KIADB in respect of land bearing Sy.No.42/2.
151. NOC dated 19.05.2023 issued by KHB in respect of land bearing Sy.No.42/2.
152. NOC dated 25.09.2023 issued by Ministry of Environment, Forest and Climate Change for construction of proposed residential building in respect of land bearing Sy.Nos.38/1, 38/2, 38/3, 38/4 and 42/2.

153. E-Katha (Form No.9) Certificate dated 21.12.2023 issued in the name of M/s. Modern Spaaces Ventures rep by its Partner Mr. R. Sandeep Kumar Reddy by Yamare Village Panchayath.
154. Haddubastu Sketch in respect of land bearing Sy.No.42/2.
155. Hissa Survey Pakka Book and Hissa Survey Tippani.
156. Copy of Survey Sketch.
157. Karnataka Revision Settlement Akarbandh in respect of land bearing Sy.No.42/2.
158. Building Construction License and Approved Building Plan both dated 12.12.2023 issued by Anekal Planning authority (L.P. No.32/2023-24).
159. Encumbrance Certificate
  - a. E.C. dated 29.12.2023 from 01.01.1919 to 31.03.2004 in respect of land bearing Sy.No.42/2.
  - b. E.C. dated 26.09.2022 from 01.04.1920 to 31.03.2004.
  - c. E.C. dated 27.06.2023 from 01.04.2004 to 22.06.2023.
  - d. E.C. dated 29.12.2023 from 01.04.2004 to 28.12.2023.

### **III. DEVOLUTION OF TITLE:**

#### **Land bearing Sy.No.38/1:**

On perusal of the documents produced for scrutiny it is noticed that, the land bearing Sy.No.38/1 of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk measuring 2 Acres 04 Guntas including 0.04 Guntas of Kharab land *was earlier owned and possessed by* the family of Sri. Giriyappa i.e., his children viz., Sri. Vanada Muniyappa and Sri. Chooda. The name of Sri. Vanada Muniyappa has been reflected in Index of land and Record of Rights in respect of land bearing Sy.No.38/1.

It is noticed from Family Tree of Sri. Giriyappa (undated) issued by Village Accountant, Yamare Circle that, the said Sri. Giriyappa married to Smt. Allallamma and they had two children viz., Sri. Chooda and Sri. Vanada Muniyappa.

The name of Sri. Vanada Muniyappa was reflected in Column No.9 and 12 (2) of RTC/s for the period 1959-60, 1961-62 to 1963-64, 1965-66 to 1968-69 and from the period 1969-70 to 1983-84 as kathedar in possession and cultivator of the aforesaid land bearing Sy.No.38/1, measuring 2 Acres 04 Guntas (*including 0.04 guntas of Kharab land*).

Thereafter, the aforesaid Sri. Chooda sold and conveyed the land bearing Sy.No.38/1 of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk measuring 0.27 guntas out of 2 Acres *in favour of* Sri. Ajjappa under a registered Sale Deed dated 23.02.1946 (Doc. No.1225/1945-46).

In turn, the said Sri. Ajjappa sold and conveyed the said land *in favour of* Sri. Chooda vide Sale Deed dated 19.10.1946 (Doc. No.789/1946-47).

Thereafter, the said Sri. Chooda sold and conveyed the said land *in favour of* Sri. Govindappa through Sale Deed dated 19.10.1946 (Doc. No.793/1946-47).

Further, the said Sri. Govindappa sold and conveyed the said land bearing Sy.No.38/1, measuring 0.27 guntas *in favour of* Sri. Chinnappa S/o. Nanjundappa by virtue of Sale Deed dated 26.04.1956 (Doc. No.315/1956-57).

Thereafter, the said Sri. Chinnappa Reddy S/o. Sri. Nanjundareddy sold and conveyed the said land *in favour of* Sri. Vanada Muniyappa S/o. Sri. Giriyappa by way of Sale Deed dated 15.01.1958 (Doc. No.2881/1957-58). The factum of Sale Deed has been mutated in the mutation register as M.R. No.6/1957-58.

It is further noticed from Family Tree of Sri. Giriyappa (undated) issued by Village Accountant, Yamare Circle that, the said Sri. Chooda and his wife Smt. Chinnamma died intestate leaving behind their only daughter Smt. Shanthamma as legal heir to succeed to their estates.

Further, the said Sri. Vanada Muniyappa died on 08.09.1975 and his wife Smt. Yallamma died intestate leaving behind their children viz., Smt. Munigowrama, Sri. K.V. Venkataramanappa, Sri. Krishnappa and Sri. Hanumanthappa as legal heirs to succeed to their estates. Copy of Death Certificate of Sri. Vanada Muniyappa dated 31.05.2005 is perused.

Thereafter, the said Sri. K.V. Venkataramanappa, Sri. K.V. Hanumanthappa and Sri. Krishnappa have entered into Partition Deed dated 23.07.1985 for division of joint family properties under which, the land bearing Sy.No.38/1, measuring 0.27 guntas *was allotted to the share of* Sri. K.V. Venkataramanappa *and* land bearing Sy.No.38/1, measuring 1 Acre 13 Guntas *was allotted to the share of* Sri. Hanumanthappa.

The revenue entries of the said land got transferred in favour of Sri. K.V. Venkataramanappa and Sri. Hanumanthappa as evident from M.R. No.3/1993-94.

Later, the said Sri. K.V. Venkataramanappa, Sri. K.V. Hanumanthappa, Sri. Krishnappa (*legal heirs of Late Vanada Muniyappa*) and Smt. Shanthamma D/o. Late Choodappa (*son of Late Giriyappa*) have entered into Partition Deed dated 08.12.2006 for division of joint family properties under which, the land bearing Sy.No.38/1 of Kada Agrahara Village, measuring 0.27 guntas *was allotted to the share of* Sri. K.V. Venkataramanappa *and* land bearing Sy.No.38/1, measuring 1 Acre 13 Guntas *was allotted to the share of* Sri. Krishnappa.

The factum of Partition Deed has been mutated in the mutation register as M.R. No.H8/2012-13.

The land bearing Sy.No.38/1, totally measuring 2 Acres 04 guntas (including 04 guntas of Kharab land) was re-surveyed and phoded and a new hissa survey number 38/3, measuring 0.30 guntas (*including 0.03 guntas of Kharab land*) was assigned to the portion of land owned by Sri. K.V. Venkataramanappa *and new* Sy.No.38/4, measuring 0.28 guntas was assigned to the portion of land owned by Sri. Krishnappa *and retained the same survey number 38/1, measuring 0.26 guntas*

*(including 0.01 gunta Kharab land) was assigned to the portion owned by Sri. Krishnappa as evident from Phodi Order/ Hissa Mojani in respect of land bearing Sy.No.38/1.*

Thereafter, Smt. Munigowramma D/o. Late Vanada Muniyappa and Smt. Shanthamma D/o. Late Choodappa have released and relinquished their right, title, interest and ownership over the said land bearing Sy.No.38/1, new Sy.No.38/3, measuring 0.27 guntas **and land bearing Sy.No.38/1, measuring 0.25 Guntas and** land bearing Sy.No.38/4 (old Sy.No.38/1), measuring 0.28 Guntas *in favour of their brothers* Sri. Venkataramanappa, Sri. Hanumanthappa and Sri. Krishnappa by virtue of Release Deed dated 29.09.2014 (Doc. No.2611/2014-15).

It is further noticed from Family Tree of Sri. Vanada Muniyappa issued by Village Accountant, Yamare Circle that, the said Sri. Krishnappa S/o. Late Vanada Muniyappa married to Smt. Narayananamma and they had four children viz., Smt. Nagarathnamma, Smt. Manjulamma, Sri. Balaraju and Smt. Renukamma.

Thereafter, the said Sri. Krishnappa, his wife Smt. Narayananamma, Smt. Nagarathnamma, Smt. Manjulamma, Sri. Balaraju and Smt. Renukamma executed GPA dated 10.01.2017 (Doc. No.240/2016-17) *in favour of* Sri. K.C. Nagesh Reddy empowering the attorney to do various acts, deeds and things, including the power to alienate the land bearing Sy.No.38/1, measuring 0.25 Guntas.

Further, the said Sri. Krishnappa, his wife Smt. Narayananamma and children viz., Smt. Nagarathnamma, Smt. Manjulamma, Sri. Balaraju and Smt. Renukamma have entered into a Sale Agreement dated 10.01.2017 (Doc. No.3704/2016-17) *with* Sri. K.C. Nagesh Reddy in respect of said land.

Later, the said Sri. Krishnappa, Smt. Narayananamma, Smt. Nagarathnamma, Smt. Manjulamma, Sri. Balaraju and Smt. Renukamma through their GPA holder Sri. K.C. Nagesh Reddy sold and conveyed the said land bearing Sy.No.38/1, measuring 0.25 Guntas *in favour of* Sri. K.C. Nagesh Reddy by virtue of Sale Deed dated 18.07.2022 (Doc. No.3438/2022-23). The factum of Sale Deed has been mutated in the mutation register as M.R. No.H1/2022-23.

Thereafter, the said Sri. K.C. Nagesh Reddy has entered into JDA dated 28.02.2023 (Doc. No.10629/2022-23) *with* M/s. Modern Spaaces Ventures represented by its Partner Sri. S. Yathish for development of land bearing Sy.No.38/1 of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District, measuring 0.25 Guntas into a multi-storied residential apartment under mutually agreed terms and conditions thereon. In terms of the said JDA, the land owner/s and builder have agreed to *share the revenue arising out of sale of salable area including UDS in land in the ratio of 28% (for landowner) and 72% (for builder) respectively.*

Further, the said Sri. K.C. Nagesh Reddy executed GPA dated 28.02.2023 (Doc. No.660/2022-23) *in favour of* M/s. Modern Spaaces Ventures represented by its Partner Sri. S. Yathish empowering the

attorney to do various acts, deeds and things, including the power to alienate (*clause No.12*) the developer's share. ***It is noticed that, as per clause No.12 of JDA and clause Nos.10 and 11 of GPA the developer has power to raise funds in respect of said land.***

Thereafter, the said the landowner: Sri. K.C. Nagesh Reddy has entered into Memorandum of Understanding (MOU) dated 15.02.2023 *with* M/s. Modern Spaaces Ventures represented by its Partner Sri. S. Yathish stating that, the owner authorizes the Developer to sell the entire apartments being constructed in the project under its brand name and marketing strategy and the owner's ratio i.e., 28% has been mutually estimated, quantified and agreed at 9,29,51,389/- and the first party confirm the receipt of the same and the Developer shall have the sole and absolute and exclusive right to sell the entire apartment.

The land bearing Sy.No.38/1, measuring 0.25 Guntas was converted from agriculture to non-agriculture residential purpose vide Official Memorandum dated 15.06.2023 bearing No. ALN (ASH) SR.68/2023-24 (498740) issued by the office of Deputy Commissioner, Bangalore Urban District, Bangalore.

The Office of Tahasildar, Anekal Taluk, Anekal has issued an Endorsement dated 28.09.2022 confirming non-availability of IL and Preliminary Records in respect of land bearing Sy.No.38/1 of Kada Agrahara Village.

Copies of R.T.C/s from the year of 1969-70 to 1983-84 (*Sri. Vanada Muniyappa*) and from 1989-90 to 2000-01 (*Sri. K.V. Venkataramanappa and Sri. Hanumanthappa*) and from 2000-01 to 2022-23 issued by the Office of Tahasildar/ Village Accountant reflects the names of erstwhile owners as Kathedars and occupants in respect of land bearing Sy.No.38/1 of Kada Agrahara Village.

The Office of Tahasildar, Anekal Taluk, Anekal has issued two Endorsements both dated 01.10.2022 confirming that, non-availability of IHC Nos.1/1981-82 and 31/1993-94 in respect of land bearing Sy.No.38/1 of Kada Agrahara Village.

The office of the Deputy Commissioner, Bangalore South Sub-Division, Bangalore has issued an Endorsement dated 11.07.2023 confirming that no cases are pending under Karnataka SC/ST (PTCL) Act in respect of land bearing Sy.No.38/1, measuring 0.25 Guntas.

The Office of Deputy Commissioner, Bangalore South Sub-Division, Bangalore has issued an Endorsement dated 11.07.2023 confirming that, no case has been registered under section 79 (A) and (B) of KLR Act in respect of land bearing Sy.No.38/1.

The Office of Tahasildar, Anekal Taluk, Anekal has issued an Endorsement dated 05.07.2023 confirming non-availability of Nil Tenancy Certificate in respect of land bearing Sy.No.38/1 of Kada Agrahara Village.

It is noticed from the copy of endorsement dated 31.05.2023 issued by the office of KIADB states that the land bearing Sy.No.38/1, measuring 0.25 Guntas is not acquired for any of its purpose.

The Office of Karnataka Housing Board has issued NOC dated 19.05.2023 stating that, the land bearing Sy.No.38/1, measuring 0.25 Guntas is not acquired for any of its purpose.

The copies of Survey Sketch, Moola Survey Tippani and Hissa Mojani and Karnataka Revision Settlement Akarbandh in respect of land bearing Sy.No.38/1 disclose the existence, location and shape of the subject land.

**Land bearing Sy.No.38/4:**

On perusal of the documents produced for scrutiny it is noticed that, Sri. K.V. Venkataramanappa, Sri. K.V. Hanumanthappa, Sri. Krishnappa (*legal heirs of Late Vanada Muniyappa*) and Smt. Shanthamma D/o. Late Choodappa (*son of Late Giriyappa*) have entered into Partition Deed dated 08.12.2006 for division of joint family properties under which, the land bearing Sy.No.38/1 of Kada Agrahara Village, measuring 0.27 guntas ***was allotted to the share of Sri. K.V. Venkataramanappa and land bearing Sy.No.38/1, measuring 1 Acre 13 Guntas was allotted to the share of Sri. Krishnappa.***

The land bearing Sy.No.38/1, totally measuring 2 Acres 04 guntas (including 04 guntas of Kharab land) was re-surveyed and phoded and a new hissa survey number 38/3, measuring 0.30 guntas (*including 0.03 guntas of Kharab land*) was assigned to the portion of land owned by Sri. K.V. Venkataramanappa ***and new Sy.No.38/4, measuring 0.28 guntas was assigned to the portion of land owned by Sri. Krishnappa and*** retained the same survey number 38/1, measuring 0.26 guntas (*including 0.01 gunta Kharab land*) was assigned to the portion owned by Sri. Krishnappa as evident from Phodi Order/ Hissa Mojani in respect of land bearing Sy.No.38/1.

Thereafter, Smt. Munigowramma D/o. Late Vanada Muniyappa and Smt. Shanthamma D/o. Late Choodappa have released and relinquished their right, title, interest and ownership over the said land bearing Sy.No.38/1, new Sy.No.38/3, measuring 0.27 guntas ***and*** land bearing Sy.No.38/1, measuring 0.25 Guntas ***and land bearing Sy.No.38/4 (old Sy.No.38/1), measuring 0.28 Guntas in favour of their brothers*** Sri. Venkataramanappa, Sri. Hanumanthappa and Sri. Krishnappa by virtue of Release Deed dated 29.09.2014 (Doc. No.2611/2014-15)

It is noticed from Family Tree (Computerized) of Sri. Krishnappa dated 09.07.2020 issued by Deputy Tahasildar, Sarjapura-I Hobli, Anekal Taluk that, the said Sri. Krishnappa married to Smt. Narayananamma and they had four children viz., Smt. Nagarathna K., Smt. Manjula K., Sri. Balaraju K. and Smt. Renukamma.

Thereafter, the said Sri. Krishnappa out of love and affection ***towards his son*** Sri. Balaraju K. gifted the said land bearing Sy.No.38/4 of Kada Agrahara Village, measuring 0.28 Guntas unto him vide

Gift Deed dated 28.09.2020 (Doc. No.2063/2020-21). The factum of Gift Deed has been mutated in the mutation register as M.R. No.H6/2021-22.

Later, the said Sri. Balaraju K., Master Deepak B., and Kumari Pushpa B. *represented by their father and natural guardian Sri. K. Balaraju K.* have entered into JDA dated 20.06.2023 (Doc. No.2044/2023-24) *with* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish for development of said land bearing Sy.No.38/4. Further, the said Sri. Balaraju K., Master Deepak B., and Kumari Pushpa B. *represented by their father and natural guardian Sri. K. Balaraju K.* executed GPA dated 20.06.2023 (Doc. No.132/2023-24) *in favour of* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish in respect of said land.

Subsequently, the said JDA and GPA got cancelled by way of Deed of Cancellation of JDA dated 07.07.2023 (Doc. No.2634/2023-24) *and* Deed of Cancellation of GPA dated 07.07.2023 (Doc. No.171/2023-24).

Thereafter, the aforesaid Smt. Manjula, Smt. Nagarathanamma and Smt. Renuka K. (*daughters of Sri. Krishnappa*) have released and relinquished the said land bearing Sy.No.38/4, measuring 0.28 Guntas *in favour of their brother* Sri. Balaraju K. by virtue of Release Deed dated 20.06.2023 (Doc. No.2046/2023-24).

Further, the said Smt. Narayananamma has released and relinquished the said land bearing Sy.No.38/4, measuring 0.28 Guntas *in favour of her son* Sri. Balaraju K. in terms of Release Deed dated 20.06.2023 (Doc. No.2062/2023-24).

Later, the said Sri. Balaraju K., Master Deepak B., and Kumari Pushpa B. *represented by their father and natural guardian Sri. K. Balaraju K.* sold and conveyed residentially converted land bearing Sy.No.38/4 (old Sy.No.38/1) (vide Official Memorandum dated 15.06.2023, bearing No. ALN (ASH) SR. 69/2023-24) of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District, measuring 0.28 Guntas *in favour of* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish by virtue of Sale Deed dated 07.07.2023 (Doc. No.2635/2023-24).

The land bearing Sy.No.38/4, measuring 0.28 Guntas was converted from agriculture to non-agriculture residential purpose vide Official Memorandum dated 15.06.2023 bearing No. ALN (ASH) SR.69/2023-24 (498736) issued by the office of Deputy Commissioner, Bangalore Urban District, Bangalore.

Copies of R.T.C/s from the year of 2014-15 to 2020-21, 2022-23, 2023-24 issued by the Office of Tahasildar/ Village Accountant reflects the names of erstwhile owners as Kathedars and occupants in respect of land bearing Sy.No.38/4 of Kada Agrahara Village.

The office of the Deputy Commissioner, Bangalore South Sub-Division, Bangalore has issued an Endorsement dated 11.07.2023 confirming that no cases are pending under Karnataka SC/ST (PTCL) Act in respect of land bearing Sy.No.38/4, measuring 0.28 Guntas.

The Office of Deputy Commissioner, Bangalore South Sub-Division, Bangalore has issued an Endorsement dated 11.07.2023 confirming that, no case has been registered under section 79 (A) and (B) of KLR Act in respect of land bearing Sy.No.38/4, measuring 0.28 Guntas.

The Office of Tahasildar, Anekal Taluk, Anekal has issued an Endorsement dated 05.07.2023 confirming non-availability of Nil Tenancy Certificate in respect of land bearing Sy.No.38/4 of Kada Agrahara Village.

It is noticed from the copy of endorsement dated 31.05.2023 issued by the office of KIADB states that the land bearing Sy.No.38/4, measuring 0.28 Guntas is not acquired for any of its purpose.

The Office of Karnataka Housing Board has issued NOC dated 19.05.2023 stating that, the land bearing Sy.No.38/4, measuring 0.28 Guntas is not acquired for any of its purpose.

The copies of Survey Sketch and Karnataka Revision Settlement Akarbandh in respect of land bearing Sy.No.38/4 disclose the existence, location and shape of the subject land.

#### Land bearing Sy.No.38/3:

On perusal of the documents produced for scrutiny it is noticed that, the said Sri. K.V. Venkataramanappa, Sri. K.V. Hanumanthappa and Sri. Krishnappa have entered into Partition Deed dated 23.07.1985 for division of joint family properties under which, the **land bearing Sy.No.38/1, measuring 0.27 guntas was allotted to the share of Sri. K.V. Venkataramanappa and** land bearing Sy.No.38/1, measuring 1 Acre 13 Guntas **was allotted to the share of Sri. Hanumanthappa.**

The revenue entries of the said land got transferred in favour of Sri. K.V. Venkataramanappa and Sri. Hanumanthappa as evident from M.R. No.3/1993-94.

Later, the said Sri. K.V. Venkataramanappa, Sri. K.V. Hanumanthappa, Sri. Krishnappa (*legal heirs of Late Vanada Muniyappa*) and Smt. Shanthamma D/o. Late Choodappa (*son of Late Giriyappa*) have entered into Partition Deed dated 08.12.2006 for division of joint family properties under which, the **land bearing Sy.No.38/1 of Kada Agrahara Village, measuring 0.27 guntas was allotted to the share of Sri. K.V. Venkataramanappa and** land bearing Sy.No.38/1, measuring 1 Acre 13 Guntas **was allotted to the share of Sri. Krishnappa.**

The land bearing Sy.No.38/1, totally measuring 2 Acres 04 guntas (including 04 guntas of Kharab land) was re-surveyed and phoded and a **new hissa survey number 38/3, measuring 0.30 guntas (including 0.03 guntas of Kharab land) was assigned to the portion of land owned by Sri. K.V.**

*Venkataramanappa and* new Sy.No.38/4, measuring 0.28 guntas was assigned to the portion of land owned by Sri. Krishnappa *and* retained the same survey number 38/1, measuring 0.26 guntas (*including 0.01 gunta Kharab land*) was assigned to the portion owned by Sri. Krishnappa as evident from Phodi Order/ Hissa Mojani in respect of land bearing Sy.No.38/1.

Thereafter, Smt. Munigowramma D/o. Late Vanada Muniyappa and Smt. Shanthamma D/o. Late Choodappa have released and relinquished their right, title, interest and ownership over the said **land bearing Sy.No.38/1, new Sy.No.38/3, measuring 0.27 guntas and** land bearing Sy.No.38/1, measuring 0.25 Guntas *and* land bearing Sy.No.38/4 (old Sy.No.38/1), measuring 0.28 Guntas *in favour of their brothers* Sri. Venkataramanappa, Sri. Hanumanthappa and Sri. Krishnappa by virtue of Release Deed dated 29.09.2014 (Doc. No.2611/2014-15)

It is noticed from Legal Heir Certificate of Sri. K.V. Venkataramanappa dated 22.07.2021 issued by Deputy Tahasildar, Sarjapura-I Hobli that, the said Sri. Venkataramanappa died on 16.05.2021 intestate leaving behind his wife Smt. Gopalamma and children viz., Sri. Gopal and Sri. Suresh as legal heirs to succeed to his estates. Copy of Death Certificate of Sri. Venkataramanappa dated 11.06.2021 is perused.

The revenue entries of the land bearing Sy.No.38/3, measuring 0.27 guntas got transferred in the name of Smt. Gopalamma as evident from M.R. No.H3/2021-22.

Later, the said Mrs. Gopalamma, Mr. Gopala V., Master Gokul Chand G., Kumari Monitha G. *represented by their father and natural guardian Mr. Gopal V., Mr. Suresh, Master Dushyanth S. and Master Ganik Ishan S., represented by their father and natural guardian Mr. Suresh* have entered into JDA dated 20.06.2023 (Doc. No.2043/2023-24) *with* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish for development of residentially converted land bearing Sy.No.38/3 (old Sy.No.38/1) (vide Official Memorandum dated 15.06.2023, bearing No. ALN (ASH) SR. 66/2023-24) of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District, measuring 0.27 Guntas into a multi-storied residential apartment under mutually agreed terms and conditions thereon. *In terms of the said JDA, the land owner/s and builder have agreed to share the revenue accrued out of sale of saleable area including UDS in land in the ratio of 28% (for landowner) and 72% (for builder) respectively.*

Further, the said Mrs. Gopalamma, Mr. Gopala V., Master Gokul Chand G., Kumari Monitha G. *represented by their father and natural guardian Mr. Gopal V., Mr. Suresh, Master Dushyanth S. and Master Ganik Ishan S., represented by their father and natural guardian Mr. Suresh* executed GPA dated 20.06.2023 (Doc. No.131/2023-24) *in favour* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish empowering the attorney to do various acts, deeds and things, including the power to alienate (*clause No.12*) the developer's share. *It is noticed that, as per clause No.12 of JDA and clause Nos.10 and 11 of GPA the developer has power to raise funds in respect of said land.*

Thereafter, the said the landowners: Mrs. Gopalamma, Mr. Gopala V., Master Gokul Chand G., Kumari Monitha G. *represented by their father and natural guardian Mr. Gopal V.*, Mr. Suresh, Master Dushyanth S. and Master Ganik Ishan S., *represented by their father and natural guardian Mr. Suresh* have entered into Memorandum of Understanding (MOU) dated 20.06.2023 *with* M/s. Modern Spaaces Ventures represented by its Partner Sri. S. Yathish stating that, the owner authorizes the Developer to sell the entire apartments being constructed in the project under its brand name and marketing strategy and the owner's ratio i.e., 28% has been mutually estimated, quantified and agreed at 5,06,25,000/- and the first party confirm the receipt of the same and the Developer shall have the sole and absolute and exclusive right to sell the entire apartment.

The land bearing Sy.No.38/3, measuring 0.27 Guntas was converted from agriculture to non-agriculture residential purpose vide Official Memorandum dated 15.06.2023 bearing No. ALN (ASH) SR.66/2023-24 (498735) issued by the office of Deputy Commissioner, Bangalore Urban District, Bangalore.

Copies of R.T.C/s from the year of 2014-15 to 2020-21, 2022-23, 2023-24 issued by the Office of Tahasildar/ Village Accountant reflects the names of erstwhile owners as Kathedars and occupants in respect of land bearing Sy.No.38/3 of Kada Agrahara Village.

The office of the Deputy Commissioner, Bangalore South Sub-Division, Bangalore has issued an Endorsement dated 11.07.2023 confirming that no cases are pending under Karnataka SC/ST (PTCL) Act in respect of land bearing Sy.No.38/3, measuring 0.27 Guntas.

The Office of Deputy Commissioner, Bangalore South Sub-Division, Bangalore has issued an Endorsement dated 11.07.2023 confirming that, no case has been registered under section 79 (A) and (B) of KLR Act in respect of land bearing Sy.No.38/3, measuring 0.27 Guntas.

The Office of Tahasildar, Anekal Taluk, Anekal has issued an Endorsement dated 05.07.2023 confirming non-availability of Nil Tenancy Certificate in respect of land bearing Sy.No.38/3 of Kada Agrahara Village.

It is noticed from the copy of endorsement dated 31.05.2023 issued by the office of KIADB states that the land bearing Sy.No.38/3, measuring 0.27 Guntas is not acquired for any of its purpose.

The Office of Karnataka Housing Board has issued NOC dated 19.05.2023 stating that, the land bearing Sy.No.38/3, measuring 0.27 Guntas is not acquired for any of its purpose.

The copies of Survey Sketch and Karnataka Revision Settlement Akarbandh in respect of land bearing Sy.No.38/3 disclose the existence, location and shape of the subject land.

**Land bearing Sy.No.38/2:**

On perusal of the documents produced for scrutiny it is noticed that, the land bearing Sy.No.38/2 of Kada Agrahara Village, measuring 3 Acre 12 Guntas *was earlier owned and possessed by* Sri. Bakki Reddy S/o. Bakki Reddy, he having acquired the same from Smt. Papamma under a registered Sale Deed dated 02.07.1953 (Doc. No.1283/1953-54). The factum of Sale Deed has been mutated in the mutation register as M.R. No.1/1975-76.

Further, the Office of Special Tahasildar, Anekal has issued an Order (Form No.10) dated 21.04.1981 passed in LRF. ATC. 2421/1975-76 in favour of Sri. Govindareddy S/o. Late Muni Papaiah in respect of land bearing Sy.No.38/2, measuring 3 Acres 12 Guntas. The factum of order and the name of Sri. Govinda Reddy has been mutated in the mutation register as M.R. No.6/1983-84. It is noticed from the said order that, there was a non-alienation clause for the period of 15 years from the date of this order.

Thereafter, the said Sri. Bakki Reddy out of love and affection *towards his adopted daughter* Ms. Shanthamma gifted the land bearing Sy.No.38/2 of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, measuring 3 Acres 12 Guntas unto her vide Gift Deed dated 08.03.1976 (Doc. No.2344/1975-76).

It is noticed from Family Tree of Sri. Bakki Reddy (*father of Sri. Bakki Reddy*) dated 30.10.2006 issued by Village Accountant, Yamare Circle that, the said Sri. Bakki Reddy (*died*) married to Smt. Muniyamma and they had two children viz., Sri. Munipapa Reddy and **Sri. Bakki Reddy**. Further, the said Sri. Munipapa Reddy (*died*) married to Smt. Muniyamma (*died*) and they had two sons viz., **Sri. Govinda Reddy** and Sri. Lakshmana Reddy.

Further, the said Bakki Reddy S/o. Bakki Reddy died on 23.02.1979 intestate leaving behind his wife Smt. Papamma and their adopted children viz., Sri. Nyatha Reddy and Smt. Shanthamma as legal heirs to succeed to his estates. Copy of Death Certificate of Sri. Bakki Reddy 30.10.1979 is perused.

Thereafter, Sri. Bakki Reddy and others (*wife and children*) filed a suit in O.S. No.213/1979 by the Court of the Addl. Civil Judge (Jr. Dn.) and JMFC, Anekal against Sri. Govindareddy for seeking the relief of permanent injunction restraining the defendants, their PA holder, agents, henchmen, supports, anti-social elements or anybody acting on behalf of them from interfering with the plaintiff peace full possession and enjoyment of the suit schedule property i.e., land bearing Sy.No.38/2, measuring 3 Acres 12 Guntas *among other properties* and the said suit was partly decreed on 21.12.2002.

The revenue entries of the said land bearing Sy.No.38/2, measuring 3 Acres 12 guntas got transferred in favour of Smt. Shanthamma as evident from M.R. No.12/2004-05.

Being aggrieved by the said order, Sri. Govindareddy preferred an appeal in Regular Appeal No.14/2003 against Smt. Papamma W/o. Late Bakki Reddy and two others *and* Smt. Papamma W/o. Late Bakki Reddy and two others preferred an appeal in Regular Appeal No.24/2003 against the said

Sri. Govindareddy before the Court of the Sessions Judge Fast Track Court-II at Bangalore Rural District for setting aside the said order and the same was ordered on 25.01.2007 as common judgement as Regular Appeal No.14/2003 is dismissed and Regular Appeal No.24/2003 is allowed. The impugned judgement and decree are set aside, the O.S. No.213/1979 filed by the plaintiff stands decreed in its entirety. The defendant, his agents or anybody claiming through him are permanently restrained from interfering in the peaceful possession and enjoyment of the plaintiff over the suit schedule properties.

It is noticed that, Sri. Govinda Reddy preferred an appeal in R.A. (S) 285/2004-05 before the Court of the Assistant Commissioner, Bangalore South Sub-Division, Bangalore against The Tahasildar and others for assailing the mutation entries made as per M.R. No.12/2004-05 and M.R. No.33/2004-05 and the same was dismissed vide its order dated 15.09.2005.

Being aggrieved by the said order, Sri. Govinda Reddy preferred an appeal in Revision Petition No.135/2005-06 before the Court of Special Deputy Commissioner, Bangalore District, Bangalore and the said Revision Petition is liable to be dismissed vide its order dated 22.09.2008.

It is noticed from Order dated 28.01.2009 passed in W.P. No.15033/2008 (KLR-RR/SUR) by the High Court of Karnataka at Bangalore that, the said writ petition is disposed of, while leaving it to the parties to work out their rights in the pending suits.

Sri. Govindareddy preferred an appeal in W.P. No.28719/1999 before the High Court of Karnataka at Bangalore against Sri. Nyathareddy and others and same came to be dismissed vide its order dated 12.03.1999.

Being aggrieved by the Order dated 12.03.1999 passed in W.P. No.28719/2009 Sri. Govinda Reddy filed a case in R.A. (A) 115/2015-16 by the Court of Assistant Commissioner, Bangalore South Sub-Division, Bangalore against Sri. Tahasildar and the said case is to be rejected vide its order dated 30.07.2021. Further, being aggrieved by the said order Sri. Govindareddy preferred an appeal in Revision Petition No.123/2018 before the Court of the Deputy Commissioner, Bangalore Urban District at Bangalore against The Assistant Commissioner and the same was dismissed vide its order dated 30.07.2021 and the order dated 23.03.2018 in R.A. (A) 115/2015-16 is hereby upheld.

Sri. Govindareddy filed a suit in O.S. No.1551/2006 before the Court of the Senior Civil Judge at Anekal against Smt. Pamma and five others for permanent injunction and to declare that the Gift Deed dated 18.03.1976 in respect of land bearing Sy.No.38/2 executed by Sri. Bakki Reddy in favour of Smt. Shanthamma is a sham collusive and colourable document not since the gifted property is neither delivered possession nor accepted the gift by the 5<sup>th</sup> defendant and not binding to the plaintiff right, title and interest in respect of the properties and the said suit was ordered in terms of compromise petition dated 09.11.2022 as defendant No.5 (i.e., Smt. Shanthamma) shall enjoy the item No.5 of the suit schedule property i.e., land bearing Sy.No.38/2 as its absolute owners thereof

having all right, title, interest and possession over the same according to their convenience from which the plaintiff has no objection whatsoever as evident from Order Sheet passed in O.S. No.1551/2006.

It is noticed from Family Tree (Computerized) of Smt. Shanthamma dated 05.09.2023 issued by Deputy Tahasildar, Sarjapura-1 Hobli that, the said Smt. Shanthamma married to Sri. Papareddy and they had four children viz., Smt. S.P. Manjula, Smt. Aruna, Smt. S.P. Suchithra and Smt. S.P. Prabhavathi.

Thereafter, the said Smt. Shanthamma and her children viz., Smt. S.P. Manjula, Smt. Aruna, Smt. S.P. Suchithra, Smt. S.P. Prabhavathi executed GPA dated 13.08.2021 (Doc. No.152/2021-22) *in favour of* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish empowering the attorney to do various acts, deeds and things, including the power to alienate the land bearing Sy.No.38/2, measuring 3 Acres 12 Guntas.

Copy of Agreement to Sell dated 13.08.2021 entered into between Smt. Shanthamma, Smt. S.P. Manjula, Smt. Aruna, Smt. S.P. Suchithra, Smt. S.P. Prabhavathi *with* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish is perused.

Later, the said Smt. Shanthamma, Smt. S.P. Manjula, Smt. Aruna, Smt. S.P. Suchithra, Smt. S.P. Prabhavathi represented by their GPA holder M/s. Modern Spaaces Ventures sold and conveyed land bearing Sy.No.38/2 of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District, measuring 3 Acres 12 Guntas *in favour of* M/s. *Modern Spaaces Ventures* by way of Sale Deed dated 26.09.2022 (Doc. No.5273/2022-23). The factum of Sale Deed has been mutated in the mutation register as M.R. No.H9/2022-23.

It is noticed from Computerized Family Tree of Sri. Govinda Reddy dated 19.08.2023 issued by Deputy Tahasildar, Anekal Taluk that, the said Sri. Govinda Reddy married to Smt. Jayamma (*died*) and Smt. Parvathamma (*2<sup>nd</sup> wife*) and Smt. Jayamma had five children viz., Sri. K.G. Sreepalreddy, Sri. Bhupal Reddy, Sri. Somashekhar, Sri. Srinivas and Sri. Chakrapani and *2<sup>nd</sup> wife: Smt. Parvathamma* had two sons viz., Sri. K.G. Krishna and Sri. Shekar.

Thereafter, Sri. Govidareddy, Smt. Parvathamma, Sri. K.G. Sreepalreddy, Ms. Divya, Ms. Chaithra S., Sri. Bhupal Reddy, Ms. Priyanka B., Ms. Rashika B., Sri. Uday Kiran KB., Sri. Somshekaru, Ms. Sharanya Vanditha, Sri. Srinivas, Ms. Yashika S., Ms. Keerthana K.S., Sri. Shashank K.S., Sri. Chakrapani K.G., Ms. Harsha C., Master Harikishan C.P. *represented by his father and natural guardian Sri. Chakrapani*, Sri. K.G. Krishna, Ms. K. Ruchitha, Ms. K. Bhavana *represented by her father and natural guardian Sri. K.G. Krishna*, Sri. K.G. Shekar, Master Shreyas Kumar S. and Master Kushvanth Reddy Reddy S., *represented by their father and natural guardian Sri. Shekar (parties of O.S. No.1551/2006)* executed Confirmation Deed dated 09.11.2022 (Doc. No.6542/2022-23) *in favour of* M/s. *Modern*

*Spaaces Ventures* represented by its Partners Mr. S. Yathish by confirming and ratifying the said Sale Deed dated 26.09.2022 (Doc. No.5273/2022-23).

The land bearing Sy.No.38/2, measuring 3 Acres 12 Guntas was converted from agriculture to non-agriculture residential purpose vide Official Memorandum dated 15.06.2023 bearing No.ALN (ASH) SR.70/2023-24 (498737) issued by the office of Deputy Commissioner, Bangalore Urban District, Bangalore.

The Office of Tahasildar, Anekal Taluk, Anekal has issued an Endorsement dated 28.09.2022 confirming non-availability of IL and Preliminary Records in respect of land bearing Sy.No.38/2 of Kada Agrahara Village.

Copies of R.T.C/s from the year of 1969-70 to 1983-84 (*Bakki Reddy – 3 Acres 15 Guntas*) and from 1989-90 to 1999-2000 (*shown as Sri. Govindareddy*) and from the period 2000-01 to 2023-24 issued by the Office of Tahasildar/ Village Accountant reflects the names of erstwhile owners as Kathedars and occupants in respect of land bearing Sy.No.38/2 of Kada Agrahara Village.

The Office of Tahasildar, Anekal Taluk, Anekal has issued two Endorsements both dated 12.06.2023 confirming that, non-availability of RTC from the period 1984 to 1989 in respect of land bearing Sy.No.38/2 of Kada Agrahara Village.

The office of the Deputy Commissioner, Bangalore South Sub-Division, Bangalore has issued an Endorsement dated 11.07.2023 confirming that no cases are pending under Karnataka SC/ST (PTCL) Act in respect of land bearing Sy.No.38/2.

The Office of Deputy Commissioner, Bangalore South Sub-Division, Bangalore has issued an Endorsement dated 11.07.2023 confirming that, no case has been registered under section 79 (A) and (B) of KLR Act in respect of land bearing Sy.No.38/2.

The Office of Tahasildar, Anekal Taluk, Anekal has issued an Endorsement dated 05.07.2023 confirming non-availability of Nil Tenancy Certificate in respect of land bearing Sy.No.38/2 of Kada Agrahara Village.

It is noticed from the copy of endorsement dated 31.05.2023 issued by the office of KIADB states that the land bearing Sy.No.38/2 is not acquired for any of its purpose.

The Office of Karnataka Housing Board has issued NOC dated 19.05.2023 stating that, the land bearing Sy.No.38/2 is not acquired for any of its purpose.

The copies of Survey Sketch, Haddubasthu sketch and Karnataka Revision Settlement Akarbandh in respect of land bearing Sy.No.38/2 disclose the existence, location and shape of the subject land.

**Land bearing Sy.No.42/2:**

On perusal of the documents produced for scrutiny it is noticed that, the land bearing Sy.No.42 of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, measuring 2 Acres 30 Guntas *was earlier owned and possessed by* Sri. Munipapaiah S/o. Sri. Bakki Reddy, he having acquired the same from Sri. Papa Reddy under a registered Sale Deed dated 02.01.1919 (Doc. No.598/1918-19).

Copy of Record or Rights (*reflecting the name of Sri. Muni Papaiah*) bearing No.115 is perused.

It is noticed from Family Tree of Sri. Bakki Reddy (*father of Sri. Bakki Reddy*) dated 30.10.2006 issued by Village Accountant, Yamare Circle that, the said Sri. Munipapa Reddy S/o. Sri. Bakki Reddy died and his wife Smt. Muniyamma died intestate leaving behind their children viz., Sri. Govindareddy and Sri. Lakshmana Reddy as legal heirs to succeed to their estates.

It appears that, after the demise of said Sri. Munipapaiah his sons Sri. Govindareddy and Sri. Lakshmaiah Reddy have entered into Partition Deed and land bearing Sy.No.42/2, measuring 27 ½ guntas each was allotted to the share of Sri. Govindareddy and Sri. Lakshmaiah Reddy and remaining extent 1 Acre 15 Guntas retained by the Sri. Bakki Reddy (*brother of Sri. Munipapaiah*). We have not been provided with copy of partition deed.

Thereafter, the said Sri. Lakshmaiah Reddy sold and conveyed the land bearing Sy.No.42/2 of Kada Agrahara Village, Varthur Hobli, Sarjapura Hobli, measuring 0.27 ½ Gunta *in favour of his brother* Sri. Govindareddy by way of Sale Deed dated 19.02.1970 (Doc. No.2732/1969-70).

Further, the Office of Special Tahasildar, Anekal has issued an Order (Form No.10) dated 21.04.1981 passed in LRF. ATC. 2421/1975-76 in favour of Sri. Govindareddy S/o. Late Muni Papaiah in respect of land bearing Sy.No.42/2, measuring 1 Acre 15 Guntas. The factum of order and the name of Sri. Govinda Reddy has been mutated in the mutation register as M.R. No.6/1983-84. It is noticed from the said order that, there was a non-alienation clause for the period of 15 years (*as per Mutation*) and 06 years (*as per order*) from the date of this order.

It is noticed that, Sri. Bakki Reddy S/o. Sri. Bakki Reddy died on 23.02.1979 testate a WILL dated 19.02.1979 (Doc. No.37/1978-79) *in favour of his adopted son* Sri. Nyatha Reddy bequeathing the land bearing Sy.No.42/2 of Kada Agrahara Village, measuring 1 Acre 15 Guntas. Copy of Death Certificate of Sri. Bakki Reddy dated 30.10.1979 is perused.

It is noticed that, the revenue entries of the land bearing Sy.No.42/2, measuring 1 Acre 15 Guntas got transferred in the name of Sri. Nyatha Reddy and Sri. Govindareddy jointly as evident from M.R. No.4/1978-79.

Thereafter, Sri. Bakki Reddy and others (*wife and children*) filed a suit in O.S. No.213/1979 by the Court of the Addl. Civil Judge (Jr. Dn.) and JMFC, Anekal against Sri. Govindareddy for seeking the relief of permanent injunction restraining the defendants, their PA holder, agents, henchmen, supports, anti-social elements or anybody acting on behalf of them from interfering with the plaintiff

peace full possession and enjoyment of the suit schedule property i.e., land bearing Sy.No.42/2, measuring 1 Acre 15 Guntas *among other properties* and the said suit was partly decreed on 21.12.2002.

The revenue entries of the said land bearing Sy.No.42/2, measuring 1 Acre 15 guntas got transferred in favour of Sri. Nyatha Reddy as evident from M.R. No.12/2004-05 (W.P. No.28719/1999).

Being aggrieved by the said order, Sri. Govindareddy preferred an appeal in Regular Appeal No.14/2003 against Smt. Papamma W/o. Late Bakki Reddy and two others *and* Smt. Papamma W/o. Late Bakki Reddy and two others preferred an appeal in Regular Appeal No.24/2003 against the said Sri. Govindareddy before the Court of the Sessions Judge Fast Track Court-II at Bangalore Rural District for setting aside the said order and the same was ordered on 25.01.2007 as common judgement as Regular Appeal No.14/2003 is dismissed and Regular Appeal No.24/2003 is allowed. The impugned judgement and decree are set aside, the O.S. No.213/1979 filed by the plaintiff stands decreed in its entirety. The defendant, his agents or anybody claiming through him are permanently restrained from interfering the in the peaceful possession and enjoyment of the plaintiff over the suit schedule properties.

It is noticed that, Sri. Govinda Reddy preferred an appeal in R.A. (S) 285/2004-05 before the Court of the Assistant Commissioner, Bangalore South Sub-Division, Bangalore against The Tahasildar and others for assailing the mutation entries made as per M.R. No.12/2004-05 and M.R. No.33/2004-05 and the same was dismissed vide its order dated 15.09.2005.

Being aggrieved by the said order, Sri. Govinda Reddy preferred an appeal in Revision Petition No.135/2005-06 before the Cout of Special Deputy Commissioner, Bangalore District, Bangalore and the said Revision Petition is liable to be dismissed vide its order dated 22.09.2008.

It is noticed from Order dated 28.01.2009 passed in W.P. No.15033/2008 (KLR-RR/SUR) by the High Court of Karnataka at Bangalore that, the said writ petition is disposed of, while leaving it to the parties to work out their rights in the pending suits.

Being aggrieved by the Order dated 12.03.1999 passed in W.P. No.28719/2009 Sri. Govinda Reddy filed a case in R.A. (A) 115/2015-16 by the Court of Assistant Commissioner, Bangalore South Sub-Division, Bangalore against Sri. Tahasildar and the said case is to be rejected vide its order dated 30.07.2021. Further, being aggrieved by the said order Sri. Govindareddy preferred an appeal in Revision Petition No.123/2018 before the Court of the Deputy Commissioner, Bangalore Urban District at Bangalore against The Assistant Commissioner land the same was dismissed vide its order dated 30.07.2021 and the order dated 23.03.2018 in R.A. (A) 115/2015-16 is hereby upheld.

Sri. Govindareddy filed a suit in O.S. No.1551/2006 before the Court of the Senior Civil Judge at Anekal against Smt. Pamma and five others for permanent injunction and to declare that the WILL Deed dated 19.02.1979 in respect of land bearing Sy.No.42/2 executed by Sri. Bakki Reddy in favour of Sri. Nyatha Reddy (2<sup>nd</sup> Defendant) is a sham collusive and colourable document and not binding

to the plaintiff right, title and interest in respect of the properties and the said suit was ordered in terms of compromise petition dated 09.11.2022 as the plaintiff i.e., Sri. Govinda Reddy has voluntarily given up/ abandonment of his claim over the said land bearing Sy.No.42/2, measuring 1 Acre 15 Guntas in favour of defendant No.2 i.e., Sri. Nyatha Reddy as evident from Order Sheet passed in O.S. No.1551/2006.

Further, the said Sri. Nyathareddy filed a suit in O.S. No.2504/2004 before the Court of the Civil Judge, Sr. Dn. Bangalore Rural District against Sri. Govinda Reddy for declaration in respect of land bearing Sy.No.42/2 among other survey numbers.

It is noticed from Family Tree of Sri. Muniswamy Reddy (*father of Sri. Nyatha Reddy*) dated 03.11.2020 issued by Deputy Tahasildar, Anekal Taluk that, the said Sri. Nyatha Reddy S/o. Late Muniswamy Reddy married to Smt. Gowramma and they had two sons viz., Sri. Venkataswamy Reddy and Sri. Manjunatha K.N.

It is noticed from Computerized Family Tree of Sri. Govinda Reddy dated 19.08.2023 issued by Deputy Tahasildar, Anekal Taluk that, the said Sri. Govinda Reddy married to Smt. Jayamma (*died*) and Smt. Parvathamma (*2<sup>nd</sup> wife*) and Smt. Jayamma had five children viz., Sri. K.G. Sreepalreddy, Sri. Bhupal Reddy, Sri. Somashekhar, Sri. Srinivas and Sri. Chakrapani and *2<sup>nd</sup> wife: Smt. Parvathamma* had two sons viz., Sri. K.G. Krishna and Sri. Shekar.

Thereafter, the said Sri. Govinda Reddy, Smt. Parvathamma, Sri. K.G. Sreepalreddy, Ms. Divya, Sri. Bhupal Reddy, Smt. Priyanka B., Ms. Rashika B., Sri. Uday Kiran K.B., Sri. Somshekaru, Ms. Sharanyaa Vanditha, Sri. Srinivas, Ms. Yashika S., Ms. Keerthana K.S., Sri. Shashank K.S., Sri. Chakrapani K.G., Ms. Hrsha C., Master Harikishan C.P., *represented by his father and natural guardian Mr. Chakrapani K.G.*, Sri. K.G. Krishna, Ms. K. Ruchitha, Ms. K. Bhuvana *represented by her father and natural guardian Sri. K.G. Krishna*, Sri. K.G. Shekar, Master Shreyas Kumar S., and Master Kushvanth Reddy S. *represented by their father and natural guardian Sri. K.G. Shekar* AND Sri. Nyathareddy, Sri. K.N. Venkataswamy Reddy, Kumari Tanusha V., *represented by her father and natural guardian Sri. K.N. Venkataswamy Reddy*, Sri. K.N. Manjunatha, Master Chinmai M. Reddy and Master Kusha M. Reddy *represented by their father and natural guardian Sri. K.N. Manjunatha* sold and conveyed land bearing Sy.No.42/2 of Kada Agrahara Village, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District, measuring 1 Acre 15 Guntas *and* 1 Acre 15 Guntas *in favour of* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish by way of Sale Deed dated 09.11.2022 (Doc. No.6498/2022-23).

Ms. Chaithra S. D/o. Sreepalreddy executed Confirmation Deed dated 14.11.2022 (Doc. No.6544/2022-23) *in favour of* M/s. Modern Spaaces Ventures represented by its Partner Mr. S. Yathish by confirming and ratifying the said Sale Deed dated 09.11.2022 (Doc. No.6498/2022-23).

The land bearing Sy.No.42/2, measuring 2 Acres 30 Guntas was converted from agriculture to non-agriculture residential purpose vide Official Memorandum dated 15.06.2023 bearing No. ALN (ASH) SR 67/2023-24 (498738) issued by the office of Deputy Commissioner, Bangalore Urban District, Bangalore.

It is noticed that, the revenue entries of the land bearing Sy.No.42/2, measuring 2 Acres 30 Guntas got transferred in the name of M/s. Modern Spaces Ventures as evident from Order dated 23.12.2022 passed in case No.RRT/CR/541/2022-23 by the Special Tahasildar, Anekal Taluk, Anekal. The factum of order has been mutated in the mutation register as M.R. No.T50/2022-23.

The Office of Tahasildar, Anekal Taluk, Anekal has issued an Endorsement dated 28.09.2022 confirming non-availability of IL and Preliminary Records in respect of land bearing Sy.No.42/2 of Kada Agrahara Village.

The Office of Tahasildar, Anekal Taluk, Anekal has issued an Endorsement dated 01.10.2022 confirming non-availability of M.R. No.4/1969-70 in respect of land bearing Sy.No.42/2 of Kada Agrahara Village.

Copies of R.T.C/s from the years 1959-60 to 1960-61, 1962-63 to 1963-64, 1965-66 to 1968-69 (*shown as Sri. Govindareddy*) and from the period 1969-70 to 1983-84, 1989-90 to 2000-01 and from 2002-03 to 2021-22 issued by the Office of Tahasildar/ Village Accountant reflects the names of erstwhile owners as Kathedars and occupants in respect of land bearing Sy.No.42/2 of Kada Agrahara Village.

The Office of Tahasildar, Anekal Taluk, Anekal has issued two Endorsements both dated 28.06.2023 confirming that, non-availability of RTC from the period RTC from the period 1984 to 1989 in respect of land bearing Sy.Nos.38/1 and 42/2 of Kada Agrahara Village.

The office of the Deputy Commissioner, Bangalore South Sub-Division, Bangalore has issued an Endorsement dated 11.07.2023 confirming that no cases are pending under Karnataka SC/ST (PTCL) Act in respect of land bearing Sy.No.42/2.

The Office of Deputy Commissioner, Bangalore South Sub-Division, Bangalore has issued an Endorsement dated 11.07.2023 confirming that, no case has been registered under section 79 (A) and (B) of KLR Act in respect of land bearing Sy.No.42/2.

The Office of Tahasildar, Anekal Taluk, Anekal has issued an Endorsement dated 05.07.2023 confirming non-availability of Nil Tenancy Certificate in respect of land bearing Sy.No.42/2 of Kada Agrahara Village.

It is noticed from the copy of endorsement dated 31.05.2023 issued by the office of KIADB states that the land bearing Sy.No.42/2 is not acquired for any of its purpose.

The Office of Karnataka Housing Board has issued NOC dated 19.05.2023 stating that, the land bearing Sy.No.42/2 is not acquired for any of its purpose.

The copies of Haddubastu Sketch, Hissa Survey Pakka Book and Hissa Survey Tippani, Survey Sketch, Haddubasthu sketch and Karnataka Revision Settlement Akarbandh in respect of land bearing Sy.No.42/2 disclose the existence, location and shape of the subject land.

The Office of Ministry of Environment, Forest and Climate Change has issued NOC dated 25.09.2023 for construction of proposed residential building in respect of land bearing Sy.Nos.38/1, 38/2, 38/3, 38/4 and 42/2.

The Office of Anekal Planning authority has issued Building Construction License and Approved Building Plan both dated 12.12.2023 bearing L.P. No.32/2023-24 permitting to construction of residential building consisting of Ground + 1<sup>st</sup> Floor to 14<sup>th</sup> Floor + Terrace on the said property.

The Office of Yamare Village Panchayath has issued an E-Katha (Form No.9) Certificate dated 21.12.2023 recognizing M/s. Modern Spaaces Ventures rep by its Partner Mr. R. Sandeep Kumar Reddy as Kathedar of subject lands.

Copies of Partnership Deed dated 06.12.2019 entered into between Mr. R. Sandeep Kumar Reddy and Mr. S. Yathish. The name and style of the firm is called as "M/S. MODERN SPAACES VENTURES" and Form-C dated 06.12.2019 of M/s. Modern Spaaces Ventures issued by Registrar of Firms are perused.

The mortgage of said property can be enforced (if required) under the provisions of The Securitization and Reconstruction of Financial Assets and Enforcement of Securities Act, 2002 and amendments thereto ("SARFAESI") by Bajaj Housing Finance Limited.

Encumbrance certificate produced for scrutiny, discloses only the admitted document and there is no registered charge / mortgage in or upon the subject property for the period covered in the E.C/s.

#### **IV. EVIDENCE OF POSSESSION:**

All the documents produced for the scrutiny evidence the possession of subject property in favour of Sri. K.C. Nagesh Reddy, Smt. Gopalamma and others *and landowner cum Developer*: M/s. Modern Spaaces Ventures represented by its Partner Sri. S. Yathish.

#### **V. OPINION:**

On the basis of documents scrutinized & information furnished, SUBJECT TO PRODUCTION AND VERIFICATION OF FOLLOWING DOCUMENTS:

1. E.C. from 23.12.2023 to till date in respect of land bearing Sy.No.38/1, 38/2, 38/3 and 38/4 by reflecting all transactions.

2. E.C. from 28.12.2023 to till date in respect of land bearing Sy.No.42/2 by reflecting all transactions.

**Common Queries**

3. NOC issued by Karnataka State Pollution Control and other authorities for construction of residential building.
- 4.
5. RERA Certificate.

We hereby certify that the title of Sri. K.C. Nagesh Reddy, Smt. Gopalamma and others **and landowner cum Developer**: M/s. Modern Spaaces Ventures represented by its Partner Sri. S. Yathish are the absolute owners and their title to the same is legally valid, clear and marketable title over the same.

**NOTE:**

- I. COPIES OF DOCUMENTS PERUSED FOR THIS FILE ARE BONAFIDE BELIEVED TO BE GENUINE PHOTO-COPIES OF ORIGINALS.
- II. IN THE PROCESS OF LEGAL VERIFICATION OF DOCUMENTS, WE HAVE RELIED UPON THE VERACITY OF CONTENTS OF DOCUMENTS AND HAVE ASSUMED THE IDENTITY AND SIGNATURES OF THE PARTIES TO DEEDS AS AUTHENTIC.

All the documents referred to us are returned herewith.

Thanking you.  
For M&G Associates

H.K. GIRISH  
Managing Partner / Advocate