

**Writers' Name: Ms. Brijita Prakash, Partner**

To,

**TATA Capital Housing Finance Limited,**  
5<sup>th</sup> Floor, Centennial Square 6A, Dr. Ambedkar Salai,  
Kodambakkam, Chennai- 600 024.

**March 15, 2024**

### TITLE REPORT

**I. Description of the Property:**

All that piece and parcel of immovable property bearing No. 160-165, 312 and 313 totally measuring 4990.238 Square Meters, situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District and bounded on:

East by : 12.19 Meters Road;  
West by : 15.24 Meters Road;  
North by : 18.28 Meters Road; and  
South by : 3 meters Pathway and Park.

The Property has been formed out of below mentioned sites:

Sl. No.	Site No.	Extent (in Square Feet)	Boundaries		(Hereinafter referred to as)
1.	160	6,600	East by	Plot No. 165;	'Site No. 160'
			West by	Road;	
			North by	Plot No. 161; and	
			South by	Plot No. 312.	
2.	161		East by	Plot No. 164;	'Site No. 161'

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		6,600 Square Feet	West by	Road;	
			North by	Plot No. 162; and	
			South by	Plot No. 160.	
3.	162	6,600 Square Feet	East by	Plot No. 163;	'Site No. 162'
			West by	Road;	
			North by	Road; and	
			South by	Plot No.161.	
4.	163	6,890 Square Feet	East by	Road;	'Site No. 163'
			West by	Plot No.162;	
			North by	Road; and	
			South by	Plot No.164.	
5.	164	6,880 Square Feet	East by	Road;	'Site No. 164'
			West by	Plot No. 161;	
			North by	Plot No. 163; and	
			South by	Plot No. 165.	
6.	165	6,870 Square Feet	East by	Road;	'Site No. 165'
			West by	Plot No. 160;	
			North by	Plot No. 164; and	
			South by	Plot No. 313.	
7.	312	6,597.52 Square Feet	East by	Site No. 313;	'Site No. 312'
			West by	Road;	
			North by	Site No. 160; and	
			South by	Pathway.	
8.	313	6,715.5 Square Feet	East by	Road;	'Site No. 313'
			West by	Site No. 312;	
			North by	Site No. 165; and	
			South by	Pathway.	

The aforementioned Site No. 160 to Site No. 165, Site No. 312 and Site No. 313 have been formed out of larger extent of land bearing Survey No. 5, measuring 09 Acres 10 Guntas (excluding 17 Guntas of Kharab land), situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District ('**Survey No. 5**').

**II. List of Documents Reviewed:**

In connection with the title scrutiny of the Property, we have been provided with the photocopies of the following documents, for our review:

Sl. No.	Particulars of Documents
1.	Preliminary Notification dated 12.01.1983 bearing No. LAQ (1) SR 30/82-83 issued by the Office of the Special Deputy Commissioner, Bangalore;
2.	Award dated 12.08.1986 passed in proceedings bearing No. LAC. 775, 777, 778, 779, 782, 783, 784, 785/85-86 by the Special Land Acquisition Officer, Bangalore;
3.	Agreement dated 29.04.1987 (Registered as Document No. 746/1982-83, Book-I, Volume No. 2579, at the office of the Sub-Registrar, Bangalore South Taluk);
4.	Final Notification dated 30.06.1988 bearing No. RD 3 AQB 83 issued in the name of Governor of Karnataka, under Secretary to Government;
5.	Notification dated 21.10.1988 issued by the Government;
6.	Extract of the Resolution dated 02.09.1992 bearing No. BDA No. 234/92 and Proceedings dated 28.07.1997 bearing No. 194:97 passed by the Chairman, Bangalore Development Authority, Bangalore;
7.	(i) Bye-Laws of the Society; (ii) Certification of Registration dated 04.05.1965 bearing No. DYR/403 issued by the Co-Operative Societies, Mysore, Bangalore Division, Bangalore; and (iii) Resolution dated 23.10.2004 passed by the Society authorizing its representatives to convey sites formed in the layout;
8.	Agreement dated 17.08.1988 (Registered as Document No. 6199/1988-89, Book-I, Volume No. 2873, at the office of the Sub-Registrar, Bangalore South Taluk);
9.	Revised/modified work order dated 29.01.2003 bearing No. BDA/TPA/2876/2002-03 issued by the Assistant Director of Town Planning BDA, Bangalore;
10.	Modified Work Order dated 17.01.2013 bearing No. BDA/TPA/PRL-65/05-06/5946/2012-13;
11.	Modified Sanctioned Plan dated 17.01.2013 issued by the BDA;
12.	(i) No-Objection Certificate/Consent for establishment dated 21.12.2012, bearing No. PCB/372/ CNP/11/H681, issued by the Karnataka State Pollution Control Board; (ii) No-Objection Certificate/Consent letter dated 04.02.2019 bearing No. 148/ 18-19,

	issued by the BESCOM; and (ii) Consent Letter/Permission Letter dated 21.09.2012 bearing No. 4462/2012-13 issued by the BWSSB;
13.	Relinquishment Deed dated 21.12.2012 (Registered as Document No. BDA-1-2660/2012-13, Book-1, stored in C.D. No. BDAD 183, at the office of the Sub-Registrar, Bangalore Urban District);
14.	Rectification to the Relinquishment Deed dated 11.01.2013 (Registered as Document No. 02857/2012-13, Book-1, stored in C.D. No. BDAD184, at the office of the Sub-Registrar, Bangalore Urban District);
15.	Release Letter dated 05.12.2013 bearing No. 1430/2013-14 issued by the BDA;
16.	Release Letter dated 03.07.2014 bearing No. 113/2014-15 issued by the BDA;
17.	Encumbrance Certificate issued by the jurisdictional Sub Registrar ('EC's') issued with respect to Survey No.5 for the period: (i) 01.04.1983 to 31.03.2004; and (ii) 01.04.2004 to 04.03.2024

<u>Site No. 160 measuring 6,600 Square Feet ('Site No. 160').</u>	
18.	Letter of Intent of Allotment of Site dated 22.09.2004 bearing No. SHBCS/SITE/SUP/177/2004-05 issued by the Society;
19.	Sale Deed dated 06.11.2004 (Registered on 10.11.2004 as Document No. BAS-1-20174/2004-05, Book-1, stored in C.D. No. BASD109, at the office of Sub-Registrar, Bangalore South Taluk);
20.	Unregistered Agreement for Sale dated 20.12.2004;
21.	Rectification Deed dated 12.01.2005 (Registered on 18.01.2005 as Document No. BAS-1-25832-2004-05, Book-1 stored in C.D. No. BASD128, at the office of Sub-Registrar, Bangalore South Taluk);
22.	General Power of Attorney dated 10.11.2004 (Registered as Document No. JAY-4-00556-2004-05, Book-4, stored in C.D. No. JAYD35, at the office of Sub-Registrar, Jayanagara);
23.	Khata Letter issued by the Bangalore Development Authority dated 27.06.2011 bearing No. BDA/ COM/ E/160/2011-12;
24.	Possession Certificate dated 13.07.2011 issued by the Society;
25.	Sale Deed dated 15.07.2011 (Registered as Document No. BMH-1-03104-2011-12, Book-1, Stored in C.D. No. BMHD498, at the office of Senior Sub-Registrar, Bommanahalli);

26.	Rectification Deed dated 01.01.2014 (Registered as Document No. BMH-1-08333-2013-14, Book-1, stored in C.D. No. BMHD659, at the office of Sub-Registrar, Bommanahalli);
27.	(i) Khata Letter dated 04.05.2020 bearing No. ROE/160/11-12 issued by the BDA in the name of Mrs. K.M. Lakshmi, wife of Mr. G. Prasad Reddy; (ii) No Due Certificate dated 16.05.2016, issued by Society;
28.	EC's with respect to the Site No. 160 for the period (i) 01.04.1987 to 31.03.2004; (ii) 01.04.2004 to 31.03.2011; (iii) 01.04.2011 to 16.04.2016; (iv) 01.04.2016 to 20.12.2023; and (v) 01.12.2023 to 04.03.2024;
<b>Site No. 161 measures 6,600 Square Feet ('Site No. 161').</b>	
29.	Letter of Intent of Allotment of Site dated 20.09.2004 bearing No. SHBCS/SITE/SUP/178/2004-05 issued by the Society;
30.	Sale Deed dated 04.11.2004 (Registered on 05.11.2004 as Document No. BAS-1-19670/2004-05, Book-1, stored in C.D. No. BASD108, at the office of Sub-Registrar, Bangalore South Taluk);
31.	Rectification Deed dated 12.01.2005 (Registered on 18.01.2005 as Document No. BAS-1-25859-2004-05, Book-1 stored in C.D. No. BASD128, at the office of Sub-Registrar, Bangalore South Taluk);
32.	General Power of Attorney dated 05.11.2004 (Registered as Document No. JAY-4-00489-2004-05, Book 4, stored in C.D. No. JAYD34, at the Office of Sub-Registrar Jayanagar, Bangalore City);
33.	Unregistered Agreement for Sale dated 09.02.2005;
34.	Possession Certificate dated 23.01.2012 issued by the Society;
35.	Sale Deed dated 08.12.2011 (Registered as Document No. BMH-1-08338-2011-12, Book-1, Stored in C.D. No. BMHD532, at the office of Senior Sub-Registrar, Bommanahalli);
36.	Rectification Deed dated 06.01.2014 (Registered as Document No. BMH-1-08454-2013-14, Book-1, stored in C.D. No. BMHD660, at the office of Sub-Registrar, Bommanahalli);
37.	Khata Letter dated 20.05.2020 bearing No. RO (E)/ 161/ SHBCSLTD/11-12 issued by the BDA in the name of Mr. P. Vishwas, son of Mr. G. Prasad Reddy;
38.	No Due Certificate dated 16.05.2016 issued by the Society; and

39.	EC's with respect to the Site No. 161 for the period: (i) 01.04.1987 to 31.03.2004; (ii) 01.04.2004 to 31.03.2011; (iii) 01.04.2011 to 16.04.2016; (iv) 01.04.2016 to 20.12.2023; and (v) 01.12.2023 to 04.03.2024.
<b><u>Site No. 162 measuring 6,600 Square Feet ('Site No. 162').</u></b>	
40.	Letter of Intent of Allotment of Site dated 22.09.2004 bearing No. SHBCS/SITE/SUP/189/2004-05 issued by the Society;
41.	Sale Deed dated 10.11.2004 (Registered as Document No. BAS-1-20273/2004-05, Book-1, stored in C.D. No. BASD110, at the office of Senior Sub-Registrar, Bangalore South Taluk);
42.	Possession Certificate dated 01.09.2005 issued by the Society;
43.	Khata Letter issued by the Bangalore Development Authority dated 27.06.2011 bearing No. BDA/ COM/ E/162/2011-12;
44.	Sale Deed dated 15.07.2011 (Registered as Document No. BMH-1-03099-2011-12, Book-1, stored in C.D. No. BMHD498, at the office of Senior Sub-Registrar, Bommanahalli);
45.	No Due Certificate dated 16.05.2016 issued by the Society in the name of Mr. Narayan, son of Mr. Puttaswamy;
46.	Rectification Deed dated 01.08.2014 (Registered as Document No. JAY-1-03167-2014-15, Book-1 stored in C.D. No. JAYD202, at the office of Sub-Registrar, Jayanagar, Bangalore);
47.	Khata Letter dated 04.05.2020 bearing No. ROE/162/11-12 issued by the BDA in the name of Mrs. K.M. Lakshmi, wife of Mr. G. Prasad Reddy;
48.	EC's issued with respect to the Site No. 162 for the period (i) 01.04.1987 to 31.03.2004; (ii) 01.04.2004 to 24.03.2011; (iii) 01.04.2011 to 04.09.2011; (iv) 25.03.2011 to 16.04.2016; (v) 01.04.2016 to 20.12.2023; and (vi) 01.12.2023 to 04.03.2024.
<b><u>Site No. 163 measuring 6,600 Square Feet ('Site No. 163').</u></b>	
49.	Letter of Intent of Allotment of Site dated 22.09.2004 bearing No. SHBCS/SITE/SUP/190/2004-05 issued by the Society;
50.	Sale Deed dated 10.11.2004 (Registered as Document No. BAS-1-20281/2004-05, Book-1, stored in C.D. No. BASD110, at the office of Sub-Registrar, Bangalore South Taluk);
51.	Possession Certificate dated 01.09.2005 issued by the Society;



52.	Khata Letter dated 27.06.2011 bearing No. BDA/COM/EAST/ 163/2011-12 in the name of Mr. Shivaram;
53.	Sale Deed dated 15.07.2011 (Registered as Document No. BMH-1-03102-2011-12, Book-1, stored in C.D. No. BMHD498, at the office of Senior Sub-Registrar, Bommanahalli);
54.	Khata Letter dated 20.05.2020 bearing No. BDA/RO (E)/ 163/11-12 issued by the BDA in the name of Mrs. K.M. Lakshmi, wife of Mr. G. Prasad Reddy;
55.	Rectification Deed dated 18.09.2014 (Registered as Document No. JAY-1-04755-2014-15, Book-1, stored C.D. No. JAYD206, at the office of the Sub-Registrar, Jayanagar, Bangalore);
56.	Death Certificate of Late Shivaramu issued by the Tahsildar;
57.	Notarized Genealogical Tree of Late Shivaram, son of Mr. Kempegowda;
58.	EC's issued with respect to the Site No. 163 for the period (i) 01.04.1987 to 31.03.2004; (ii) 01.04.2004 to 24.03.2011; (iii) 25.03.2011 to 16.04.2016; and (iv) 01.04.2016 to 04.03.2024.
<b>Site No. 164 measures 6,880 Square Feet ('Site No. 164').</b>	
59.	Letter of Intent of Allotment of Site dated 24.09.2004 bearing No. SHBCS/SITE/SUP/179/2004-05 issued by the Society;
60.	Sale Deed dated 06.11.2004 (Registered on 06.12.2004 as Document No. BAS-1-22242/2004-05, Book-1, stored in C.D. No. BASD116, at the office of Sub-Registrar, Bangalore South Taluk);
61.	Rectification Deed dated 12.01.2005 (Registered on 18.01.2005 as Document No. BAS-1-25846-2004-05, Book-1 stored in C.D. No. BASD128, at the office of Sub-Registrar, Bangalore South Taluk);
62.	General Power of Attorney dated 06.12.2004 (Registered as Document No. JAY-4-00654-2004-05, Book 4, Stored in C.D. No. JAYD36, at the Office of Sub-Registrar Jayanagar, Bangalore City);
63.	Possession Certificate dated 23.01.2012 issued by the Society;
64.	Sale Deed dated 27.12.2011 (Registered as Document No. BMH-1-08601-2011-12, Book-1, Stored in C.D. No. BMHD534, at the office of Senior Sub-Registrar, Bommanahalli);
65.	Rectification Deed dated 25.01.2014 (Registered as Document No. BMH-1-08979-2013-14, Book-1, stored in C.D. No. BMHD662, at the office of Sub-Registrar, Bommanahalli);

66.	Khata Letter dated 20.05.2020 bearing No. RO (E)/ 164/SHBCSLTD/11-12 issued by the BDA in the name of Mr. P. Vishwas, son of Mr. G. Prasad Reddy;
67.	No Due Certificate dated 16.05.2016 issued by the Society; and
68.	EC's with respect to the Site No. 164 for the period: (i) 01.04.1987 to 31.03.2004; (ii) 01.04.2004 to 31.03.2011; (iii) 01.04.2011 to 16.04.2016; (iv) 01.04.2016 to 20.12.2023; and (v) 01.12.2023 to 04.03.2024.
<b>Site No. 165 measures 6,870 Square Feet ('Site No. 165').</b>	
69.	Letter of Intent of Allotment of Site dated 27.09.2004 issued by the Society;
70.	Sale Deed dated 06.11.2004 (Registered on 08.11.2004 as Document No. BAS-1-19943-2004-05, Book-1, stored in C.D. No. BASD109, at the office of Sub-Registrar, Bangalore South Taluk);
71.	Rectification Deed dated 12.01.2005 (Registered on 18.01.2005 as Document No. BAS-1-25858-2004-05, Book-1 stored in C.D. No. BASD128, at the office of Sub-Registrar, Bangalore South Taluk);
72.	General Power of Attorney dated 08.11.2004 (Registered as Document No. JAY-4-00534-2004-05, Book 4, Stored in C.D. No. JAYD34, at the Office of Sub-Registrar Jayanagar, Bangalore City);
73.	Possession Certificate dated 16.09.2011 issued by the Society;
74.	Sale Deed dated 12.09.2011 (Registered on 01.10.2011 as Document No. BMH-1-05905-2011-12, Book-1, Stored in C.D. No. BMHD516, at the office of Senior Sub-Registrar, Bommanahalli);
75.	Unregistered General Power of Attorney dated 09.09.2011;
76.	Rectification Deed dated 06.01.2014 (Registered as Document No. BMH-1-08461-2013-14, Book-1, stored in C.D. No. BMHD660, at the office of the Sub-Registrar, Bommanahalli);
77.	Khata Letter dated 02.03.2020 bearing No. ROE/165/SHBCSLTD/11-12 issued by the BDA in the name of Mr. S. Ramana Prasad Reddy, son of Late G. Srinivasa Reddy;
78.	No Due Certificate dated 16.05.2016 issued by the Society; and
79.	EC's issued with respect to the Site No. 165 for the period: (i) 01.04.1987 to 31.03.2004; (ii) 01.04.2004 to 31.03.2011; (iii) 01.04.2011 to 16.04.2016; (iv) 01.04.2016 to 21.12.2023; and (v) 01.12.2023 to 04.03.2024.
<b>Site No. 312 measuring 612.93 Square Meters ('Site No. 312').</b>	
80.	Letter of Intent of Allotment of Site dated 25.09.2018 bearing No. SHBCS/SMS/SA/011/312/2018-19 issued by the Society;



81.	Sale Deed dated 10.10.2018 (Registered as Document No. JAY-1-06797-2018-19, Book-1, stored in C.D. No. JAYD365, at the office of Senior Sub-Registrar, Jayanagar, Bangalore City);
82.	Possession Certificate dated 15.10.2018 issued by the Society;
83.	Khata Letter dated 25.10.2018 bearing No. COM (E)/312/SHA.H.B. CO. So/2018-19 in the name of Mr. Syed Zabiulla;
84.	Unregistered Agreement for Sale dated 27.11.2018 executed by Mr. Syed Zabiulla, son of Mr. Syed Adam;
85.	Unregistered Assignment Agreement dated 12.12.2018 executed by N & L Trading Private Limited;
86.	Sale Deed dated 20.04.2019 (Registered as Document No. JAY-1-00491-2019-20, Book-1, stored in C.D. No. JAYD456, at the office of Senior Sub-Registrar, Jayanagar, Bangalore City);
87.	Khata Letter dated 02.03.2020 bearing No. ROE/312/SHBCSLTD/2019 issued by the BDA in the name of M/s. Lakshmi Enterprises;
88.	No Due Certificate dated 22.10.2018 issued by the Society in the name of Mr. Syed Zabiulla; and
89.	EC's with respect to the Site No. 312 for the period (i) 01.04.2018 to 22.04.2019; (ii) 01.04.2016 to 19.12.2023; and (iii) 01.12.2023 to 04.03.2024.
<b><u>Site No. 313 measuring 623.89 Square Meters ('Site No. 313').</u></b>	
90.	Letter of Intent of Allotment of Site dated 26.07.2018 bearing No. SHBCS/SMS/SA/004/313/2018-19 issued by the Society;
91.	Sale Deed dated 26.09.2018 (Registered as Document No. JAY-1-06333-2018-19, Book-1, stored in C.D. No. JAYD362, at the office of Senior Sub-Registrar, Jayanagar, Bangalore City);
92.	Possession Certificate dated 15.10.2018 issued by the Society;
93.	Khata Letter dated 11.10.2018 in the name of Mrs. Suma N.;
94.	Rectification Deed dated 16.10.2018 (Registered as Document No. JAY-1-07049-2018-19, Book-1, stored in C.D. No. JAYD367, at the office of Senior Sub-Registrar Jayanagar, Bangalore City);
95.	Unregistered Agreement for Sale dated 02.11.2018 executed by Mrs. Suma, wife of Mr. T. Venkateshmurthy;
96.	Unregistered Assignment Agreement dated 03.12.2018 executed by N & L Trading Private Limited;

97.	Sale Deed dated 20.04.2019 (Registered as Document No.JAY-1-00492-2019-20, Book-1, stored in C.D. No. JAYD456, at the office of Senior Sub-Registrar, Jayanagar, Bangalore City);
98.	Khata Letter dated 02.03.2020 bearing No. ROE/313/SHBCSLTD/2019-20 issued by the BDA in the name of M/s. Lakshmi Enterprises;
99.	No Due Certificate dated 22.10.2018 issued by the Society in the name of Mrs. Suma;
100.	(i) Article of Association and Memorandum of Association in connection with the N & L Trading Private Limited; (ii) Board Resolution dated 25.10.2018 passed in the general meeting of the Board of Directors; and (iii) Certificate of Incorporation of N & L Trading Private Limited; and (iv) Resolution dated 11.11.2018 passed by M/s. Lakshmi Enterprises authorizing its representative to execute the sale deed;
101.	Certificate of Incorporation in connection with Lakent Builders and Developers Private Limited;
102.	Certificate of Registration of Firm dated 04.06.2018 with respect to Lakshmi Enterprises;
103.	Interment of Partnership dated 19.05.2018 in connection with Lakshmi Enterprises;
104.	Deed of Reconstitution Partnership of Lakent Builders and Developers dated 13.10.2020;
105.	E-Memorandum of Association issued with respect to Lakent Builders and Developers Private Limited;
106.	EC's issued respect to the Site No. 313 for the period 01.04.2016 to 04.03.2024;
107.	Supplementary Deed of the Memorandum of entry Recording creation of Mortgage by Deposit of Title Deeds dated 29.06.2018 [Registered as Document No. BMH-1-01174-2019-20, Book-1, stored in C.D. No. BMHD898, at the office of Senior Sub-Registrar, Bommanahalli (Jayanagara)];
108.	Release Deed dated 24.06.2021 (Registered as Document No. JAY-01-00999-2021-22, Book-1, stored in C.D. No. JAYD985, at the office of Senior Sub-Registrar, Jayanagar, Bangalore City);
109.	Memorandum of entry recording creation of Mortgage by Deposit of Title Deed dated 29.06.2018 [Registered as Document No. BMH-1-02504-2018-19, Book-1, stored in C.D. No. BMHD793, at the office of Senior Sub-Registrar Bommanahalli (Jayanagara)];
110.	Release Deed dated 24.06.2021 (Registered as Document No.JAY-1-00996-2021-22, Book-1, stored in C.D. No. JAYD985, at the office of Senior Sub-Registrar Jayanagara,

	Bangalore City) executed by Piramal Trusteeship Services Private Limited in favour of Mrs. K.M. Lakshmi and others;
111.	Memorandum of entry recording Mortgage by delivery of Title Deeds dated 24.06.2021 (Registered as Document No. JAY-1-01038-2021-22, Book-1, C.D. No. JAYD986, at the office of Senior Sub-Registrar, Jayanagara, Bangalore City);
112.	Discharge Deed/Release Deed dated 07.08.2023 [Registered as Document No. BMH-1-05106-2023-24, Book-1, at the office of Senior Sub-Registrar Jayanagara, Bangalore Urban District (Bommanahalli)], executed by IDBI Trusteeship Services Limited in favour of Mrs. K.M. Lakshmi, wife of Mr. G. Prasad Reddy and others;
113.	Order dated 22.07.2020 passed in proceedings bearing BDA/TPA/AMF-59/366/2019-20 by the BDA;
114.	Khata Letter dated 21.06.2022 issued by the BDA;
115.	Receipt dated 01.01.2024 issued by the BDA;
116.	Order dated 19.04.2006 passed in writ petition bearing W.P. No. 9200/2005 by the Hon'ble High Court of Karnataka at Bengaluru;
117.	Order dated 19.04.2006 passed in writ petition bearing W.P. No. 6951/2005 by the Hon'ble High Court of Karnataka, at Bengaluru;
118.	Order dated 06.02.2012 passed in appeal bearing W.A. No. 881/06 by the Hon'ble High Court of Karnataka;
119.	Order dated 29.05.2007 passed in writ petition bearing W.P. No. 16904 of 2006 passed by the Hon'ble High Court of Karnataka, at Bengaluru;
120.	Order dated 23.12.2008 passed in writ appeal bearing W.A. No. 1199/2007 filed before Hon'ble High Court of Karnataka, at Bengaluru;
121.	Plaint and Judgement dated 10.10.2013 passed in suit bearing O.S. No.5059/2006 by the Court of the Additional City Civil Judge at Bangalore City;
122.	Agreement to Sell dated 29.12.2004 (Registered as Document No. 25391/2004-05, Book-1, stored in C.D. No. BASD127, at the office of the Sub-Registrar, Bangalore South Taluk);
123.	(i) Written Statement; and (ii) Order Sheet in connection with suit bearing O.S. No.5059/2006 filed by the Court of the Additional City Civil Judge at Bangalore City;
124.	Plaint filed by Paton Constructions Private Limited in O.S. No. 4329/2013 before the Court of the City Civil Judge at Bangalore;
125.	Order dated 18.12.2013 passed in suit bearing O.S. No. 4329/2013 by the Court of the City Civil Judge at Bangalore;

126.	Joint Development Agreement dated 03.06.2006 (Registered as Document No. BAS-1-05512/2006-07, Book-1, stored in C.D. No. BASD246, at the office of the Sub-Registrar, Bangalore South Taluk);
127.	Joint Development Agreement dated 25.11.2006 (Registered as Document No. BAS-1-23412/2006-07, Book-1, stored in C.D. No. BASD293, at the office of the Sub-Registrar, Bangalore South Taluk);
128.	Supplementary Development Agreement dated 28.02.2007 (Registered as Document No. BAS-1-29447/2006-07, Book-1, stored in C.D. No. BASD311, at the office of the Sub-Registrar, Bangalore South Taluk)
129.	Memorandum of Understanding dated 18.04.2011 entered between Lorven Projects Limited and Paton Constructions Private Limited;
130.	Cancellation Agreement dated 27.12.2011 (Registered as Document No. 8746/2011-12); and
131.	Cancellation of Power of Attorney dated 27.12.2011 (Registered as Document No. 476/2011-12).

### III. Title Flow:

Upon review of the aforementioned documents, our observations are as under:

1. In terms of the Preliminary Notification dated 12.01.1983 bearing No. LAQ (1) SR 30/82-83 issued by the Office of the Special Deputy Commissioner, Bangalore (**Document No.1**) under Section 4 (1) of the Land Acquisition Act, 1894, we observe that a portion of Survey No. 5, measuring 09 Acres 07 Guntas (held by Mr. B.K. Dwarakanath, son of Mr. T. Krishna) was notified for Shanthinagar House Building Co-Operative Society Limited, Bangalore (**Society**).
2. Thereafter, in terms of the Award dated 12.08.1986 passed in proceedings bearing No. LAC. 775, 777, 778, 779, 782, 783, 784, 785/85-86 by the Special Land Acquisition Officer, Bangalore (**Document No.2**) we observe that compensation amount has been paid by the Society to all five claimants (the land owners) being Mr. B.K. Dwarakanath, Mr. B.D. Ashok, Ms. B.D. Chaya, Master B.D. Santhosh and Mrs. B.D. Rama Bai for acquiring Survey No. 5 and other properties. Further, the said authority has confirmed that the possession of the said properties had been handed over to the Society on 04.7.1984.

3. In terms of the Agreement dated 29.04.1987 (Registered as Document No. 746/1987-88, Book-I, Volume No. 2579, at Page No. 46 to 49, at the office of the Sub-Registrar, Bangalore South Taluk) (**Document No.3**) executed by the Society in favour of Bangalore Development Authority, Bangalore ('BDA'), we observe that the BDA has approved and permitted the Society to form a private layout in property bearing Survey No. 5 measuring 09 Acres 07 Guntas along with other survey numbers totally measuring about 61 Acres 16 Guntas.
4. Further, in terms of the Final Notification dated 30.06.1988 bearing No. RD 3 AQB 83 issued in the name of Governor of Karnataka, Under Secretary to the Government (**Document No.4**) under Section 6 of the Land Acquisition Act, 1894 we observe that a portion of Survey No. 5, measuring 09 Acres 07 Guntas along with other properties were acquired for the purpose of the Society. In this regard, we have been provided with the Notification dated 21.10.1988 issued under Section 16 (2) of the Land Acquisition Act, 1894 (**Document No. 5**) whereunder, we observe that the possession of the said properties were handed over by the Government for Society.
5. Thereafter, in terms of the extract of the Resolution dated 02.09.1992 bearing No. BDA No. 234/92 and Proceedings dated 28.07.1997 bearing No. 194:97 passed by the Chairman, BDA (**Document No.6**) we observe that the said authority had approved the layout plan with respect to Survey No. 5 and other properties (totally measuring 66 Acres 22 Guntas) in favour of the Society for formation of group housing and residential sites subject to payment of prescribed fee. In this regard, we have been provided with the: (i) Bye-Laws of the Society; (ii) Certification of Registration dated 04.05.1965 bearing No. DYR/403 issued by the Co-Operative Societies, Mysore, Bangalore Division, Bangalore; and (iii) Resolution dated 23.10.2004 passed by the Society authorizing its representatives to convey sites formed in the layout (**Document No.7**).
6. We observe from the Agreement dated 17.08.1988 (Registered as Document No. 6199/1988-89, Book-I, Volume No. 2873, at the office of the Sub-Registrar, Bangalore South Taluk) (**Document No.8**) executed by the Society in favour of BDA that the BDA has approved and permitted the Society to form a private layout in property bearing Survey No. 5 and others (measuring in total 66 Acres 22 Guntas).
7. In terms of the revised/modified work order dated 29.01.2003 bearing BDA/TPA/2876/2002-03 issued by the Assistant Director of Town Planning BDA, Bangalore (**Document No.9**), we



observe that an extent of 23 Acres 26 Guntas (out of 66 Acres 22 Guntas) was approved for formation of group housing and the remaining extent was approved for formation of residential sites.

8. Subsequently, in terms of the Modified Work Order dated 17.01.2013 bearing No. BDA/TPA/PRL-65/05-06/5946/2012-13 (**Document No.10**) we observe that the earlier work order dated 29.01.2003 was cancelled and further approved the layout for an extent of 54 Acres 34 Guntas in Survey No. 5 and other properties excluding 02 Acres of kharab land for formation of residential sites (comprising of 309 residential sites). In this regard, we have been provided with the: (i) Modified Sanctioned Plan dated 17.01.2013 issued by the BDA (**Document No.11**); (ii) No-Objection Certificate/Consent for establishment dated 21.12.2012, bearing No. PCB/372/ CNP/11/H681, issued by the Karnataka State Pollution Control Board; (iii) No-Objection Certificate/Consent letter dated 04.02.2019 bearing No. 148/ 18-19, issued by the BESCOM; and (iv) Consent Letter/Permission Letter dated 21.09.2012 bearing No. 4462/2012-13 issued by the BWSSB (**Document No.12**)

We observe from the No-Objection Certificate/Consent for establishment issued by the Karnataka State Pollution Control Board that consent was issued for developing 285 sites whereas under the work order approval has been granted for developing 309 residential sites. It appears that the said NOC was obtained prior to the Modified Work Order dated 17.01.2013. However, it is advisable to seek confirmation from the BDA/ Karnataka State Pollution Control Board if the said Board had issued any revised NOC subsequently.

9. In terms of the Relinquishment Deed dated 21.12.2012 (Registered as Document No. BDA-1-2660/2012-13, Book-1, stored in C.D. No. BDAD 183, at the office of the Sub-Registrar, Bangalore Urban District) (**Document No.13**) and Rectification to the Relinquishment Deed dated 11.01.2013 (Registered as Document No. BDA-1-02857/2012-13, Book-1, stored in C.D. No. BDAD184, at the office of the Sub-Registrar, Bangalore Urban District) (**Document No.14**) executed by the Society in favour of the BDA, we observe that the Society has relinquished certain portions for: (i) Parks Open Space (measuring 33452.70 Square Meters) ; (ii) Road (measuring 71637.13 square meters) and (ii) stormwater drain (SWD) area (measuring 2233.46 square meter).
10. Further, in terms of the Release Letter dated 05.12.2013 bearing No. 1430/2013-14 issued by the BDA (**Document No.15**) we observe that the said authority has accorded permission to



release 40% of sites (i.e., 156 sites out of 309 sites) which includes Site Nos.160 to 165 (forming part of the Property). Thereafter, we observe from the Release Letter dated 03.07.2014 bearing No. 113/2014-15 issued by the BDA (**Document No.16**) that the said authority has accorded permission to release another 30% of sites (i.e., 77 sites) which includes Site Nos.312 and 313 (forming part of the Property).

11. We have been provided with the Encumbrance Certificate issued by the jurisdictional Sub Registrar (**'EC's'**) issued with respect to Survey No.5 for the period: (i) 01.04.1983 to 31.03.2004; and (ii) 01.04.2004 to 04.03.2024 (**Document No.17**).

**IV. Title Flow with respect to the Sites:**

Site No. 160 measuring 6,600 Square Feet ('Site No. 160'):

12. In terms of the Letter of Intent of Allotment of Site dated 22.09.2004 bearing No. SHBCS/SITE/SUP/177/2004-05 issued by the Society (**Document No.18**), we observe that property bearing Site No. 160 measuring 6,900 Square Feet situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District was allotted to Mr. Ramachandra K.L., son of Mr. K. Lakshmiram.
13. In terms of the Sale Deed dated 06.11.2004 (Registered on 10.11.2004 as Document No. BAS-1-20174/2004-05, Book-1, stored in C.D. No. BASD109, at the office of Sub-Registrar, Bangalore South Taluk) (**Document No.19**) we observe that the Society has conveyed the property bearing Site No. 160 measuring 6,900 Square Feet in favour of Mr. Ramachandra K.L., son of Mr. K. Lakshmiram.
14. In terms of the Unregistered Agreement for Sale dated 20.12.2004 (**Document No.20**), we observe that Mr. Ramachandra K.L., son of Mr. K. Lakshmiram had agreed to convey the property bearing Site No. 160 measuring 6,900 Square Feet in favour of Mr. L. Krishnamurthy, son of Mr. Lakkaiah.
15. We observe from the Rectification Deed dated 12.01.2005 (Registered on 18.01.2005 as Document No. BAS-1-25832-2004-05, Book-1 stored in C.D. No. BASD128, at the office of Sub-Registrar, Bangalore South Taluk) (**Document No.21**) executed by Society (represented by its Secretary Mr. Arif Kazi) in favour of Mr. Ramachandra K.L., represented by his General

- Power of Attorney Holder, Mr. Sujay Tallam certain clauses of the Sale Deed dated 06.11.2004 (discussed above) were rectified whereby the total area developed as layout was revised. In this regard we have been provided with the General Power of Attorney dated 10.11.2004 (Registered as Document No. JAY-4-00556-2004-05, stored in C.D. No.JAYD35, at the office of Sub-Registrar, Jayanagara, Bangalore City) **(Document No.22)**.
16. We have been provided with the Khata Letter issued by the Bangalore Development Authority dated 27.06.2011 bearing No. BDA/ COM/ E/160/2011-12 **(Document No.23)** in the name of Mr. Ramachandra K.L., son of Mr. K. Lakshmiram.
17. We have been provided with the Possession Certificate dated 13.07.2011 issued by the Society **(Document No.24)** whereunder we observe that possession of property bearing Site No. 160 measuring 6,900 Square Feet was handed over to Mr. Ramachandra K.L.
18. In terms of the Sale Deed dated 15.07.2011 (Registered as Document No. BMH-1-03104-2011-12, Book-1, Stored in C.D. No. BMHD498, at the office of Senior Sub-Registrar, Bommanahalli) **(Document No.25)**, we observe that Mr. Ramachandra K.L., son of Mr. K. Lakshmiram along with Mr. L. Krishnamurthy, son of Mr. Lakkaiah as confirming party (being the agreement holder) conveyed the property bearing Site No. 160 measuring 6,900 Square Feet in favour of Mrs. K.M. Lakshmi, wife of G. Prasad Reddy.
19. Further, we observe from the Rectification Deed dated 01.01.2014 (Registered as Document No. BMH-1-08333-2013-14, Book-1, stored in C.D. No. BMHD659, at the office of Sub-Registrar, Bommanahalli) **(Document No.26)** executed by Mr. Ramachandra K.L., represented by his General Power of Attorney holder Mr. Sujay Tallam along with Society as the confirming witness in favour of Mrs. K.M. Lakshmi that the extent of property bearing Site No. 160 was rectified/revised from 6,900 Square Feet to 6,600 Square Feet Viz., the **Site No. 160** in terms of the re-modified work order (discussed hereinabove). In this regard we have been Provided with the: (i) Khata Letter dated 04.05.2020 bearing No. ROE/160/11-12 issued by the BDA in the name of Mrs. K.M. Lakshmi, wife of Mr. G. Prasad Reddy; and (ii) No Due Certificate dated 16.05.2016 issued by Society **(Document No.27)**.
20. We have been provided with the EC's with respect to the Site No. 160 for the period (i) 01.04.1987 to 31.03.2004; (ii) 01.04.2004 to 31.03.2011; (iii) 01.04.2011 to 16.04.2016; (iv) 01.04.2016 to 20.12.2023; and (v) 01.12.2023 to 04.03.2024 and in terms of the EC's, we observe that all the transactions (as discussed above) are reflected **(Document No.28)**.

Site No. 161 measures 6,600 Square Feet ('Site No. 161'):

21. In terms of the Letter of Intent of Allotment of Site dated 20.09.2004 bearing No. SHBCS/SITE/SUP/178/2004-05, issued by the Society (**Document No.29**), we observe that property bearing Site No. 161 measuring 6,900 Square Feet situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District was allotted to Mr. Channa Keshava K.S, son of Mr. Shivaswamy.
22. In terms of the Sale Deed dated 04.11.2004 (Registered on 05.11.2004 as Document No. BAS-1-19670/2004-05, Book-1, stored in C.D. No. BASD108, at the office of Sub-Registrar, Bangalore South Taluk) (**Document No.30**), we observe the Society conveyed the property bearing Site No. 161 measuring 6,900 Square Feet in favour of Mr. Channa Keshava K.S, son of Mr. Shivaswamy.
23. We observe from the Rectification Deed dated 12.01.2005 (Registered on 18.01.2005 as Document No. BAS-1-25859-2004-05, Book-1 stored in C.D. No. BASD128, at the office of Sub-Registrar, Bangalore South Taluk) (**Document No.31**) executed by the Society (represented by its Secretary Mr. Arif Kazi) in favour of Mr. Channa Keshava K.S, son of Mr. Shivaswamy, represented by his General Power of Attorney Holder, Mr. M. K. Nataraj that certain clauses of the Sale Deed dated 04.11.2004 (discussed above) were rectified whereby the total area developed as layout was revised. In this regard we have been provided with the General Power of Attorney dated 05.11.2004 (Registered as Document No. JAY-1-00489-2004-05, Book 4, Stored in C.D. No. JAYD34, at the Office of Sub-Registrar Jayanagar, Bangalore City) (**Document No.32**).
24. In terms of the Unregistered Agreement for Sale dated 09.02.2005 (**Document No.33**), we observe that Mr. Channa Keshava K.S, son of Mr. Shivaswamy agreed to convey the property bearing Site No. 161 measuring 6,900 Square Feet in favour of Mr. Chandrashekar Naganagowda Patil, son of Mr. Naganagowda.
25. We have been provided with the Possession Certificate dated 23.01.2012 issued by the Society (**Document No.34**) whereunder we observe that possession of property bearing Site No. 161 measuring 6,900 Square Feet was handed over to Mr. Channa Keshava K.S, son of Mr. Shivaswamy.

*[Handwritten signature]*

26. In terms of the Sale Deed dated 08.12.2011 (Registered as Document No. BMH-1-08338-2011-12, Book-1, Stored in C.D. No. BMHD532, at the office of Senior Sub-Registrar, Bommanahalli) **(Document No.35)**, we observe that Mr. Channa Keshava K.S, son of Mr. Shivaswamy along with Mr. Chandrashekar Naganagowda Patil, son of Mr. Naganagowda as confirming party (being the agreement holder) conveyed the residential property bearing Site No. 161 measuring 6,900 Square Feet in favour of Mr. P. Vishwas, son of Mr. G. Prasad Reddy.
27. Further, we observe from the Rectification Deed dated 06.01.2014 (Registered as Document No. BMH-1-08454-2013-14, Book-1, stored in C.D. No. BMHD660, at the office of Sub-Registrar, Bommanahalli) **(Document No.36)** executed by Mr. Channa Keshava K.S, son of Mr. Shivaswamy, represented by his General Power of Attorney holder Mr. M. K. Nataraj along with Society as the confirming witness in favour of Mr. P. Vishwas, son of Mr. G. Prasad Reddy, we observe that the extent of property bearing Site No. 161 was rectified/revised from 6,900 Square Feet to 6,600 Square Feet Viz., the **Site No. 161** in terms of the re-modified work order (discussed hereinabove). In this regard we have been Provided with the: (i) Khata Letter dated 20.05.2020 bearing No. RO (E)/ 161/ SHBCSLTD/11-12 issued by the BDA in the name of Mr. P. Vishwas, son of Mr. G. Prasad Reddy; and (iii) No Due Certificate dated 16.05.2016 issued by the Society **(Document Nos. 37 and 38)**.
28. We have been provided with the EC's issued with respect to the Site No. 161 for the period: (i) 01.04.1987 to 31.03.2004; (ii) 01.04.2004 to 31.03.2011; (iii) 01.04.2011 to 16.04.2016; (iv) 01.04.2016 to 20.12.2023; and (v) 01.12.2023 to 04.03.2024 and in terms of the EC's, we observe that all the transactions (as discussed above) are reflected **(Document No.39)**.

Site No. 162 measuring 6,600 Square Feet ('Site No. 162'):

29. In terms of the Letter of Intent of Allotment of Site dated 22.09.2004 bearing No. SHBCS/SITE/SUP/189/2004-05 issued by the Society **(Document No.40)**, we observe that property bearing Site No. 162 measuring 6,893 Square Feet situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District was allotted to Mr. Narayan, son of Mr. Puttaswamy.
30. In terms of the Sale Deed dated 10.11.2004 (Registered as Document No. BAS-1-20273/2004-05, Book-1, stored in C.D. No. BASD110, at the office of Senior Sub-Registrar, Bangalore South



- Taluk) (**Document No.41**) we observe that the Society has, conveyed the property bearing Site No. 162 measuring 6,893 Square Feet in favour of Mr. Narayan, son of Mr. Puttaswamy.
31. We have been provided with the Possession Certificate dated 01.09.2005 issued by the Society (**Document No.42**), whereunder, we observe that possession of property bearing Site No. 162 measuring 6,893 Square Feet was handed over to Mr. Narayan.
32. We have been provided with the Khata Letter issued by the Bangalore Development Authority dated 27.06.2011 bearing No. BDA/ COM/ E/162/2011-12 (**Document No.43**) in the name of Mr. Narayan, son of Mr. Puttaswamy.
33. In terms of the Sale Deed dated 15.07.2011 (Registered as Document No. BMH-1-03099-2011-12, Book-1, Stored in C.D. No. BMHD498, at the office of the Senior Sub-Registrar, Bommanahalli) (**Document No.44**), we observe that Mr. Narayan, son of Mr. Puttaswamy conveyed the property bearing Site No. 162 measuring 6,893 Square Feet in favour of Mrs. K.M. Lakshmi, wife of G. Prasad Reddy. In this regard, we have been provided with the No Due Certificate dated 16.05.2016 issued by the Society in the name of Mr. Narayan, son of Mr. Puttaswamy (**Document No.45**).
34. We observe from the Rectification Deed dated 01.08.2014 (Registered as Document No. JAY-1-03167-2014-15, Book-1 stored in C.D. No. JAYD202, at the office of Sub-Registrar, Jayanagar, Bangalore) (**Document No.46**) executed by Mr. Narayan, son of Mr. Puttaswamy along with the Society as the confirming witness in favour of Mrs. K.M. Lakshmi that the extent of property bearing Site No. 162 was rectified/revised from 6,893 Square Feet to 6,600 Square Feet Viz., the **Site No. 162** in terms of the re-modified work order (discussed hereinabove). In this regard we have been provided with the Khata Letter dated 04.05.2020 bearing No. ROE/162/11-12 issued by the BDA in the name of Mrs. K.M. Lakshmi, wife of Mr. G. Prasad Reddy (**Document No. 47**).
35. We have been provided with the EC's issued with respect to the Site No. 162 for the period (i) 01.04.1987 to 31.03.2004; (ii) 01.04.2004 to 24.03.2011; (iii) 01.04.2011 to 04.09.2011; (iv) 25.03.2011 to 16.04.2016; (v) 01.04.2016 to 20.12.2023; and (vi) 01.12.2023 to 04.03.2024 and in terms of the EC's, we observe that all the transactions (as discussed above) are reflected (**Document No.48**).

Site No. 163 measuring 6,890 Square Feet ('Site No. 163'):

36. In terms of the Letter of Intent of Allotment of Site dated 22.09.2004 bearing No. SHBCS/SITE/SUP/190/2004-05 issued by the Society **(Document No.49)**, we observe that property bearing Site No. 163 measuring 6,893 Square Feet situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District was allotted to Mr. Shivaram.
37. In terms of the Sale Deed dated 10.11.2004 (Registered as Document No. BAS-1-20281/2004-05, Book-1, stored in C.D. No. BASD110, at the office of Sub-Registrar, Bangalore South Taluk) **(Document No.50)** we observe that the Society has conveyed the property bearing Site No. 163 measuring 6,893 Square Feet in favour of Mr. Shivaram, son of Mr. Kempegowda.
38. We have been provided with the Possession Certificate dated 01.09.2005 issued by the Society **(Document No.51)**, whereunder we observe that possession of property bearing Site No. 163 measuring 6,893 Square Feet was handed over to Mr. Shivaram. In this regard, we have been provided with the Khata Letter dated 27.06.2011 bearing No. BDA/COM/EAST/ 163/2011-12 in the name of Mr. Shivaram **(Document No. 52)**.
39. In terms of the Sale Deed dated 15.07.2011 (Registered as Document No. BMH-1-03102-2011-12, Book-1, Stored in C.D. No. BMHD498, at the office of Senior Sub-Registrar, Bommanahalli) **(Document No.53)**, we observe that Mr. Shivaram, son of Mr. Kempegowda conveyed the property bearing Site No. 163 measuring 6,893 Square Feet in favour of Mrs. K.M. Lakshmi, wife of G. Prasad Reddy. In this regard we have been provided with the Khata Letter dated 20.05.2020 bearing No. BDA/RO (E)/ 163/11-12 issued by the BDA in the name of Mrs. K.M. Lakshmi, wife of Mr .G. Prasad Reddy **(Document No. 54)**.
40. Upon the death of Late Shivaram, son of Mr. Kempegowda his legal heirs being: (i) Mrs. Prabha, wife of Late Shivaram; (ii) Ms. D.S. Nidhi Shree, daughter of Late Shivaram (aged about 12 Years); and (iii) Master. D.S. Shree Arjun, son of Late Shivaram (aged about 09 years) [parties (ii) & (iii) being minors represented by their mother Mrs. Prabha] along with Society as the confirming witness executed Rectification Deed dated 18.09.2014 (Registered as Document No. JAY-1-04755-2014-15, Book-1, C.D. No.JAYD206, at the office of Sub-Registrar, Jayanagar, Bangalore) **(Document No. 55)** in favour of Mrs. K.M. Lakshmi, whereunder, we observe that the extent of property bearing Site No. 163 was rectified/revised from 6,893 Square Feet to



6,890 Square Feet Viz., the **Site No. 163** in terms of the re-modified work order (discussed hereinabove). In this regard we have been Provided with the: (i) Death Certificate of Late Shivaram issued by the Tahsildar; (ii) Notarized Genealogical Tree of Late Shivaram, son of Mr. Kempegowda; (**Document Nos. 56 and 57**).

41. We have been provided with the EC's issued with respect to the Site No. 163 for the period (i) 01.04.1987 to 31.03.2004; (ii) 01.04.2004 to 24.03.2011; (iii) 25.03.2011 to 16.04.2016; and (iv) 01.04.2016 to 04.03.2024 and in terms of the EC's, we observe that all the transactions (as discussed above) are reflected (**Document No. 58**).

Site No. 164 measures 6,880 Square Feet ('Site No. 164'):

42. In terms of the Letter of Intent of Allotment of Site dated 24.09.2004 bearing No. SHBCS/SITE/SUP/179/2004-05 issued by the Society (**Document No.59**), we observe that property bearing Site No. 164 measuring 6,900 Square Feet situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District was allotted to Mr. Satya B.R, son of Mr. B.V. Raviprakash.
43. In terms of the Sale Deed dated 06.11.2004 (Registered on 06.12.2004 as Document No. BAS-1-22242/2004-05, Book-1, stored in C.D. No. BASD116, at the office of Sub-Registrar, Bangalore South Taluk) (**Document No.60**), we observe that the Society conveyed the property bearing Site No. 164 measuring 6,900 Square Feet in favour of Mr. Satya B.R, son of Mr. B.V. Raviprakash.
44. We observe from the Rectification Deed dated 12.01.2005 (Registered on 18.01.2005 as Document No. BAS-1-25846-2004-05, Book-1 stored in C.D. No. BASD128, at the office of Sub-Registrar, Bangalore South Taluk) (**Document No. 61**) executed by the Society (represented by its Secretary Mr. Arif Kazi) in favour of Mr. Satya B.R, son of Mr. B.V. Raviprakash, represented by his General Power of Attorney Holder, Mr. T.A. Krishna Kumar that certain clauses of the Sale Deed dated 06.11.2004 (discussed above) were rectified whereby the total area developed as layout was revised. In this regard we have been provided with the General Power of Attorney dated 06.12.2004 (Registered as Document No. JAY-4-00654-2004-05, Book 4, stored in C.D. No. JAYD36, at the office of Sub-Registrar Jayanagar, Bangalore City) (**Document No.62**).

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45. We have been provided with the Possession Certificate dated 23.01.2012 issued by the Society **(Document No.63)** whereunder we observe that possession of property bearing Site No. 164 measuring 6,900 Square Feet was handed over to Mr. Satya B.R, son of Mr. B.V. Raviprakash.
46. In terms of the Sale Deed dated 27.12.2011 (Registered as Document No. BMH-1-08601-2011-12, Book-1, Stored in C.D. No. BMHD534, at the office of Senior Sub-Registrar, Bommanahalli) **(Document No.64)**, we observe that Mr. Satya B.R, son of Mr. B.V. Raviprakash conveyed the residential property bearing Site No. 164 measuring 6,900 Square Feet in favour of Mr. P. Vishwas, son of Mr. G. Prasad Reddy.
47. Further, we observe from the Rectification Deed dated 25.01.2014 (Registered as Document No. BMH-1-08979-2013-14, Book-1, stored in C.D. No. BMHD662, at the office of Sub-Registrar, Bommanahalli) **(Document No.65)** executed by Mr. Satya B.R, son of Mr. B.V. Raviprakash, represented by his General Power of Attorney holder Mr. T.A. Krishna Kumar along with the Society as the confirming witness in favour of Mr. P. Vishwas, son of Mr. G. Prasad Reddy we observe that the extent of property bearing Site No. 164 was rectified/revised from 6,900 Square Feet to 6,880 Square Feet Viz., the **Site No. 164** in terms of the re-modified work order (discussed hereinabove). In this regard we have been provided with the: (i) Khata Letter dated 20.05.2020 bearing No. RO (E)/ 164/SHBCSLTD/11-12 issued by the BDA in the name of Mr. P. Vishwas, son of Mr. G. Prasad Reddy; and (ii) No Due Certificate dated 16.05.2016 issued by the Society **(Document Nos. 66 & 67)**.
48. We have been provided with the EC's issued with respect to the Site No. 164 for the period: (i) 01.04.1987 to 31.03.2004; (ii) 01.04.2004 to 31.03.2011; (iii) 01.04.2011 to 16.04.2016; (iv) 01.04.2016 to 20.12.2023; and (v) 01.12.2023 to 04.03.2024 and in terms of the EC's, we observe that all the transactions (as discussed above) are reflected **(Document No.68)**.

Site No. 165 measures 6,870 Square Feet ('Site No. 165'):

49. In terms of the Letter of Intent of Allotment of Site dated 27.09.2004 issued by the Society **(Document No.69)**, we observe that property bearing Site No. 165 measuring 6,900 Square Feet situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District was allotted to Mrs. Prema M.K, wife of Mr. M.J. Kodandarama.

50. In terms of the Sale Deed dated 06.11.2004 (Registered on 08.11.2004 as Document No. BAS-1-19943-2004-05, Book-1, stored in C.D. No. BASD109, at the office of the Senior Sub-Registrar, Bangalore South Taluk) (**Document No.70**), we observe that the Society conveyed the property bearing Site No. 165 measuring 6,900 Square Feet in favour of Mrs. Prema M.K, wife of Mr. M.J. Kodandarama.
51. We observe from the Rectification Deed dated 12.01.2005 (Registered on 18.01.2005 as Document No. BAS-1-25858-2004-05, Book-1 stored in C.D. No. BASD128, at the office of Sub-Registrar, Bangalore South Taluk) (**Document No.71**) executed by the Society (represented by its Secretary Mr. Arif Kazi) in favour of Mrs. Prema M.K, wife of Mr. M.J. Kodandarama, represented by her General Power of Attorney Holder, Mr. M. K. Nataraj that certain clauses of the Sale Deed dated 06.11.2004 (discussed above) were rectified whereby the total area developed as layout was revised. In this regard we have been provided with the General Power of Attorney dated 08.11.2004 (Registered as Document No. JAY-4-00534-2004-05, Book 4, Stored in C.D. No. JAYD34, at the Office of Sub-Registrar Jayanagar, Bangalore City) (**Document No.72**).
52. We have been provided with the Possession Certificate dated 16.09.2011 issued by the Society (**Document No.73**) whereunder we observe that possession of property bearing Site No. 165 measuring 6,900 Square Feet was handed over to Mrs. Prema M.K, wife of Mr. M.J. Kodandarama.
53. In terms of the Sale Deed dated 12.09.2011 (Registered on 01.10.2011 as Document No. BMH-1-05905-2011-12, Book-1, Stored in C.D. No. BMHD516, at the office of Senior Sub-Registrar, Bommanahalli) (**Document No.74**) we observe that Mrs. Prema M.K, wife of Mr. M.J. Kodandarama conveyed the residential property bearing Site No. 165 measuring 6,900 Square Feet in favour of Mr. S. Ramana Prasad Reddy, son of Late G. Srinivasa Reddy represented by his, General Power of Attorney Holder Mrs. Anupama R Reddy, wife of Mr. S. Ramana Prasad Reddy. In this regard we have been provided with the Unregistered General Power of Attorney dated 09.09.2011 (**Document No.75**).
54. Further, we observe from the Rectification Deed dated 06.01.2014 (Registered as Document No. BMH-1-08461-2013-14, Book-1, stored in C.D. No. BMHD660, at the office of Sub-Registrar, Bommanahalli) (**Document No.76**) executed by Mrs. Prema M.K, wife of Mr. M.J. Kodandarama, represented by her General Power of Attorney holder Mr. M. K. Nataraj along with the Society as the confirming witness in favour of Mr. S. Ramana Prasad Reddy, son of

Late G. Srinivasa Reddy, that the extent of property bearing Site No. 165 was rectified/revised from 6,900 Square Feet to 6,870 Square Feet Viz., the **Site No. 165** in terms of the re-modified work order (discussed hereinabove). In this regard we have been Provided with the: (i) Khata Letter dated 02.03.2020 bearing No. ROE/165/SHBCSLTD/11-12 issued by the BDA in the name of Mr. S. Ramana Prasad Reddy, son of Late G. Srinivasa Reddy; and (ii) No Due Certificate dated 16.05.2016 issued by the Society (**Document Nos. 77 & 78**).

55. We have been provided with the EC's issued by the jurisdictional Sub Registrar (**'EC's'**) with respect to the Site No. 165 for the period: (i) 01.04.1987 to 31.03.2004; (ii) 01.04.2004 to 31.03.2011; (iii) 01.04.2011 to 16.04.2016; (iv) 01.04.2016 to 21.12.2023; and (v) 01.12.2023 to 04.03.2024 and in terms of the EC's, we observe that all the transactions (as discussed above) are reflected (**Document No.79**).

Site No. 312 measuring 612.93 Square Meters ('Site No. 312'):

56. In terms of the Letter of Intent of Allotment of Site dated 25.09.2018 bearing No. SHBCS/SMS/SA/011/312/2018-19 issued by the Society (**Document No.80**), we observe that property bearing Site No. 312 measuring 612.93 Square Meters Viz., the **Site No. 312** situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District was allotted to Mr. Syed Zabiulla, son of Mr. Syed Adam.
57. In terms of the Sale Deed dated 10.10.2018 (Registered as Document No. JAY-1-06797-2018-19, Book-1, stored in C.D. No. JAYD365, at the office of the Senior Sub-Registrar, Jayanagar, Bangalore City) (**Document No.81**) we observe that the Society has conveyed the Site No. 312 in favour of Mr. Syed Zabiulla, son of Mr. Syed Adam.
58. We have been provided with the Possession Certificate dated 15.10.2018 issued by the Society (**Document No.82**) whereunder we observe that the possession of the Site No. 312 was handed over to Mr. Syed Zabiulla. In this regard we have been provided with the Khata Letter dated 25.10.2018 bearing No. COM (E)/312/SHA.H.B. CO. So/2018-19 in the name of Mr. Syed Zabiulla (**Document No.83**).
59. We have been provided with the Unregistered Agreement for Sale dated 27.11.2018 executed by Mr. Syed Zabiulla, son of Mr. Syed Adam (**Document No.84**), agreed to convey the Site

No. 312 in favour of N & L Trading Private Limited represented by its Director Mr. R. Sunil Bafna.

60. In terms of the Unregistered Assignment Agreement dated 12.12.2018 we observe that N & L Trading Private Limited, assigned all its rights derived under the Agreement for Sale dated 27.11.2018 in favour of M/s Lakshmi Enterprises to purchase Site No. 312 (**Document No.85**).
61. In terms of the Sale Deed dated 20.04.2019 (Registered as Document No.JAY-1-00491-2019-20, Book-1, stored in C.D. No. JAYD456, at the office of Senior Sub-Registrar, Jayanagar, Bangalore City) (**Document No.86**), we observe that Mr. Syed Zabiulla, son of Mr. Syed Adam, along with N & L Trading Private Limited as confirming party conveyed the Site No. 312 in favour of M/s. Lakshmi Enterprises. In this regard, we have been provided the: (i) Khata Letter dated 02.03.2020 bearing No. ROE/312/SHBCSLTD/2019- issued by the BDA in the name of M/s. Lakshmi Enterprises; and (ii) No Due Certificate dated 22.10.2018 issued by the Society in the name of Mr. Syed Zabiulla (**Document No.87 and 88**).
62. We have been provided with the EC's issued by the jurisdictional Sub Registrar (**'EC's'**) with respect to the Site No. 312 for the period: (i) 01.04.2018 to 22.04.2019; (ii) 01.04.2016 to 19.12.2023; and (iii) 01.12.2023 to 04.03.2024 and in terms of the EC's, we observe that all the transactions (as discussed above) are reflected (**Document No.89**).

Site No. 313 measuring 623.89 Square Meters (**'Site No. 313'**):

63. In terms of the Letter of Intent of Allotment of Site dated 26.07.2018 bearing No. SHBCS/SMS/SA/004/313/2018-19 issued by the Society (**Document No.90**), we observe that property bearing Site No. 313 measuring 623.89 Square Meters Viz., the **Site No. 313** situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District was allotted to Mrs. Suma N.
64. In terms of the Sale Deed dated 26.09.2018 (Registered as Document No. JAY-1-06333-2018-19, Book-1, stored in C.D. No. JAYD362, at the office of Senior Sub-Registrar, Jayanagar, Bangalore City) (**Document No.91**) we observe that the Society conveyed the Site No. 313 in favour of Mrs. Suma N., wife of Mr. T. Venkateshmurthy.

65. We have been provided with the Possession Certificate dated 15.10.2018 issued by the Society **(Document No.92)** whereunder we observe that possession of the Site No. 313 was handed over to Mrs. Suma N. In this regard, we have been provided with the Khata Letter dated 11.10.2018 in the name of Mrs. Suma N. **(Document No.93)**.
66. In terms of the Rectification Deed dated 16.10.2018 (Registered as Document No. JAY-1-07049-2018-19, Book-1, stored in C.D. No. JAYD367, at the office of Senior Sub-Registrar Jayanagar, Bangalore City) **(Document No.94)**, executed by the Society in favour of Mrs. Suma N., wife of Mr. T. Venkateshmurthy, we observe that the description of the property mentioned in the recitals of the Sale Deed dated 26.09.2018 (discussed above) wherein instead of Site No. 313 Site No.5 was mentioned and the said error was rectified under the said Rectification Deed.
67. We observe from the Unregistered Agreement for Sale dated 02.11.2018 that Mrs. Suma, wife of Mr. T. Venkateshmurthy agreed to convey the Site No. 313 in favour of N & L Trading Private Limited **(Document No.95)**.
68. In terms of the Unregistered Assignment Agreement dated 03.12.2018 executed by N & L Trading Private Limited, assigned all its rights derived under the Agreement for Sale dated 02.11.2018 in favour of M/s. Lakshmi Enterprises to purchase Site No. 313 **(Document No.96)**.
69. In terms of the Sale Deed dated 20.04.2019 (Registered as Document No. JAY-1-00492-2019-20, Book-1, stored in C.D. No. JAYD456, at the office of Senior Sub-Registrar, Jayanagar, Bangalore City) **(Document No.97)**, we observe that Mrs. Suma, wife of Mr. T. Venkateshmurthy, along with N & L Trading Private Limited as confirming party conveyed Site No. 313 in favour of M/s. Lakshmi Enterprises. In this regard, we have been provided with the: (i) Khata Letter 02.03.2020 bearing No. ROE/313/SHBCSLTD/2019-20 issued by the BDA in the name of M/s. Lakshmi Enterprises; (ii) No Due Certificate dated 22.10.2018 issued by the Society in the name of Mrs. Suma **(Document No. 98 and 99)**. Further, we have been provided with the: (i) Article of Association and Memorandum of Association in connection with the N & L Trading Private Limited; (ii) Board Resolution dated 25.10.2018 passed in the general meeting of the Board of Directors; (iii) Certificate of Incorporation of N & L Trading Private Limited; and (iv) Resolution dated 11.11.2018 passed by M/s. Lakshmi Enterprises authorizing its representative to execute the sale deed **(Document No. 100)**.



70. We observe from the Certificate of Incorporation in connection with Lakent Builders and Developers Private Limited (**Document No.101**), that M/s. Lakshmi Enterprises has changed its name to Lakent Builders and Developers Private Limited. In this regard we have been provided with: (i) Certificate of Registration of Firm dated 04.06.2018 with respect to Lakshmi Enterprises(**Document No.102**); (ii) Interment of Partnership dated 19.05.2018 in connection with Lakshmi Enterprises(**Document No.103**); (viii) Deed of Reconstitution Partnership of Lakent Builders and Developers dated 13.10.2020(**Document No. 104**); and (ix) E-Memorandum of Association issued with respect to Lakent Builders and Developers Private Limited(**Document No. 105**).
71. We have been provided with the EC's with respect to the Site No. 313 for the period 01.04.2016 to 04.03.2024 and in terms of the EC, we observe that all the transactions (as discussed above) are reflected (**Document No. 106**).

**Mortgage Deed & Release Deeds in connection with Site Nos. 312 and 313:**

72. In terms of the Supplementary Deed of the Memorandum of entry Recording creation of Mortgage by Deposit of Title Deeds dated 29.06.2018 [Registered as Document No. BMH-1-01174-2019-20, Book-1, stored in C.D. No. BMHD898, at the office of Senior Sub-Registrar, Bommanahalli (Jayanagara)] (**Document No.107**), we observe that Lakshmi Enterprises has mortgaged Site Nos. 312 and 313 in favour of Piramal Trusteeship Services Private Limited. Further, the said Mortgage Deed has been released under a Release Deed dated 24.06.2021 (Registered as Document No. JAY-01-00999-2021-22, Book-1, stored in C.D. No. JAYD985, at the office of Senior Sub-Registrar, Jayanagar, Bangalore City) (**Document No.108**), executed in favour of M/s. Lakshmi Enterprises.

**Mortgage Deed & Release Deeds in connection with Site Nos.160 to 164:**

73. We observe from the Memorandum of entry recording creation of Mortgage by Deposit of Title Deed dated 29.06.2018 [Registered as Document No. BMH-1-02504-2018-19, Book-1, stored in C.D. No. BMHD793, at the office of Senior Sub-Registrar Bommanahalli (Jayanagara)] (**Document No.109**) that Mrs. K.M. Lakshmi, wife of Mr. G. Prasad Reddy and others have mortgaged the Site Nos. (i) 160; (ii)161; (iii) 162; (iv) 163; and (v) 164; along with other properties in favour of Piramal Trusteeship Services Private Limited. Further the said Mortgage

Deed has been released under a Release Deed dated 24.06.2021 (Registered as Document No. JAY-1-00996-2021-22, Book-1, stored in C.D. No. JAYD985, at the office of Senior Sub-Registrar Jayanagara, Bangalore City) executed by Piramal Trusteeship Services Private Limited in favour of Mrs. K.M. Lakshmi and others (**Document No.110**).

**Mortgage Deed & Release Deed in connection with Site Nos. 160 to 164, 312 and 313:**

74. In terms of the Memorandum of entry recording Mortgage by Delivery of Title Deeds dated 24.06.2021 (Registered as Document No. JAY-1-01038-2021-22, Book-1, C.D. No. JAYD986, at the office of Senior Sub-Registrar, Jayanagara, Bangalore City) (**Document No.111**) executed by Mrs. K.M. Lakshmi, wife of Mr. G. Prasad Reddy and others we observe that Site Nos. (i) 160; (ii) 161; (iii) 162; (iv) 163; (v) 164; (vi) 312; and (vii) 313 were mortgaged in favour of IDBI Trusteeship Services Limited. Further, in terms of the Memorandum of entry recording Mortgage by Delivery of Title Deeds has been discharged under a Discharge Deed/Release Deed dated 07.08.2023 [Registered as Document No. BMH-1-05106-2023-24, at the office of Senior Sub-Registrar Jayanagara, Bangalore Urban District (Bommanahalli)], executed by IDBI Trusteeship Services Limited in favour of Mrs. K.M. Lakshmi, wife of Mr. G. Prasad Reddy and others (**Document No.112**).

**V. Amalgamation of the Sites:**

75. In terms of the Order dated 22.07.2020 passed in proceedings bearing BDA/TPA/AMF-59/366/2019-20 (**Document No.113**) by the BDA we observe that the said authority has accorded permission to amalgamate the Site No. 160 to Site No. 165, Site No. 312 and Site No. 313 totally measuring 4,900.238 square meters into a single property subject to payment of certain fee including payment of betterment charges. Further, we have been provided with the Receipt dated 24.06.2020 issued by the BDA evidencing the payment of said fee including betterment charges.

We observe that the total extent of the Site No. 160 to Site No. 165 as per the title documents discussed hereinabove totally admeasures 53,753.02 Square Feet. However, upon amalgamation, the said sites totally admeasures 53,714.47 Square Feet (i.e., 4,990.238 square meters). In this regard, we have been informed by Radiance Realty that extent

available upon survey being conducted is 53,714.47 Square Feet (i.e., 4,990.238 square meters) and that the said extent will be acquired under the conveyance/ sale deed proposed to be executed between the present owners and Radiance Realty.

76. In terms of the Khata Letter dated 21.06.2022 issued by the BDA (**Document No.114**) we observed that the Mrs. Lakshmi K.M, Mr P. Vishwas, Mr. S. Ramana Prasad Reddy and M/s. Lakshmi Enterprises are reflected as owners of the property bearing No. 160-165, 312 and 313 Viz., the Property. Further, in terms of the Receipt dated 01.01.2024 issued by the BDA (**Document No.115**), we observe that property tax has been paid for the period 2023-24.

We observe that M/s. Lakshmi Enterprises has been converted to Lakent Builders and Developers Private Limited on 17.11.2020. However, the Khata Letter dated 21.06.2022 still reflects the name of M/s. Lakshmi Enterprises as the owner along with the other owners. Further, the Khata Letter does not reflect the extent of the Property. It appears that the khata was not updated though M/s. Lakshmi Enterprises was converted to Lakent Builders And Developers Private Limited. In this regard, Radiance Realty has represented that it shall obtain the khata in its name reflecting the extent of the Property, upon purchase of the Property by Radiance Realty.

#### **VI. LITIGATION:**

77. In terms of the Order dated 19.04.2006 passed in writ petition bearing W.P. No. 9200/2005 by the Hon'ble High Court of Karnataka at Bengaluru (**Document No.116**) we observe that the Society ('as *Petitioner*') had filed the said writ petition against the Sub-Registrar, Mr. B.K. Dwarakanath and others (as '*Respondents*') seeking the Hon'ble Court to direct to the office of the Sub-Registrar to cancel the entries of the sale deeds executed in favour of the third parties from its registers. The Hon'ble High Court of Karnataka at Bengaluru ordered to approach the civil court of competent jurisdiction to seek appropriate declaratory reliefs.
78. Further, we observe from the Order dated 19.04.2006 passed in writ petition bearing W.P. No. 6951/2005 by the Hon'ble High Court of Karnataka, at Bengaluru (**Document No.117**) that the Society had filed the said writ petition against the State of Karnataka and others seeking to issue a writ of certiorari or any other appropriate writ, order or direction to quash the show cause notice dated 20.12.2004 issued by the State Government. The Hon'ble High Court of Karnataka, at Bengaluru held that the State is restrained from resuming the properties acquired

for the Society and further directed the State Government to proceed with the enquiry against the Society in connection with acquisition of Survey No. 5 and other properties.

79. Aggrieved by the Order dated 19.04.2006 passed in writ petition bearing W.P. No. 6951/2005 by the Hon'ble High Court of Karnataka, at Bengaluru, we observe that the Society preferred an appeal in W.A. No. 881/06 before the Hon'ble High Court of Karnataka and vide Order dated 06.02.2012 (**Document No.118**) passed in the said appeal, the Hon'ble court held that the state government was at liberty to initiate such proceedings against the Society giving opportunity to all the concerned including the Society (Shanthinagar House building Co-operative Society Limited).

Further, we observe from the aforementioned Order dated 19.04.2006 and Order dated 06.02.2012 that the State Government has been directed to proceed with the enquiry against the Society in connection with acquisition of Survey No. 5 and other properties.

We have not been provided with any documents/orders evidencing proceedings initiated by the State Government. However, the present owners have represented that no proceedings have been initiated by the Government thus far. Radiance Realty has also confirmed that upon verifying with BDA no information about any proceedings being conducted by the Government was found/ disclosed by BDA. **In this regard, it is advisable to obtain a declaration/ undertaking in writing from Radiance Realty confirming that: (i) no proceedings have been initiated by the Government over the Property thus far; and (ii) in the event of any proceedings initiated by the Government in future, Radiance Realty will indemnify Tata Capital Housing Finance Limited against any losses/ damage caused to Tata Capital Housing Finance Limited.**

80. Thereafter, in terms of the Order dated 29.05.2007 passed in writ petition bearing W.P. No. 16904 of 2006 passed by the Hon'ble High Court of Karnataka, at Bengaluru (**Document No.119**) we observe that the said the petition was filed by Shanthi Nagar House Building Co-operative Society, Jayanagara Viz., the Society against Registrar of Co-operative Society, Bangalore and the President, Shanthi Nagar House Building Co-operative Society, Shanthinagara seeking to quash the Order dated 17.11.2006 passed by the Registrar of Co-operative Society, Bangalore (whereunder the petitioner Society, Jayanagara was declared as not a genuine Society). The Hon'ble High Court of Karnataka, at Bengaluru ordered to quash the said Order dated 17.11.2006 passed by the Registrar of Co-operative Society, Bangalore as

notice was not served to the petitioner Society and further remitted back the proceedings to appropriate authority and directed the said appropriate authority to issue notices to all the concerned parties and dispose the proceedings.

81. Aggrieved by the aforementioned Order dated 29.05.2007 passed in writ petition bearing W.P. No. 16904 of 2006 passed by the Hon'ble High Court of Karnataka, at Bengaluru, the Society filed an appeal in writ appeal bearing W.A. No. 1199/2007 filed before Hon'ble High Court of Karnataka, at Bengaluru. The Hon'ble High Court of Karnataka, at Bengaluru vide its Order dated 23.12.2008 (**Document No.120**) after ascertaining the facts ordered to set aside said Order dated 29.05.2007 passed in writ petition bearing W.P. No. 16904 of 2006 passed by the Hon'ble High Court of Karnataka, at Bengaluru and further held that the Registrar of the Co-operative Societies have no jurisdiction to hold an enquiry with regard to the genuineness or identity of the society. The Hon'ble High Court in the said order has observed that confusion on the genuinity of the Society crept upon an erroneous entry of the registration number of the Society in the audit report by the registrar of the co-operative from the year 1984-85 and 1994-95 and from 2000-01 to 2003-04. The Hon'ble High Court has further held that one Mr. Laxman (representing the Shanthinagar House Building Co-operative, Shanthinagar) had acted adversely and executed certain documents (including the joint development agreement with Lorven Project Limited, discussed below) and that there was no material for the registrar/ joint registrar to hold Shanthinagar House Building Co-operative, Shanthinagar, as genuine society.

82. In terms of the Plaint and Judgement dated 10.10.2013 passed in suit bearing O.S. No.5059/2006 by the Court of the Additional City Civil Judge, at Bangalore City (**Document No.121**) filed by the Society against State of Karnataka and others, we observe that that the Society had filed the said suit seeking to declare the Agreement to Sell dated 29.12.2004 (Registered as Document No. 25391/2004-05, Book-1, stored in C.D. No. BASD127, at the office of the Sub-Registrar, Bangalore South Taluk) (**Document No.122**) executed by Hindu Undivided Family of Mr. B.K. Dwarakanath, Mr. B.K. Dwarakanath along with his family members in connection with Survey No. 5 and other properties (after acquisition of Survey No. 5 and others by the Government) as null and void. The Hon'ble Court ordered that the said sale deeds and agreements of sale are not binding on the Society and further held that the defendants are restrained from exercising any right, title and interest over the suit schedule properties and further directed the Sub-Registrar to delete the entries made with respect to the said sale documents. In this regard, we have been provided with the: (i) Written Statement;

and (ii) Order Sheet in connection with suit bearing O.S. No.5059/2006 by the Court of the Additional City Civil Judge at Bangalore City (**Document No.123**).

83. In terms of the Complaint filed by Paton Constructions Private Limited (as '*plaintiff*') against Shanthi Nagar House Building Co-operative Society, Shanthinagara, Jayanagara, Seshadripuram in suit bearing O.S. No. 4329/2013 before the Court of the City Civil Judge, at Bangalore (**Document No. 124**) and others we observe that the plaintiff has filed the said suit: (i) seeking specific performance of: (a) Agreement dated 18.04.2011 executed by Lorven Projects Limited in favour of plaintiff; (b) Joint Development Agreement dated 25.11.2006; and (c) General Power of Attorney dated 16.03.2007 both executed by Shanthi Nagar House Building Co-operative Society in favour of Lorven Projects Limited; and (ii) to declare the sale deeds executed by the Society in connection with the Site Nos. 160 to 165 along with other sites formed in the layout as not binding on the plaintiff. Further, in terms of the interim Order dated 18.12.2013 passed in suit bearing O.S. No. 4329/2013 (**Document No.125**), we observe that that interlocutory applications filed by the plaintiff seeking for temporary injunction has been dismissed.

We observe that the aforementioned suit bearing O.S. No. 4329/2013 has been filed by Paton Constructions Private Limited seeking specific performance of the MoU (mentioned as Agreement in the said suit) and declare all the 156 sale deeds executed by the Society as not binding on Paton Constructions Private Limited. We observe that the aforementioned **suit bearing O.S. No. 4329/2013 filed before the Court of the City Civil Judge at Bangalore is pending and has been posted on 21.03.2024.**

We observe that Shanthi Nagar House Building Co-operative Society, Shanthinagar (represented by Mr. Laxman) has executed: (i) Joint Development Agreement dated 03.06.2006 (Registered as Document No. BAS-1-05512/2006-07, Book-1, stored in C.D. No. BASD246, at the office of the Sub-Registrar, Bangalore South Taluk) (**Document No.126**); (ii) Joint Development Agreement dated 25.11.2006 (Registered as Document No. BAS-1-23412/2006-07, Book-1, stored in C.D. No. BASD293, at the office of the Sub-Registrar, Bangalore South Taluk) (**Document No. 127**); (iii) Supplementary Development Agreement dated 28.02.2007 (Registered as Document No. BAS-1-29447/2006-07, Book-1, stored in C.D. No. BASD311, at the office of the Sub-Registrar, Bangalore South Taluk) (**Document No.128**); and (iv) General Power of Attorney dated 16.03.2007 (Registered as Document No. 1252/2006-07) all in favour of Lorven Projects Limited ('**JDA Documents**').



We have not been provided with the General Power of Attorney dated 16.03.2007 (Registered as Document No. 1252/2006-07).

Further, it appears from the Memorandum of Understanding dated 18.04.2011 (MoU) (**Document No. 129**) that Lorven Projects Limited has entered into the said MoU with Paton Constructions Private Limited whereby both Lorven Projects Limited and Paton Constructions Private Limited have agreed to develop an extent of land measuring 66 Acres formed in several survey numbers including Survey No. 5 (on which the Property is formed). Subsequently, the JDA Documents have been terminated/cancelled under the Cancellation Agreement dated 27.12.2011 (Registered as Document No. 8746/2011-12) and Cancellation of Power of Attorney dated 27.12.2011 (Registered as Document No. 476/2011-12) (**Document Nos. 130 and 131**) executed between Shanthi Nagar House Building Co-operative Society, Shanthinagar (represented by Mr. Laxman) and Lorven Projects Limited whereby the parties have admitted that Shanthi Nagar House Building Co-operative Society, Shanthinagar does not legally exist as a society and that the same was established before the Hon'ble High Court of Karnataka in W.A. No. 1199/ 2007 (discussed above).

We observe that the Society had conveyed the sites comprised in the Property under registered conveyance/ sale deeds in favour of the original owners/ allottees in the year 2004 (except for Site Nos. 312 and 313 which were conveyed in the year 2018), prior to the execution of the registered JDA Documents which were executed from 2006 onwards. The original allottees/ owners of the sites have not joined as parties in the execution of the JDA Documents and the MoU under which Lorven Projects Limited has assigned/ transferred its rights in favour of Paton Constructions Private Limited has not been registered and the requisite stamp duty has not been paid in order for the said assignment under the MoU to be valid.

In view of the above, we do not find merit in the claims made by Lorven Projects Limited in O.S. No. 4329/2013. However, Tata Capital Housing Finance Limited may obtain a declaration/ undertaking in writing from Radiance Realty confirming that: (i) upon acquisition of the Property by Radiance Realty, Radiance Realty will contest the matter appropriately and ensure that no adverse orders are passed against the Property; and (ii) in the event of any such orders being passed in future, Radiance Realty will indemnify Tata Capital Housing Finance Limited against any losses/ damage caused to Tata Capital Housing Finance Limited.

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**VII. Public Notice:**

84. We have issued a Public Notice dated 25.02.2024 in the Times of India (English newspaper) and Vijaya Karnataka (Kannada newspaper) in connection with the Property. Pursuant to the publication of the Public Notice with respect to the Property, we have not received any objections/claims.

**VIII. Opinion on title of the Property:**

Upon review of the above-mentioned documents and subject to our comments and observations hereinabove, we are of the opinion that:

- (i) Mrs. K.M. Lakshmi, wife of Mr. G. Prasad Reddy is the owner of site bearing Nos.: (i) 160, measuring 6,600 Square Feet; (ii) 162, measuring 6,600 Square Feet; and (iii) 163, measuring 6,890 Square Feet, all situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District;
- (ii) Mr. P. Vishwas, son of Mr. G. Prasad Reddy is the owner of site bearing Nos. : (i) 161, measuring 6,600 Square Feet; and (ii) 164, measuring 6,880 Square Feet, all situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District;
- (iii) Mr. S. Ramana Prasad Reddy, son of Late G. Srinivasa Reddy is the owner of site bearing No. 165, measuring 6,870 Square Feet, situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District;
- (iv) Lakent Builders and Developers Private Limited (previously known as M/s. Lakshmi Enterprises) is the owner of site bearing Nos.: (i) 312, measuring 612.93 Square Meters; and (ii) 313, measuring 623.89 Square Meters both situated at Srinivagilu Amanikere Village, Begur Hobli, Bengaluru South Taluk, Bengaluru Urban District;
- (v) Site No. 160 to Site No. 165, Site No. 312 and Site No. 313 totally measuring 4,900.238 square meters have been amalgamated into a single property Viz., the Property under the Order dated 22.07.2020 passed in proceedings bearing BDA/TPA/AMF-59/366/2019-20 by the BDA;
- (vi) Suit bearing O.S. No. 4329/2013 filed before the Court of the City Civil Judge at Bangalore by Paton Constructions Private Limited against Shanthi Nagar House Building

Co-operative Society, Shanthinagara, Jayanagara, Seshadripuram is pending and Property is part of the said litigation;

- (vii) No-Objection Certificate/Consent for establishment issued by the Karnataka State Pollution Control Board was issued for developing 285 sites, whereas, under the work order approval has been granted for developing 309 residential sites. It appears that the said NOC was obtained prior to the Modified Work Order dated 17.01.2013. However, it is advisable to seek confirmation from the BDA/ Karnataka State Pollution Control Board if the said Board had issued any revised NOC subsequently; and
- (viii) Under Order dated 19.04.2006 and Order dated 06.02.2012, the State Government has been directed to proceed with the enquiry against the Society in connection with the acquisition of Survey No. 5 and other properties. The present owners have represented that no proceedings have been initiated by the Government thus far. In this regard, it is advisable to obtain a declaration/ undertaking in writing from Radiance Realty confirming that: (i) no proceedings have been initiated by the Government over the Property thus far; and (ii) in the event of any proceedings initiated by the Government in future, Radiance Realty will indemnify Tata Capital Housing Finance Limited against any losses/ damage caused to Tata Capital Housing Finance Limited.



**Ms. Brijita Prakash,  
Partner  
DSK Legal  
Bangalore**

*This Title Report is provided on the basis of the review and examination of photocopies of the various documents of title and does not purport to certify the authenticity of such documents. We assume that there are no facts or circumstances in existence and no events have occurred which have rendered the title documents void or voidable or capable of rescission for any fraud or misrepresentation on the part of any person. Further, we have not made any independent investigation to ascertain as to whether any litigation/s is/are pending in respect of the Property. This Title Report is issued on the basis of available documents, present state of affairs pertaining to the Property and the position of law settled, as on the date of the Title Report.*