

REF. NO. 12768/2022/ Amalgamated Final Plot No. 12/1+ 12/2

ELENZA GRADIENT LLP.



Reg.: Non Agricultural land bearing Amalgamated Final Plot No. 12/1+12/2 admeasuring 15,540 Sq. mtrs. (given in lieu of Block No. 537 admeasuring 12,343 Sq. mtrs. and Block No. 538 admeasuring 13,557 Sq. mtrs.); in Draft Town Planning Scheme No. 3 (Ghuma) situate, lying and being at Moje Ghuma, Taluka Ghatalodiya and in the Registration District of Ahmedabad and Sub District of Ahmedabad - 9 (Bopal) and belonging to ELENZA GRADIENT LLP.

As per instructions, we have examined the titles of the above referred property and have caused to be taken searches (partly manual and partly computerized upto the date of search i.e. 06-05-2023) of the available revenue and registration record for last 30 years through our search clerk and from that and from the information given to us and believing the same to be true, correct and trustworthy and also believing the revenue records/documents/copies/papers etc furnished in its file to be true and genuine, and also upon the information given by the owners that no transfer/agreement was made in respect of the said property during the period for which the record is not available which would make the titles defective, we hereby give our certificate cum report on title as under:-

➤ History of land bearing Block No. 537:-

- (1) That Amalgamation scheme became applicable to the land of village Ghuma under the Bombay Prevention of

Fragmentation and Consolidation of Holdings Act 1947, pursuant to which land bearing Survey No. 436 admeasuring Acre 01-23 Gs. and Survey No. 437 admeasuring Acre 01-19 Gs. were jointly given Block No. 537 and its area was determined as Acre 03-02 Gs. and Patel Ishvarbhai Kandas was held as occupier of the said land. Mutation entry to the said effect was made in revenue record vide Entry No. 2901 dated 01-04-1969.

- (2) That a Charge of Ghuma Group Seva Sahakari Mandali Ltd. was created by Ishvarbhai Kandas Patel with respect to said land bearing Block No. 537. Mutation Entry to the said effect was made in the revenue record vide Entry No. 3036.
- (3) That names of (1) Bhikhabhai Ishvarbhai (2) Prabhubhai Ishvarbhai (3) Kiritkumar Bhikhabhai (4) Rajendrabhai Bhikhabhai and (5) Pravinkumar Bhikhabhai were entered as Co. owners in the revenue record of the said land bearing Block No. 537. Mutation Entry to the said effect was made in the revenue record vide Entry no. 4932 dated 11-06-1993, which was cancelled.
- (4) That upon repayment of loan, the charge of Ghuma Group Seva Sahakari Mandali Ltd. stands released with respect to said land bearing Block No. 537 and other lands. Mutation Entry to the said effect was made in the revenue record vide Entry No. 4934 dated 11-06-1993.
- (5) That said (1) Ishvarbhai Kandas Patel (2) Bhikhabhai Ishvarbhai Patel (3) Prabhubhai Ishvarbhai Patel (4) Jasuben Ishvarbhai Patel (5) Shantaben Ishvarbhai Patel (6) Amrutaben Ishvarbhai Patel (7) Puriben Ishvarbhai Patel (8) Kiritbhai Bhikhabhai Patel (9) Rajendrabhai Bhikhabhai Patel (10) Pravinbhai Bhikhabhai Patel (11) Minor Bhavesh Prabhubhai Patel through his guardian Prabhubhai

Ishvarbhai and (12) Minor Sanjaykumar Prabhubhai through his guardoian Prabhubhai Ishvarbhai Patel (all are as self and as Karta and Manager of their respective HUF wherever applicable) sold and conveyed the said land bearing Block No. 537 admeasuring Acre 03-02 Gs. i.e. 12,343 Sq. mtrs. to (1) Prahladbhai Ambalal Patel (2) Somabhai Ambalal Patel (3) Govindbhai Ambalal Patel (4) Chaturbhai Ambalal Patel (5) Dipen Prahladbhai Patel and (6) Nikunj Prahladbhai Patel by sale deed dated 22-09-1993 which was registered before the Sub Registrar of Ahmedabad at Serial No. 20980 dated 02-02-1993. Mutation Entry to the said effect was made in the revenue record vide Entry No. 5010 dated 14-10-1993.

Note:- In the sale deed it is mentioned that the said land bearing Block No. 537 was ancestral property. Hence as per the prevailing laws, all members of HUF of Ishavrbhai Kandas Patel had joined as Vendors in the sale deed.

➤ **History of land bearing Block No. 538:-**

- (1) That Amalgamation scheme became applicable to the land of village Ghuma under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act 1947, pursuant to which land bearing Survey No. 438/1 admeasuring Acre 01-31 Gs. and Survey No. 438/2 admeasuring Acre 01-23 Gs. were jointly given Block No. 538 and its area was determined as Acre 03-14 Gs. and Naranbhai Bababhai was held as occupier of the said land. Mutation entry to the said effect was made in revenue record vide Entry No. 2901 dated 01-04-1969.
- (2) That a Charge of Ghuma Group Seva Sahakari Mandali Ltd. was created by Naranbhai Bababhai with respect to said land bearing Block No. 538. Mutation Entry to the said effect was

made in the revenue record vide Entry No. 3036 dated 16-06-1975.

- (3) That upon repayment of loan, the charge of Ghuma Group Seva Sahakari Mandali Ltd. stands released with respect to said land bearing Block No. 538. Mutation Entry to the said effect was made in the revenue record vide Entry No. 3465 dated 10-06-1982.
- (4) That names of (1) Dineshbhai Naranbhai and (2) Naginbhai Naranbhai were entered as co. owners of the said land bearing Block No. 538. Mutation Entry to the said effect was made in the revenue record vide Entry No. 4113 dated 28-04-1989.
- (5) That said (1) Naranbhai Bababhai (2) Dineshbhai Naranbhai and (3) Naginbhai Naranbhai sold and conveyed the said land bearing Block No. 538 admeasuring Acre 03-14 Gs. to Babubhai Meghaji by sale deed which was registered before the Sub Registrar on 05-02-1990. Mutation Entry to the said effect was made in the revenue record vide Entry No. 4539 dated 19-02-1991.

Note:- We have not been provided with the copy of above referred sale deed.

- (6) That said Babubhai Meghajibhai Sheladiya sold and conveyed the said land bearing Block No. 538 admeasuring 13,557 Sq. mtrs. to (1) Prahladbhai Ambalal Patel (2) Somabhai Ambalal Patel (3) Govindbhai Ambalal Patel (4) Chaturbhai Ambalal Patel (5) Dipen Prahladbhai Patel and (6) Nikunj Prahladbhai Patel by sale deed dated 03-09-1993 which was registered before the Sub Registrar of Ahmedabad at Serial No. 19452 on 03-09-1993. Mutation Entry to the said effect was made in the revenue record vide Entry No. 5013 dated 14-10-1993.



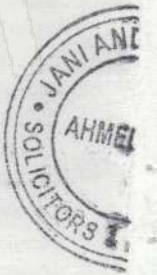
- (7) That effect of above referred sale deed registered at Serial No. 19452 was again made in the revenue record vide Entry no. 5044 dated 21-12-1993.

➤ **Common History:-**

- (1) That names of (1) Bhumiben Dipenbhai and (2) Purviben Nikunjbhai were entered as co. owners in the revenue record of the said land bearing Block No. 537, 538 and other lands. Mutation Entry to the said effect was made in the revenue record vide Entry No. 7015 dated 02-09-2005, which was cancelled with a note that the records do not match.
- (2) That names of (1) Deepaben Somabhai and (2) Champaben Somabhai were entered as co. owners in the revenue record of the said land bearing Block No. 537, 538 and other lands. Mutation Entry to the said effect was made in the revenue record vide Entry No. 7016 dated 02-09-2005, which was cancelled as confirmation of other co. owners was not produced.
- (3) That names of (1) Narmadaben Govindbhai (2) Pavanbhai Govindbhai (3) Priyankaben Pavanbhai (4) Jagatbhai Govindbhai and (5) Ruchiben Jagatbhai were entered as co. owners in the revenue record of the said land bearing Block No. 537, 538 and other lands. Mutation Entry to the said effect was made in the revenue record vide Entry No. 7301 dated 15-07-2006.
- (4) That Non Agricultural use permission for Residential purpose for land bearing (i) Block No. 537 admeasuring 12,343 Sq. mtrs. (ii) Block No. 538 admeasuring 13,557 Sq. mtrs. along with other lands totally admeasuring 97,630 Sq. mtrs. was granted by District Development Officer,

Ahmedabad by his order bearing no. M.S.L./ B.Kh.P./ S.R. 65/Vashi 1125-30 dated 11-12-2006. Mutation Entry to the said effect was made in the revenue record vide Entry No. 7603 dated 15-05-2007.

- (5) That as per the order of the Mamlatdar, Daskroi bearing No. R.T.S./Record Promulgation/ 34/ 08 dated 24-12-2008, the errors that were found during the record promulgation process on comparison and verification of the manual and computerized 7/12 forms were directed to be rectified. Accordingly the Survey No. 436 and 437 in Block No. 537 and Survey No. 438/1 and 438/2 in Block No. 538 were written in the revenue record of the said lands. Mutation entry to the said effect was made in revenue record vide Entry No. 8248 dated 10-06-2009.
- (6) That said Prahladbhai Ambalal Patel had not paid Mehsul/ Local Fund/ Education Cess and Non Agricultural betterment charges with respect to said land bearing Block No. 537, 538 and other lands. Hence a Charge was recorded in the second rights column of the said land bearing Block No. 537, 538 and other lands. Mutation Entry to the said effect was made in the revenue record vide Entry No. 10904 dated 19-03-2018.
- (7) That said (1) Ruchi Jagat Patel (2) Jagat Govindbhai Patel (3) Narmadaben Govindbhai Patel and (4) Priyanka Pavanbhai Patel released their rights from the said land bearing Block No. 537, 538 and other lands in favour of Govindbhai Ambaram Patel by Release Deed dated 01-10-2018 which was registered before the Sub Registrar of Ahmedabad - 09 (Bopal) at Serial No. 11678 on 01-10-2018. Mutation Entry to the said effect was made in the revenue record vide Entry No. 11165 dated 11-10-2018.



- (8) That upon payment of Mehsul/ Local Fund/ Education Cess and Non Agricultural betterment charges with respect to said land bearing Block No. 537, 538 and other lands, charge stands released with respect to said land bearing Block No. 537, 538 and other lands. Mutation Entry to the said effect was made in the revenue record vide Entry no. 11726 dated 07-12-2019.
- (9) That being aggrieved by Certification of mutation entry no. 4539, 5013 and 5044, one Taraben Naranbhai Patel had filed and Appeal before the Deputy Collector, Daskroi Prant. The Deputy Collector, Daskroi Prant by his order bearing No. R.T.S./ Appeal/ Case No. 473/ 2019 dated 21-08-2020, rejected the said appeal on the grounds of there is no locus standi. Mutation Entry to the said effect was made in the revenue record vide Entry No. 11930 dated 31-08-2020.
- (10) That said Somabhai Ambalal Patel through his power of attorney holder Dipaben Somabhai Patel had released his rights from the said land bearing Block No. 537 in favour of (1) Prahladbhai Ambalal Patel (2) Dipenbhai Prahladbhai Patel (3) Govindbhai Ambalal Patel and (4) Chaturbhai Ambalal Patel by Release Deed which was registered before the Sub Registrar of Ahmedabad - 09 (Bopal) at Serial no. 11914 on 15-09-2021. Mutation Entry to the said effect was made in the revenue record vide Entry No. 12426 dated 11-10-2021. An objection was raised by children of Dipaben Somabhai Patel (wife of Tushar Patel) (1) Minor Parina Tushar Patel and (2) Minor Manthan Tushar Patel through their guardian Tushar N. Patel against certification of said entry and a Takrari Case No. 412/2021 was registered before the Deputy Collector, Daskroi Prant. The Deputy Collector, Daskroi Prant vide his order dated 10-01-2022, rejected the said objection and certified mutation entry no. 12426.

(11) That said Somabhai Ambalal Patel through his power of attorney holder Dipaben Somabhai Patel had released his rights from the said land bearing Block No. 538 in favour of (1) Prahladbhai Ambalal Patel (2) Dipenbhai Prahladbhai Patel (3) Govindbhai Ambalal Patel and (4) Chaturbhai Ambalal Patel by Release Deed which was registered before the Sub Registrar of Ahmedabad - 09 (Bopal) at Serial no. 11918 on 15-09-2021. Mutation Entry to the said effect was made in the revenue record vide Entry No. 12428 dated 11-10-2021. An objection was raised by children of Dipaben Somabhai Patel (wife of Tushar Patel) (1) Minor Parina Tushar Patel and (2) Minor Manthan Tushar Patel through their guardian Tushar N. Patel against certification of said entry and a Takrari Case No. 414/2021 was registered before the Deputy Collector, Daskroi Prant. The Deputy Collector, Daskroi Prant vide his order dated 10-01-2022, rejected the said objection and certified mutation entry no. 12428.

(12) Thus said (1) Prahladbhai Ambalal Patel (2) Govindbhai Ambalal Patel (3) Chaturbhai Ambalal Patel (4) Dipenkumar Prahladbhai Patel (5) Nikunjibhai Prahladbhai Patel and (6) Pavanbhai Govindbhai Patel became owners of the said land bearing (i) Block No. 537 admeasuring 12,343 Sq. mtrs. and (ii) Block No. 538 admeasuring 13,557 Sq. mtrs.

(13) That Champaben Somabhai Patel had confirmed the sale deed registered at Serial No. 11914 and 11918 by Confirmation Deed dated 07-09-2021 which was registered before the Sub Registrar of Ahmedabad - 09 (Bopal) at Serial no. 12055 on 15-09-2021.

(14) That Dipaben Somabhai Patel had confirmed the sale deed registered at Serial No. 11914 and 11918 by Confirmation Deed dated 07-09-2021 which was registered before the Sub



Registrar of Ahmedabad - 09 (Bopal) at Serial no. 12057 on
15-09-2021.

(15) That (1) Heirs of deceased Hansaben Naranbhai Patel viz. (a) Dilipkumar Jitendrabhai Patel (b) Hiteshbhai Jitendrabhai Patel (2) Bhagavatiben Naranbhai Patel (3) Heirs of deceased Taraben Naranbhai Patel viz. (a) Satishbhai Govindbhai Patel (b) Lalajibhai Govindbhai Patel (all are as self and as Karta and Manager of their respective HUF wherever applicable) had confirmed the ownership of (1) Prahladbhai Ambalal Patel (2) Govindbhai Ambalal Patel (3) Chaturbhai Ambalal Patel (4) Dipenkumar Prahladbhai Patel (5) Nikunjibhai Prahladbhai Patel and (6) Pavan Govindbhai Patel by Confirmation Deed which was registered before the Sub Registrar of Ahmedabad - 09 (Bopal) at Serial no. 15124 on 20-09-2022.

(16) That on implementation of Draft Town Planning Scheme No. 3 (Ghuma), the said land bearing (i) Block No. 537 admeasuring 12,343 Sq. mtrs. has been given Final Plot No. 12/1 and its area was fixed at 7,406 Sq. mtrs. and (ii) Block No. 538 admeasuring 13,557 Sq. mtrs. has been given Final Plot No. 12/2 and its area was fixed at 8,134 Sq. mtrs.

(17) That vide circular bearing No. DH.M/ 2022/107/M/ PFR/31 2022/ 398/L 1 dated 26-08-2022 of the Revenue Department, land of Moje Ghuma which formed part of Taluka Daskroi is now made part of Taluka Ghatalodiya. Mutation Entry to the said effect was made in the revenue record vide Entry No. 12965 dated 12-09-2022.

(18) That Revised Non Agricultural use permission for Multipurpose for land bearing Final Plot No. 12/2admeasuring 8,134 Sq. mtrs. (given in lieu of Block No. 538) in Draft Town Planning Scheme No. 3 (Ghuma) was

granted by Collector, Ahmedabad by his order bearing No. 1554/07/17/062/2023 dated 22-02-2023. Mutation Entry to the said effect was made in the revenue record vide Entry No. 13169 dated 22-02-2023.

- (19) That Revised Non Agricultural use permission for Multipurpose for land bearing Final Plot No. 12/1 admeasuring 7,406 Sq. mtrs. (given in lieu of Block No. 537) in Draft Town Planning Scheme No. 3 (Ghuma) was granted by Collector, Ahmedabad by his order bearing No. 1701/07/17/062/2023 dated 28-02-2023. Mutation Entry to the said effect was made in the revenue record vide Entry No. 13182 dated 28-02-2023.
- (20) That said landowners had applied to Amalgamate the said Final Plot No.'s 12/1 and 12/2, therefore the Ahmedabad Municipal Corporation vide its Permission bearing No. 001LD22230546 dated 26-02-2023, Amalgamated the Final Plot No. 12/1 admeasuring 7,403 Sq. mtrs. and Final Plot No. 8,143 Sq. mtrs. and given Amalgamated Final Plot No. 12/1+12/2 admeasuring 15,540 Sq. mtrs.
- (21) That said (1) Prahladbhai Ambalal Patel (2) Govindbhai Ambalal Patel (3) Chaturbhai Ambalal Patel (4) Dipenkumar Prahladbhai Patel (5) Nikunjibhai Prahladbhai Patel and (6) Pavan Govindbhai Patel sold and conveyed the said land bearing Final Plot No. 12/1 admeasuring 7,406 Sq. mtrs. (given in lieu of Survey No. 537) in Town Planning Scheme No. 3 (Ghuma) to ELENZA GRADIENT LLP by Sale Deed dated 21-03-2023 which was registered before the Sub Registrar of Ahmedabad - 09 (Bopal) at Serial No. 4471 on 21-03-2023. Mutation Entry to the said effect was made in the revenue record vide Entry No. 13293 dated 20-04-2023 which is yet to be certified.



(22) That said (1) Prahladbhai Ambalal Patel (2) Govindbhai Ambalal Patel (3) Chaturbhai Ambalal Patel (4) Dipenkumar Prahladbhai Patel (5) Nikunjibhai Prahladbhai Patel and (6) Pavan Govindbhai Patel sold and conveyed the said land bearing Final Plot No. 12/2 admeasuring 8,134 Sq. mtrs. (given in lieu of Survey No. 538) in Town Planning Scheme No. 3 (Ghuma) to ELENZA GRADIENT LLP by Sale Deed dated 21-03-2023 which was registered before the Sub Registrar of Ahmedabad - 09 (Bopal) at Serial No. 4474 on 21-03-2023. Mutation Entry to the said effect was made in the revenue record vide Entry No. 13294 dated 20-04-2023 which is yet to be certified.

(23) The Ahmedabad Municipal Corporation had granted Development Permission vide different Raja Chitthi No.'s for different block in the following manner:-

Sr. No.	Raja Chitthi No.	Date	Block No.
1.	07869/070323/A7059 /Ro/M1	11-04-2023	A+B+C+D+E+F
2.	07918/070323/A7060 /Ro/M1	11-04-2023	G+H
3.	07919/070323/A7061 /Ro/M1	11-04-2023	I
4.	07920/070323/A7062 /Ro/M1	11-04-2023	J
5.	07921/070323/A7063 /Ro/M1	11-04-2023	K
6.	07922/070323/A7064 /Ro/M1	11-04-2023	L

That thereafter said ELENZA GRADIENT LLP had started Residential cum Commercial construction in the name of "ELENZA GRADIENT" on said land bearing land bearing Amalgamated Final Plot No. 12/1+12/2 admeasuring 15,540 Sq. mtrs. (given in lieu of Block No. 537

admeasuring 12,343 Sq. mtrs. and Block No. 538 admeasuring 13,557 Sq. mtrs.); in Draft Town Planning Scheme No. 3 (Ghuma).

- (24) That we have published a Public Notice inviting objections against issuance of a clear title certificate in the daily news paper "Gujarat Samachar" on 28-01-2022 and in response to the same; we have received objections in the following manner:-

(a) We have received one objection from Minor Manthan Tushar Patel through his guardian Tushar Patel on 15-02-2022, stating inter alia that the said land bearing Block No. 537 and 538 was purchased in 1993 as HUF Property of Somabhai Ambalal Patel and others and thereafter said Somabhai Ambalal Patel had released his rights in favour of other co. owners. Therefore as being member of HUF, he has right, title and interest in the said land as coparcener as he is son of daughter of Somabhai Ambalal Patel. He has claimed that as per the provisions of Hindu Minority and Guardianship Act, 1956 necessary permission is required to be obtained from the competent court for selling/ transferring/ releasing rights in the said land. However no such permission was obtained for releasing the rights of other co. owners.

That we have ignored the said objection because Tushar Patel had raised similar objection in other land parcel belonging to Somabhai Ambalal Patel and others, wherein we have rejected the said objection on the grounds of various Judgment of Hon'ble Supreme Court and Hon'ble High Court whereby it is clear that Somabhai Ambalal Patel is entitled to sell or release or any other manner transfer his share in lands to third parties and no permission from Court is required when Joint Hindu Property is sold or disposed by Karta wherein minor has undivided share.



(b) That we have received one objection from Advocate Rutul K. Patel through his client (i) Savitaben Bhikhabhai Patel and (ii) Sushilaben Prabhubhai Patel stating inter alia that they have right, title and interest in the said land as said land bearing Block No. 537 was ancestral property of their father in law viz. Ishvarbhai Kandas Patel. That said Ishvarbhai Kandas Patel along with other co. owners had sold the said land to third party without their consent by sale deed registered at Serial no. 20980. Hence they have right, title and interest in the said land.

That we have vide our Reply dated 24-02-2022, replied that the names of heirs of Ishvarbhai Kanadas had never appeared in the revenue record of the said land and we have also asked for production of any evidence supporting wherein the names of heirs of Ishvarbhai Kandas were appeared in the revenue record of the said land.

Thereafter said Advocate Rutul K. Patel vide his letter dated 04-03-2022, had produced several Mutation Entry No. 6 of different Village wherein names of heirs of Ishvarbhai Kandas were appeared in the revenue records. However no supporting evidence pertaining to the said land were produced.

Thereafter we have vide our reply dated 11-04-2022, replied that the said objection is filed after almost 28 years. Hence we have rejected the said objection as it filed with the malafide intention and to disturb the title of the said land and said objection is frivolous.

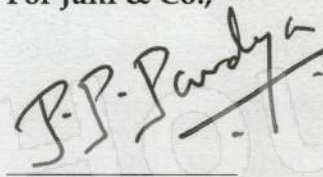
In view of what is stated above, we hereby opine that the titles of above referred Non Agricultural land bearing Amalgamated Final Plot No. 12/1+12/2 admeasuring 15,540 Sq. mtrs. (given in lieu of Block No. 537 admeasuring 12,343 Sq. mtrs. and Block No. 538 admeasuring 13,557 Sq. mtrs.); in Draft Town Planning Scheme No. 3 (Ghuma) situate, lying and being at Moje Ghuma, Taluka Ghatalodiya and in the Registration District of Ahmedabad and

Sub District of Ahmedabad - 9 (Bopal) and belonging to ELENZA GRADIENT LLP shall be clear and marketable and free from reasonable doubts and without encumbrances subject to:-

- [1] Fulfillment of Terms and conditions laid down in N.A. Use permission order.
- [2] Provisions of The Town Planning and Urban Development Act and use as per Zone of AUDA and plans of construction being sanctioned by AUDA and provisions of Town Planning Scheme No. 3 (Ghuma).
- [3] Mutation Entry No. 13293 and 13294 being certified.

DATED THIS 06th DAY OF MAY, 2023

For Jani & Co.,



PATHIK P. PANDYA

Advocate

Enrollment No. G/1409/2010



Note of caution and disclaimer:

- [1] This is to inform that Search of registration record of immediate past about 2-3 months is not available.
- [2] Please note that the registration record of the year 1990 to 1994 of Sub Registrar's office is destroyed/torn out. Hence it cannot be inspected and its search is not available. That the computerized record is not well prepared/maintained by State government agency and hence may be erroneous, resulting into our error.
- [3] Please ascertain that the Govt. authorities have not put any restrictions in making construction on said Land because of any historical monument/religious place/ water body, etc. situated nearby, or road laying and widening, or proposed public transportation system in surrounding areas. Also verify that there is no acquisition/reservation in said Land and there are no pending litigations or injunction/status quo granted therein in respect of said Land.
- [4] We are informed that at present no litigation/suits are filed/pending before any Judicial/Quasi Judicial authorities.