

# NAIK & ASSOCIATES

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Ref.

Date :

**LEGAL OPINION REGARDING MARKETABILITY OF THE LAND  
MEASURING 2 ACRES 16 GUNTAS IN SY. NO.21 OF THIRUMALA-  
SHETTIHALLI VILLAGE, ANUGONDANAHALLI HOBLI, HOSKOTE TALUK,  
BANGALORE RURAL DISTRICT.**

**Documents on the basis of which opinion is furnished:**

The copy of the following documents have been furnished to me for the purpose of offering legal opinion as to the marketable title in respect of the land measuring 2 acres 16 guntas in Sy. No.21 of Thirumalashettihalli Village, Anugondanahalli Hobli, Hoskote Taluk, Bangalore Rural District.

1. Application in Form No.7, submitted by Archak Venkatachalapathy.
2. Deposition of Archak Venkatachalapathy, in Case No.LRF:(A)19/1980-81.
3. Deposition of Anjanappa, father of Archak Venkatachalapathy in Case No. LRF:(A) 19/1980-81.
4. Order sheet maintained by the Land Tribunal, Hoskote, in Case No. LRF:(A) 19/1980-81.
5. Proceedings of the Order Sheet dated 03.03.1982, in Case No.LRF:(A) 19/1980-81.
6. Order dated 3.3.1982, passed by the Land Tribunal, Hoskote, in Case No. LRF:(A) 19/1980-81.
7. RTCs in respect of Sy. No.21 of Thirumalashettihalli Village, for the years 1969-1970 to 1999-2000.
8. RTCs in respect of Sy. No.21 of Thirumalashettihalli Village, for the period 2001-2002 to 2018-2019.
9. Survey Sketch of Sy. No.21 of Thirumalashettihalli Village, Anugondanahalli Hobli, Hoskote Taluk, Bangalore Rural District.

10. Extract of Akarband
11. Death Certificate dt. 29.05.1996 of Archak Venkatachalapathy.
12. Mutation Extract of MR No.28/2000-01 effecting mutation to the name of Smt. Seethamma, W/o. late Venkatachalapathy.
13. Sale Deed dt. 29.03.2019 executed by Smt. Seethamma and others, in favour of T.N. Chikkanna.
14. Order dated 09.05.2019 passed by the Deputy Tahsildar, Anugondanahalli Hobli, in Case No. Yu.tho/Anu/RRT(Dis):CR/01/2019-2020 for effecting mutation to the name of Sri. T.N. Chikkanna.
15. Consent Deed dt. 05.07.2019 executed by Anjanappa & his second wife and their children in favour of T.N. Chikkanna.
16. Mutation Register Extract of MR No.H87/2018-2019.
17. RTCs for the year 2019-2020 to 2023-2024 in respect of the land in Sy. No.21 of Thirumalashettihalli Village.
18. NIL Encumbrance Certificate for the period 1.4.1980 to 31.03.2004 in respect of Sy. No.21 of Thirumalashettihalli Village.
19. Encumbrance Certificate for the period 1.4.2004 to 4.5.2019 in respect of Sy. No.21 of Thirumalashettihalli Village.
20. Encumbrance Certificate for 29.03.2019 in respect of Sy. No.21 of Thirumalashettihalli Village.
21. Official Memorandum dated 08.01.2021, according approval for conversion in respect of the extent of 2 Acres 16 guntas in Sy. No.21 of Thirumalashettihalli Village, for non agricultural i.e. residential purposes.
22. e-Katha issued by the Department of Rural Development and Panchayat Raj, Bangalore, in respect of Sy. No.21.



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23. Tax paid receipt dt. 7.10.2022, towards payment of property tax for the year 2022-2023.
24. Registered Partition Deed dt. 3.8.2021 effected amongst Sri. Nagappa, S/o. Munisonappa, his wife, children and grandchildren.
25. Registered Joint Development Agreement dt.19.10.2022 between Sri. Nagappa and his family with M/s. ISHA Corp.
26. Registered General Power of Attorney dt. 19.10.2022 executed by Sri. Nagappa and others empowering M/s. ISHA Corp to deal with the land measuring 2 acres 16 guntas in Sy. No.21 of Thirumalashettihalli Village.
27. Receipt dt.14.12.2022 issued by the Member Secretary, Satellite Town Ring Road Planning Authority, (STRR) Bangalore, evidencing payment of Betterment and other Charges.
28. Receipt dt.06.01.2023 issued by the Junior Telecom Officer, (BTS PLG-CM), Bharat Sanchar Nigam Limited, dated 6.1.2023 towards No Objection for construction of High Rise Building, in favour of M/s. ISHA Corp.
29. Receipt dt. 06.01.2023, issued by the BESCOM for availing power supply.
30. Receipt dt. 25.01.2023 issued by Forest, Ecology and Environment Secretariat, Bangalore.
31. Receipt dt. 31.07.2023 towards payment to the Department of Karnataka Fire & Emergency Services, for issue of No Objection Certificate in favour of M/s. ISHA Corp.
32. Consent Order bearing No.CTE-337126 dt.28.3.2023, granting consent for establishment of new activity under the Water (Prevention and Control of Pollution), Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 issued by the Department of Karnataka Fire & Emergency Services in favour of M/s. ISHA Corp.

33. Notice dt. 27.11.2023 of the Member Secretary, Satellite Town Ring Road Planning Authority, (STRR) Bangalore, to effect payment for issue of Commencement Certificate
34. Commencement Certificate dated 18.12.2023 issued by the Member Secretary, Satellite Town Ring Road Planning Authority, (STRR) Bangalore.
35. Supplemental Agreement dt.07.03.2024, between Sri. Nagappa and Others and M/s. ISHA Corp.
36. Partnership Deed dt. 7.2.2022 of M/s. Isha Corp.
37. Reconstitution Deed of Partnership Dt. 9.12.2023
38. Certificate of Registration of Firm in Form-C regarding registration of Partnership M/s. Isha Corp. issued by the Registrar of Firms.
39. Release Deed dt. 27.01.2023 releasing an extent of 1334.23 Sqmtrs. in favour of the Panchayat Development Officer, Samethanahalli Gram Panchayat for widening of road.

The land measuring 2 acres 28 guntas including kharab of 12 guntas in Sy. No.21 of Thirumalashettihalli Village, Anugondanahalli Hobli, Hoskote Taluk, Bangalore Rural District, was originally endowed in favour of the Anjaneyaswamy Temple, situated at Thirumalashettihalli Village.

After the coming into force of the Inams Abolition Act, Archak A. Venkatachalapathy filed application in Form-7 for grant of occupancy rights under the Religious and Charitable Abolition Act.

The application for registration of occupancy rights was taken up by the Land Tribunal, Hoskote in Case No. LRF:(A)19/1980-81 and notice was issued to the Anjaneyaswamy Temple, as well as the Tahsildar, Hoskote.

In the course of the hearing, after recording the evidence of Archak Venkatachalapathy, S/o. Anjanappa, and also the statement of his father



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Anjanappa, that he had no objection for registering the occupancy rights in favour of his son Venkatachalapathy.

The Land Tribunal, Hoskote, after consideration of the application as well as the statements of Venkatachalapathy and Anjanappa, passed an order on 3.3.1982, registering the name of Archak Venkatachalapathy as occupant in respect of the extent of 2 acres 28 guntas including kharab of 12 guntas in Sy. No.21 of Thirumalashettihalli Village, Anugondanahalli Hobli, Hoskote Taluk, Bangalore Rural District. The proceedings of the Land Tribunal, Hoskote, dated 3.3.1982, as well as the Order dated 3.3.1982 passed by the Land Tribunal, Hoskote, evidences the order passed by the Land Tribunal, Hoskote, to register the name of Venkatachalapathy as occupant of the land in Sy. No.21 of Thirumalashettihalli Village, Anugondanahalli Hobli, Hoskote Taluk, Bangalore Rural District.

The RTCs in respect of the land in Sy. No.21 of Thirumalashettihalli Village, Anugondanahalli Hobli, Hoskote Taluk, Bangalore Rural District, for the period 1969-70 to 1999-2000 shows at Column No.9, that the khatha of the land stands in the name of Anjaneyaswamy Devaru and in Column No.12, shows the name of Anjanappa, for the period 1968-69 to 1973-74 and thereafter the name of Archak Venkatachalapathy is shown. It is thus evident that the land measuring 2 acres 28 guntas including kharab of 12 guntas in Sy. No.21 of Thirumalashettihalli Village, Anugondanahalli Hobli, Hoskote Taluk, Bangalore Rural District, was in the possession of Anjanappa and thereafter in the possession of his son, Archak Venkatachalapathy.

The revenue authorities, based on the order passed by the Land Tribunal, Hoskote, dated 3.3.1982, effected mutation to the name of Archak Venkatachalapathy under MR No.28/2000-01.

The RTC for the year 1984-85, show the name of Archak Venkatachalapathy at Column Nos.9 & 10, and that his name has been entered based on the registration of occupancy rights in his favour. Column No.12 of the RTC shows the name of Venkatachalapathy.

Sri. Venkatachalapathy died on 29.05.1996, as evident from the death certificate. On his death, his wife Smt. Seethamma, sought for effecting mutation to her name and the same was considered and mutation effected

to the name of Smt. Seethamma, W/o. late Venkatachalapathy, vide IHC No. 28/2000-01.

The RTC for the year 2001-02 shows the name of Smt. Seethamma, W/o. late Venkatachalapathy, at Column 9 of the RTC and the name has been entered as per IHC No.28/2000-01.

The RTC for the year 2001-02 remained till the year 2018-19 as per the RTCs furnished to me.

Smt. Seethamma, W/o. late Venkatachalapathy and her children Smt. Umadevi, Smt. Mahalakshmi @ Mala, Ravikumar, Smt. V. Sudha Rani executed Sale Deed dt. 29.3.2019, in favour of Sri. T.N. Chikkanna, S/o. Nagappa, conveying the extent of 2 acres 28 guntas including kharab of 12 guntas in Sy. No.21 of Thirumalashettihalli Village, Anugondanahalli Hobli, Hoskote Taluk, Bangalore Rural District.

The Sale Deed dated 29.3.2019, is also executed by A. Rajesh, and his children Master Tejas and Kum. Pallavi, besides Smt. Anjanamma and Smt. Nagarathnamma. A. Rajesh, Smt. Anjanamma and Smt. Nagarathnamma are the younger brother and sisters respectively of Venkatachalapathy. Sri. B.V. Basavaraju, Manjunath and N.S. Prakash have also executed the Sale Deed as Confirming Parties.

It is mentioned in the Sale Deed dt. 29.3.2019, that A. Rajesh had filed a suit in O.S. No.2463/2006, in the Court of the I Addl. Senior Civil Judge, Bangalore Rural District, for partition and separate possession of his half share in the land on the ground that the grant of occupancy rights in favour of his elder brother A. Venkatachalapathy was for and on behalf of the joint family comprising of himself, and his elder brother A. Venkatachalapathy.

It is also mentioned that O.S.No.2463/2006 was being withdrawn. The dismissal of O.S No.2463/2006 on 19.12.2019 is apparent from the website of the e-courts Bangalore Rural District. However, in order to avoid any dispute arising later, the said A. Rajesh and his children had also joined in the execution of the Sale Deed dt. 29.3.2019.

It is mentioned in the Sale Deed that Smt. Seethamma, and her children had entered into an Agreement of Sale dated 30.08.2010 in favour of the



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Confirming Parties, agreeing to sell the above said land and received a sum of Rs.40,00,000/-, followed by an additional advance of Rs.10.00 Lakhs by executing a Shara in the original Agreement of Sale.

It is also mentioned that the Confirming Parties had filed a suit for specific performance in O.S. No.1455/2013, in the Court of the Principal Senior Civil Judge, Bangalore Rural District and that the Confirming Parties had agreed to withdraw the said suit by receiving a sum of Rs.55,00,000/- (Rupees Fifty Five Lakhs only). The suit O.S.No.1455/2013, has since been dismissed on 16.01.2020, which is evident from the website of e-courts, Bangalore Rural District.

It is evident from the sale deed dt. 29.3.2019, that A. Rajesh for himself and his minor children as well as his sisters had received sale consideration of Rs.30,00,000/-. Similarly, the Confirming Parties together received a sum of Rs.55,00,000/- (Rupees Fifty Five Lakhs only).

Subsequent to the Sale Deed, J Slip was forwarded and mutation proceedings under MR No.H76/2018-19 was registered. Smt. Bellamma, W/o. Nagappa having filed objection to the Mutation in favour of Sri. T.N. Chikkanna, the Deputy Tahsildar, Anugondanahalli, Hoskote Taluk, conducted proceedings and ordered effecting mutation to the name of T.N. Chikkanna, by order dated 9.5.2019.

The Mutation Register Extract of MR No. H87/2018-19 and the RTC for the period 2020-21 to 2023-24, evidences the fact of mutation being effected in the name of T.N. Chikkanna, S/o. Nagappa.

Sri. Anjanappa, the father of Venkatachalapathy, alongwith his children from his second wife Smt. Venkatalakshmmamma, have also executed Consent Deed dt. 5.7.2019, consenting to the Sale Deed dated 29.3.2019, by receiving consideration. Thus, the interests of all claimants in respect of the schedule property are satisfied.

The Encumbrance Certificate for the period 1.4.1980 to 31.03.2004 in respect of the land in Sy. No.21 of Thirumalashettihalli Village, shows NIL Encumbrance. The Encumbrance Certificate dt. 29.3.2019 shows the sale

transaction in favour of T.N. Chikkanna. The encumbrance certificate shows the absence of any transactions subsequent to the sale deed dt.29.3.2019.

The Official Memorandum dated 8.1.2021, issued by the Deputy Commissioner, Bangalore Rural District, evidences the conversion of the extent of 2 acres 16 guntas in Sy.No.21 of Thirumalashettihalli Village, for non agricultural i.e. residential purposes, pursuant to which e-Katha has been issued and the property assessed for property tax.

Partition Deed dated 3.8.2021, discloses partition effected between Sri. Nagappa and his family in respect of their properties including the Schedule Property.

Sri. Nagappa and his family have entered into Joint Development Agreement dt.19.10.2022, with M/s. ISHA Corp, a registered partnership firm, for joint development of the Schedule land for construction of Multistoried Apartment Complex. Pursuant to the Joint Development Agreement, a General Power of Attorney dt. 19.10.2022 has been executed by Sri. Nagappa and others empowering M/s. ISHA Corp. to deal with the Schedule property.

The Satellite Town Ring Road Planning Authority (STRR), has collected betterment and other charges, and issued Commencement Certificate dated 18.12.2023, for construction of Basement, Ground plus 14 floors of residential apartments by commencement certificate dated 18.12.2023, after collecting requisite charges.

The Karnataka State Pollution Control Board, Fire & Emergency Services, Government of Karnataka, Forest Ecology and Environment Secretariat, Bharat Sanchar Nigam Limited have given their respective No Objection after receiving the charges therefor.

The Kharab land of 12 guntas in Sy. No.21 has been released in favour of the Panchayat Development Officer, Samathenahalli Gram Panchayat, for widening of road; under a registered release deed dt. 27.01.2023.

M/s. ISHA Corp. is a registered Partnership Firm having been constituted under a Deed of Partnership dt. 7.2.2022. A Reconstitution of the Partnership Deed, has been effected under Deed of Reconstitution



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dt. 9.12.2023, though the partners continue to remain the same. The Certificate in Form C issued by the Registrar of Firms, evidences the registration of the partnership firm M/s. ISHA Corp.

The Owner and the Builder, have entered into a Supplemental Agreement dated 7.3.2024, demarcating their respective entitlements of the apartments, commercial as well as residential.

## **SCHEDULE**

All that piece and parcel of the land measuring 2 acres 28 guntas in Sy. No.21 of Thirumalashettihalli Village, Anugondanahalli Hobli, Hoskote Taluk, Bangalore Rural District, the land being bounded on the:

East by : Lands belonging to Eerappa & Smt. Bellamma;

West by : Road

North by : Land belonging to Smt. Erramma

South by : Land belonging to Chandra Reddy

On verification and scrutiny of the above mentioned documents, I am of the opinion that Nagappa and his family has clear and marketable title in respect of the land measuring 2 acres 16 guntas in Sy. No.21 of Thirumalashettihalli Village, Anugondanahalli Hobli, Hoskote Taluk, Bangalore Rural District and in view of the Joint Development Agreement, the partnership firm M/s. ISHA Corp is entitled to develop the Schedule Property by construction of Multistoried Apartment Complex and to deal with its share of 75% of constructed area, with undivided share in the land.

**(Satish V. Naik)**

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