

**M.B. MATHAPATHI**  
**ADVOCATE**

Ph : 080-41681070  
Mob : 9844146590

# 25, 14th Cross, G.M. Palya, New Thippasandra Post, Bangalore - 560 075.

Date

Date: 10.2.2021.

**LEGAL OPINION**

Subject:- Legal opinion in respect of the land bearing Survey No. 76/3, BBMP assigned Municipal No. 35, situated at Gunjur Village, Varthur Hobli, Bengaluru East Taluk, Bengaluru, Belonging to M/s. RECOM PROPERTIES (P) LTD.

The following documents of title are produced to me for scrutiny and opinion :-

1. Sale deed dated 8.1.1960, registered as No. 4599/1959-60, Book I, Volume 121, pages 247 to 249, in the office of the Sub-Registrar, Bengaluru South Taluk, executed by Hanumaiah @ Chikkonappa, Son of Venkatappa, in favour of Yellappa, Son of Kenchappa.
2. Record showing the name of Yellappa, as owner of the subject property.
3. RTC Extracts
4. Order passed in LRF No. 708/74-75, dated 27.11.1981, passed by the Special Tahsildar for



Land Reforms, Bengaluru South Taluk, Bengaluru, granting occupancy rights of the land bearing Survey No. 76/3, measuring 1-19 guntas, of Gunjur Village, Varthur Hobli, Bengaluru South Taluk, now Bengaluru East Taluk, Bengaluru, in favour of Sri. Muninanjappa, on payment of premium of Rs.436/-

5. Certificate of registration as tenant issued in favour of Muninanjappa, dated 25.2.1982.

6. Akarbandh

7. Survey sketch

8. Survey tippani copy

9. RTC Extracts

10. Absolute sale deed dated 30.5.2011, registered as No. VRT-1-01707-2011-12, stored in C.D. No. VRTD 114, in the office of the Senior Sub-Registrar, Varthur, Bengaluru Urban District, executed by Muninanjappa, in favour of N. Vijayakumar.

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11. Official memorandum bearing No. ALN (EVH) SR 359/2010-11, dated 4.3.2011, issued by the Deputy Commissioner, Bengaluru District, converting the land from agricultural purposes to non-agricultural purposes.
12. Notice demanding payment of betterment charges and bifurcation charges.
13. Challan for having paid conversion charges and bifurcation charges.
14. Official memorandum dated 8.12.2011, issued by Bruhath Bengaluru Mahanagara Palike, ordering to mutate the khatha of the subject land in favour of N. Vijay Kumar.
15. Challan for having paid khatha transfer charges.
16. Khatha certificate dated 7.1.2012 issued by BBMP in favour of N. Vijay Kumar.



17. Demand register extract issued by BBMP in favour of N. Vijaya Kumar.
18. Tax paid receipts.
19. Sale deed dated 11.11.2015, registered as No. INR-1-06597-2015-16, stored in C.D. No. INRD 155, in the office of the Sub-Registrar, Shivajinagar (Indiranagar), Bengaluru, executed by N. Vijaya Kumar also known as Neelappa Vijaya Kumar, in favour of M/s. Recom Properties (P) Ltd.
20. Betterment/Improvement charges receipt dated 9.6.2016, paid by Recom Properties (P) Ltd., in favour of BBMP
21. Khatha issued by BBMP in favour of Recom Properties (P) Ltd.
22. Khatha certificate and khatha extract issued by BBMP in favour of Recom Properties (P) Ltd.
23. Tax paid receipt

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24. Endorsements issued by the authorities stating that, the property does not come within the scope of PTCL Act.
25. Resolution passed by the Directors of Recom Properties (P) Ltd., empowering Mr. Harjit D Babbur, to sell the subject property in favour of any prospective purchaser/s.
26. Encumbrance certificates for the periods from 1.1.1960 to 29.1.2021.

**TRACING OF TITLE TO THE PROPERTY :-** Normally, marketable value to the property should be traced for a period of thirty years and anterior thereto. In the instant case, the earliest document available is of the year 1960, i.e. the sale deed dated 8.1.1960, and the same is sufficient to arrive at a just and reasonable opinion.

**DIC SUSSIONS**

It is seen from the documents produced to me that, one Hanumaiah @ Chikkonappa, Son of Venkatappa, was the sole and absolute owner of the land bearing Survey



No. 76/3, measuring 1-19 guntas of Gunjur Village, Varthur Hobli, Bengaluru South Taluk, now Bengaluru East Taluk, Bengaluru, and he has sold the same in favour of Sri. Yellappa, Son of Kenchappa, under the registered sale deed dated 8.1.1960, and the said Yellappa, was in possession and enjoyment of the said land by getting the khatha and other revenue records mutated to his name.

Thereafter, one Muninnajappa, Son of late Buddappa, who was the tenant and cultivator of the subject property had made an application under Section 45 of the Karnataka Land Reforms Act, 1961, before the Land Tribunal, Bengaluru South Taluk, Bengaluru, and the Land Tribunal after registering a case in LRF No. 708/1974, passed an order dated 25.2.1982, registering Muninanjappa, as tenant and occupant of the subject property in Form No. 10, under the provisions of Section 5(1) of the Karnataka Land Reforms Act, 1961.

That, after the grant, the said Muninanjappa, was in peaceful possession and enjoyment of the subject land by getting the khatha and other revenue records mutated to his name and has got the subject property converted from agricultural purposes to non-agricultural residential

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purposes vide official memorandum dated 4.3.2011, and has paid conversion fine and bifurcation charges to the competent authority.

Thereafter, the said Muninanjappa, has sold the subject property in favour of N. Vijaya Kumar, under the registered sale deed dated 30.5.2011, and the said N. Vijay Kumar, was in possession and enjoyment of the said property by getting the khatha and other revenue records in the registers of Bruhath Bengaluru Mahanagara Palike, and has paid betterment/improvement charges to BBMP and has paid taxes to the subject property and the said N. Vijaya Kumar, was in peaceful possession and enjoyment of the subject property.

Thereafter, the said N. Vijaya Kumar, has sold the subject property in favour of M/s. Recom Properties (P) Ltd., represented by its Director and authorized representative Mr. Harjith D Bubber, under the registered sale deed dated 11.11.2015, registered as No. INR-1-06597-2015-16, stored in C.D. No. INRD 155, in the office of the Sub-Registrar, Shivajinagar (Indiranagar) Bengaluru, and the said Recom Properties (P) Ltd., is in possession and enjoyment of the said property.



The said Recom Properties (P) Ltd., have got the khatha and other revenue records mutated to its name in the registers of Bruhath Bengaluru Mahanagara Palike, and have paid upto-date taxes to the subject property and have thus perfected their title to the subject property. The revenue records now seen have got corroborative value.

Now, I am seeing the Resolution passed by the Directors of Recom Properties (P) Ltd., empowering Mr. Harjit D Babbur, to sell the subject property in favour of any prospective purchaser/s. on the basis of which Mr. Harjit D Babbur, is empowered to sell the subject property in favour of prospective purchaser/s.

I am seeing the encumbrance certificates which are for the periods from 1.1.1960 to 29.1.2021, and these documents reflects the sale transaction that has taken place in respect of the subject property.

**POSSESSION AND ENCUMBRANCE :-** On perusal of the documents produced to me, I am of the opinion that M/s. Recom Properties (P) Ltd., are in possession and enjoyment of the subject property and the property is free from all encumbrances till 29.1.2021.

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**CERTIFICATE OF TITLE**

On scrutiny of the documents produced to me, I am of the opinion that, M/s. Recom Properties (P) Ltd., are the sole, absolute and lawful owners in possession and enjoyment of the subject property and they are at liberty to deal with the same in any manner they may deem fit and proper.

The documents produced to me in Xerox is appended herewith.

  
Advocate.