

77°
TOWN
CENTRE

TITLE REPORT



DivyaSree

TATVALEGAL

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Writer's Name : N.K. Dilip / S. Raghu Nandana

September 7, 2012

To,
Divyasree Infrastructure Projects Private Limited
Bangalore.

Kind Attn: Mr. Santosh Martin
Mrs. Kiran F Vora

Dear Sirs,

Sub: Title Reports as on 30th April 2012 for lands situated in Ammani Bellandur Khane Village

Whereas you had engaged us, inter alia, to carry out due diligence of the title to the properties situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, Bangalore urban district ("Properties"). We had prepared the title reports and sent the soft copies of the same to you. Please find enclosed the hard copies of the Title Reports of the Properties detailed in Annexure 1 ("Title Report").

Please note the following with respect to our Title Report –

- a. The due diligence has been carried out for a period of past 30 years.
- b. Based on the documents furnished to us, it is not ascertainable if the property that stood or stand in the name of Hindu males is their self acquired property or property held in their names as karta of mitakshara coparcenery.
- c. In instances, where powers of attorney executed by owner/s of the property to sell such property are not available, it is assumed that such powers of attorney were executed. In the event such power/s of attorneys was not executed by the owners, our conclusions stated in the report in relation to such properties may vary substantially.
- d. Where the genealogical trees of a person setting out his family members are not made available, it is assumed that all members of the family who are necessary parties to any partition / transfer of the property were adequately represented in such partition / transfer.
- e. We have drawn our conclusions in the Title Report based solely on the documents furnished to us. Where requested documents have not been made available due to any reason, our opinion may change on verification of such documents.



- f. In drawing our conclusions on title to the Properties, we have assumed that the encumbrance certificates furnished in respect of the Properties have been correctly prepared by the authority issuing such certificates and that they reflect all transactions, encumbrances, charges and mortgages registered in respect of the Properties.
- g. As on the date of preparing Title Report (30th April 2012, we understand that there is no mortgage created on the Properties except the equitable mortgage created in favour of HDFC Limited for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores).

This letter shall form part and parcel of each of the said Title Reports.

In case you have any further clarifications please feel free to contact us.

Thanking you,

Yours sincerely,
For Tatva Legal


(N.K. Dilip)
Partner

ANNEXURE 1

Title Reports have been prepared for the Properties detailed herein below:

<u>INDEX OF PROPERTIES</u>			
Serial No.	Survey Number	Extent (in Acres-Guntas)	Referred in Title Reports as
1.	149/3B & 150/5A	0-14 & 0-11	Property I
2.	150/2	01-01	Property II
3.	150/4	0-18.5	Property III
4.	151/3	0-30	Property IV
5.	154	3-33	Property V
6.	153/3 153/4 155/1 & 155/2A	1-04 0-07 0-10 & 0-08	Property VI
7.	151/4 155/2A & 156	0-06 0-19 & 0-9 ¼	Property VIII
8.	155/2B & 156	0-20 & 0-10	Property VIII
9.	156	0-06 ¾	Property IX
10.	157/2 157/3A & 159/1B	1-19 1-19 & 0-07	Property X
11.	149/1 & 150/3	0-22 & 0-23	Property XI

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12.	149/2	0-21	Property XII
13.	149/3A & 150/5B	0-29 & 0-11	Property XIII
14.	150/1	0-23	Property XIV
15.	160	2-37	Property XV
16.	150/4	0-18 ½	Property XVI
17.	149/3C & 159/2	0-26 & 0-32	Property XVII
18.	151/1 & 153/2	0-10 & 0-28	Property XVIII
19.	151/2	0-33	Property XIX
20.	151/4	0-12	Property XX
21.	151/5	0-06	Property XXI
22.	151/6 & 151/7	0-11 & 0-16	Property XXII
23.	152	1-09	Property XXIII
24.	153/1	0-12 ½	Property XXIV
25.	153/1	0-12 ½	Property XXV
26.	157/3B	0-18	Property XXVI
27.	151/4	0-06	Property XXVII

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<u>INDEX OF PROPERTIES</u>			
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1.	149/3B & 150/5A	0-14 & 0-11	Property I
2.	150/2	01-01	Property II
3.	150/4	0-18.5	Property III
4.	151/3	0-30	Property IV
5.	154	3-33	Property V
6.	153/3 153/4 155/1 & 155/2A	1-04 0-07 0-10 & 0-08	Property VI
7.	151/4 155/2A & 156	0-06 0-19 & 0-9 ¼	Property VIII
8.	155/2B & 156	0-20 & 0-10	Property VIII
9.	156	0-06 ¾	Property IX
10.	157/2 157/3A & 159/1B	1-19 1-19 & 0-07	Property X
11.	149/1 & 150/3	0-22 & 0-23	Property XI

Signature

12.	149/2	0-21	Property XII
13.	149/3A & 150/5B	0-29 & 0-11	Property XIII
14.	150/1	0-23	Property XIV
15.	160	2-37	Property XV
16.	150/4	0-18 ½	Property XVI
17.	149/3C & 159/2	0-26 & 0-32	Property XVII
18.	151/1 & 153/2	0-10 & 0-28	Property XVIII
19.	151/2	0-33	Property XIX
20.	151/4	0-12	Property XX
21.	151/5	0-06	Property XXI
22.	151/6 & 151/7	0-11 & 0-16	Property XXII
23.	152	1-09	Property XXIII
24.	153/1	0-12 ½	Property XXIV
25.	153/1	0-12 ½	Property XXV
26.	157/3B	0-18	Property XXVI
27.	151/4	0-06	Property XXVII

Signature

INDEX OF PROPERTIES			
Serial No.	Survey Number	Extent (in Acres-Guntas)	Referred to herein as
1.	149/1 & 150/3	0-22 & 0-23	Property XI
2.	149/2	0-21	Property XII
3.	149/3A & 150/5B	0-29 & 0-11	Property XIII
4.	150/1	0-23	Property XIV
5.	160	2-37	Property XV
6.	150/4	0-18 ½	Property XVI
7.	149/3C & 159/2	0-26 & 0-32	Property XVII
8.	151/1 & 153/2	0-10 & 0-28	Property XVIII



XI. LANDS BEARING SURVEY NOS. 149/1 (22 GUNTAS) & 150/3 (23 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Lands bearing Survey Nos. 149/1 measuring 22 Guntas and 150/3 measuring 23 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, comprising of:

Land bearing Survey No. 149/1 measuring 22 Guntas, bounded on its:

East by : Land bearing Survey No. 150/3;
West by : Land bearing Survey No. 149/2
North by : Land bearing Survey No. 150/1; and
South by : Land bearing Survey No. 148/4;

Land bearing Survey No. 150/3 measuring 23 Guntas, bounded on its:

East by : Land bearing Survey No. 150/1;
West by : Lands bearing Survey Nos. 151/3 & 151/7;
North by : Land bearing Survey No. 150/4; and
South by : Land bearing Survey No. 149/2;

The aforesaid properties are hereinafter collectively referred to as “**Property XI**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Sale Deed dated 22.10.1943 executed by Mr. Yangaiah Reddy in favour of Mr. Munishamappa conveying the lands bearing Survey No. 149/1 measuring 22 Guntas and Survey No. 150/3 measuring 23 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 1991 in Book-I, Volume No. 662 at Pages 62 to 63 in the office of the Sub-Registrar, Bangalore Taluk;
2.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 150/3 measuring 23 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
3.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 149/1 measuring 22 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2002-03 and 2004-05 to 2011-12;

4.	Extract of Entry No. MR 52 of 1996-97 made in the Mutation Register issued in respect of the lands bearing Survey Nos. 150/3 and 149/1 measuring 23 Guntas and 22 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
5.	Extract of Entry No. IHC 21 of 1997-98 made in the Inheritance Register in respect of the lands bearing Survey Nos. 150/3 and 149/1 measuring 23 Guntas and 22 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
6.	Sale Deed dated 7.10.2004 executed by Mr. M. Bhoomi Reddy in favour of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj conveying the lands bearing Survey No. 150/3 and 149/1 measuring 23 Guntas and 22 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No.BAS-1-17591-04-05, Book I (stored in C. D. No. BASD102) in the Office of the Sub-Registrar, Bangalore South Taluk;
6A	Extract of Entry No. MR 146 of 2004-05 made in the Mutation Register recording execution of the Sale Deed dated 7.10.2004 and grant of permission for change khata in respect of the lands bearing Survey Nos. 150/3 and 149/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the names of Mr. Austin Roach, Mr. R. Nagaraj and Mr. Errol Fernandes;
7.	Demand Note bearing No. ALN(E)VB:SR:437/04-05 dated 18.2.2005 issued by the Special Deputy Commissioner, Bangalore Urban District in respect of the lands bearing Survey No. 150/3 and 149/1 measuring 23 Guntas and 22 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
8.	Receipt for having paid conversion and sub division fee in respect of the lands bearing Survey No. 150/3 and 149/1 measuring 23 Guntas and 22 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
9.	Official Memorandum bearing No.ALN(E)VB:SR:437/04-05 dated 24.2.2005 issued by the Special Deputy Commissioner, Bangalore District in respect of the lands bearing Survey Nos. 150/3 and 149/1 measuring 23 Guntas and 22 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
10.	Khata Certificate dated 22.5.2007 issued by Bruhat Bangalore Mahanagara Palike (BBMP) in respect of the lands bearing Survey Nos. 150/3 and 149/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
11.	Extract from the House and Vacant Land Register for the year 2007-08 issued by BBMP in respect of the lands bearing Survey Nos. 150/3 and

	149/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
12.	Receipt dated 28.5.2009 for payment of tax levied on the lands bearing Survey Nos. 150/3 and 149/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
12A.	Development Agreement dated 1.7.2010 executed by Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj in favor of Divyasree Infrastructure Private Limited (“DIPPL”) in respect of the land bearing Survey Nos. 149/1 and 150/3 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02320-2010-11 (stored in CD No. VRTD26) in the office of the Sub Registrar, Varthur;
12B.	Cancellation of Joint Development Agreement dated 30.9.2010 executed by Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj in favor of DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in CD No. VRTD83) in the office of the Sub Registrar, Varthur;
13.	Joint Development Agreement dated 18.11.2010 executed by and between Mr. Austin Roach, Mr. Errol Fernandes & Mr. R. Nagaraj and Divyasree Infrastructure Projects Private Limited (DIPPL) for the development of the lands bearing Survey Nos. 150/3 and 149/1 measuring 23 Guntas and 22 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and certain other properties, registered as Document No. VRT-1-05169-2010-11 (stored in C. D. No. VRTD 86) in the office of the Sub-Registrar, Varthur;
14.	General Power of Attorney dated 18.11.2010 executed by Mr. Austin Roach, Mr. Errol Fernandes & Mr. R. Nagaraj appointing Divyasree Infrastructure Projects Private Limited (DIPPL) as their attorney in respect of the lands bearing Survey Nos. 150/3 and 149/1 measuring 23 Guntas and 22 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and certain other properties, registered as Document No. VRT-4-00332-2010-11 (stored in C. D. No. VRTD) in the office of the Sub-Registrar, Varthur;
14A.	Receipts issued for payment of tax levied on the lands bearing Survey Nos. 150/3 and 149/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 2008-09 to 2010-11;
14B.	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as

	Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
14C	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
14D	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
14E	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
14F	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
14G	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
14H	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of Bangalore Development Authority (BDA), registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
14I	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
15.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that the lands bearing Survey Nos. 150/3 and 149/1 measuring 23 Guntas and 22 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk have not been the subject matter of any proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978;
16.	Endorsement bearing No.LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the lands bearing Survey Nos. 150/3 and 149/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17.	Endorsement bearing No.LRF.CR.93:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 have been filed under the provisions of Section 48A of

	the Karnataka Land Reforms Act, 1961 in respect of the lands bearing Survey Nos. 150/3 and 149/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18.	Revision Settlement Akarbandh issued in respect of the lands bearing Survey Nos. 150/3 and 149/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
19.	Tippani issued in respect of the land bearing Survey No.149 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
20.	Tippani issued in respect of the land bearing Survey No.150 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
21.	Hissa Tippani issued in respect of sub divisions of the land bearing Survey No.150 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
22.	Map of Ammani Bellandur Khane Village;
23.	Encumbrance Certificates issued in respect of the land bearing Survey No. 149/1 measuring 22 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 15.2.1957 to 31.3.1970, 1.4.1970 to 31.4.2004, 1.4.2007 to 31.5.2008, 1.6.2008 to 24.11.2008 and 25.11.2008 to 11.11.2009;
24.	Encumbrance Certificates issued in respect of the land bearing Survey No. 149/1 measuring 22 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1943 to 14.2.1957, 1.4.2004 to 31.3.2007, 1.4.2009 to 28.10.2010 and 1.4.2010 to 27.2.2011;
25.	Encumbrance Certificates issued in respect of the land bearing Survey No. 150/3 measuring 23 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 15.2.1957 to 31.3.1970, 1.4.1970 to 31.4.2004, 1.4.2007 to 31.5.2008, 1.6.2008 to 24.11.2008 and 25.11.2008 to 11.11.2009; and
26.	Encumbrance Certificates issued in respect of the land bearing Survey No. 150/3 measuring 23 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1943 to 14.2.1957, 1.4.2004 to 31.3.2007, 1.4.2009 to 29.10.2010 and 1.4.2010 to 24.2.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. Property XI comprises of two separate parcels of the land bearing Survey No. 149/1 measuring 22 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk (Land bearing Survey No. 149/1) and Survey No.150/3

- measuring 23 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk (Land bearing Survey No. 150/3).
2. On an examination of the aforesaid documents it appears that the Land bearing Survey No. 149/1 was initially owned by Mr. Gurumurthappa.
 3. It also appears that the Land bearing Survey No. 150/3 was initially owned by Mr. Bhoomi Reddy.
 4. Thereafter, it appears that Mr. Yangaiah Reddy acquired title to the Lands bearing Survey Nos. 150/3 and 149/1 (i.e., Property XI). We have not been provided with any deeds and documents that evidence the mode and manner by which Mr. Yangaiah Reddy acquired title to the same from Mr. Bhoomi Reddy and Mr. Gurumurthappa. We have been informed that the same are not available.
 5. Later, Mr. Yangaiah Reddy has conveyed Property XI in favour of Mr. Munishamappa under the Sale Deed dated 22.10.1943 (Document No. 1).
 6. RTCs issued in respect of the Land bearing Survey No. 150/3 for the years 1967-68 to 1996-97 continue to reflect Mr. Bhoomi Reddy as the holder and cultivator thereof for the said years (Document No. 2).
 7. RTCs issued in respect of the Land bearing Survey No. 149/1 for the years 1967-68 to 1996-97 also continue to reflect Mr. Gurumurthappa as the holder and cultivator thereof for the said years (Document No. 3).
 8. Pursuant to execution of the aforesaid Sale Deed dated 22.10.1943, Entry No. MR 52 of 1996-97 was made in the Mutation Register granting permission for the change of Khata in respect of the Lands bearing Survey Nos. 150/3 and 149/1 (i.e., Property XI) to the name of Mr. Munishamappa (Document No. 4).
 9. Thereupon, it appears that Mr. Munishamappa passed away on 4.4.1982 (*as per Entry IHC No. 21 of 1997-98*) survived by his wife Mrs. Lingamma and children Mr. M Bhoomi Reddy, Mr. M Thimma Reddy and Mrs. Muniyamma. We have not been provided with the death certificate and genealogical tree of Mr. Munishamappa. We have been informed that the same is not available.
 10. Pursuant to the demise of Mr. Munishamappa, Entry No. IHC 21 of 1997-98 was made in the Inheritance Register recording the demise of Mr. Munishamappa on 4.4.1982 and being survived by his wife and children viz., Mrs. Lingamma and children Mr. M Bhoomi Reddy, Mr. M Thimma Reddy & Mrs. Muniyamma and further recording the grant of permission (upon representation made by the children of Mr. Munishamappa) for the change of Khata in respect of the Lands bearing Survey Nos. 150/3 and 149/1 to the name of Mr. M Bhoomi Reddy (Document No. 5).
 11. RTCs issued in respect of the Lands bearing Survey Nos. 150/3 and 149/1 reflect Mr. Munishamappa as the previous holder of the same for the years 1997-98 to 2001-02.

12. RTCs issued in respect of the Lands bearing Survey Nos. 150/3 for the years 1997-98 to 2003-04 and 149/1 for the years 1997-98 to 2002-03 reflect Mr. M Bhoomi Reddy as the holder and cultivator thereof.
13. Thereafter, M. Bhoomi Reddy executed the Sale Deed dated 7.10.2004 conveying the Lands bearing Survey Nos. 150/3 and 149/1 i.e., Property XI in favour of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj (Document No. 6). The recitals of the aforesaid Sale Deed dated 7.10.2004 state that Mr. M Bhoomi Reddy has conveyed Property XI in order to fulfill certain legal necessities of his family. We have not seen the genealogical tree of Mr. M Bhoomi Reddy. We have been informed that the same is not available.
14. It is pertinent to note that subsequent to the demise of Mr. Munishamappa on 4.4.1982, all his properties including Property XI devolved upon his wife Mrs. Lingamma and his children viz., Mr. M Bhoomi Reddy, Mr. M Thimma Reddy and Mrs. Muniyamma in equal proportions. The aforesaid Sale Deed dated 7.10.2004 is executed by Mr. M Bhoomi Reddy and whereas, Mrs. Lingamma, Mr. M. Thimma Reddy and Mrs. Muniyamma have not joined the execution of the aforesaid Sale Deed dated 7.10.2004. It is necessary to secure confirmation deed executed by Mrs. Lingamma, Mr. M Thimma Reddy and Mrs. Muniyamma and from the family members of Mr. M Bhoomi Reddy (if any after verifying the genealogical tree) confirming the sale of Property XI under the Sale Deed dated 7.10.2004.
15. Entry No. MR 146 of 2004-05 made in the Mutation Register records the Sale Deed dated 7.10.2004 and grant of permission for the change of khata in respect of Property XI to the names of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj (Document No. 6A).
16. RTC issued in respect of the Lands bearing Survey Nos. 150/3 and 149/1 for the year 2004-05 reflects Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj as the holders and cultivators thereof.
17. On an application made by Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj the Official Memorandum bearing No.BDis:ALN(E)VB:SR:437/2004-05 dated 24.2.2005 was issued by the Special Deputy Commissioner, Bangalore District granting permission for the conversion of land use in respect of Property XI from agricultural to non-agricultural residential use (Document Nos. 7 to 9).
18. Post conversion, RTCs issued in respect of the Lands bearing Survey Nos. 149/1 and 150/3 for the years 2004-05 to 2010-11 continue to reflect Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj as the holders and cultivators thereof. RTC issued in respect of the Lands bearing Survey Nos. 149/1 and 150/3 for the year 2011-12 reflects the conversion of the land use in respect of Property XI.
19. We note the Khata Certificate dated 22.5.2007 issued in respect of Property XI by Bruhat Bangalore Mahanagara Palike (BBMP) reflecting the same to be standing in the names of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj (Document No. 10).

20. We also note the extract from the House and Vacant Land Register for the year 2007-08 issued by BBMP in respect of Property XI reflecting Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj as the owners thereof (Document No. 11).
21. We note the tax paid receipt dated 28.5.2009 for the payment of tax levied on Property XI for the year 2008-09 (Document No. 12).
22. Thereafter, Mr. R. Nagaraj, Mr. Errol Fernandes and Mr. Austin Roach, i.e., the partners of Ferns Builders and Developers entered into a Joint Development Agreement dated 1.7.2010 with Divyasree Infrastructure Projects Private Limited ("DIPPL") in respect of Property XI and certain other properties (Document No. 12A). Subsequently, the aforementioned Joint Development Agreement dated 1.7.2010 has been cancelled by the parties under the Cancellation of Joint Development Agreement dated 30.9.2010 (Document No. 12B).
23. Thereafter, Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj have entered into a Joint Development Agreement dated 18.11.2010 with DIPPL (Document No. 13). Under the said Joint Development Agreement, DIPPL has agreed to develop the land admeasuring 6 Acres 6 Guntas comprising of Property XI and the following Survey Nos. 150/1 measuring 23 Guntas, 160 measuring 2 Acres 37 Guntas, 149/3A measuring 29 Guntas, 150/5B measuring 11 Guntas and 149/2 measuring 21 Guntas for residential purposes. In consideration for Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj contributing land for development, DIPPL is required to deliver to Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj a maximum of 67,000 square feet of built up area comprising of villas along with proportionate share in the common areas in the land contributed under the Joint Development Agreement dated 18.11.2010.
24. Pursuant thereto, Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj have also executed a General Power of Attorney dated 18.11.2010 appointing Divyasree Infrastructure Projects Private Limited (DIPPL) to deal with Property XI in terms thereof including the power to convey the same (Document No. 14).
25. We note the receipts issued for the payment of tax levied on Property XI for the years 2008-09 to 2010-11 (Document No. 14A).
26. Thereafter, DIPPL, Mr. Austin Roach, Mr. Errol Fernandes (represented by their attorney DIPPL), Mr. R. Nagaraj along with certain other owners of adjoining lands have under the Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas ("**Amalgamated Property**") owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike ("**BBMP**") (Document No. 14B).
27. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (Document No. 14C). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.

28. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (Document Nos. 14D & 14E). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (Document No. 14F).
29. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) ("**Project Lands**"), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 ("**Proposed Project**") (Document No. 14G).
30. Thereafter DIPPL had relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Amalgamated Property in favor of BDA under the Relinquishment Deed dated 19.3.2010 (Document No. 14H). Subsequently, DIPPL has executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Project Lands (Document No. 14I).
31. We have been provided with the Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that properties listed therein including Property XI have not been the subject matter of proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (Document No. 15).
32. We have also been provided with the Endorsement bearing No.LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk which indicates that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property XI (Document No. 16).
33. We have also been furnished with the Endorsement bearing No.LRF:CR.93:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XI (Document No. 17).
34. Revision Settlement Akarbandh issued in respect of the lands bearing Survey Nos. 149/1 and 150/3 indicating the total extent therein as 22 Guntas and 23 Guntas respectively (Document No.18). It is further seen that there is no Kharab (unarable) land in Property XI.
35. Tippani issued in respect of the lands bearing Survey Nos. 149 and 150 and Hissa Tippani issued in respect of the land bearing Survey No. 150 indicate the respective shapes thereof (Document Nos.19 to 21). We have not seen Hissa tippani issued in

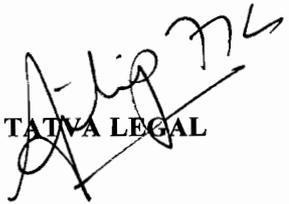
- respect of the Land bearing Survey No. 149/1. We have been informed that the same is not available.
36. We have been provided with a copy of the village map of Ammani Bellandur Khane indicating the location of the lands bearing Survey Nos. 149 and 150 (Document No. 22).
37. Encumbrance Certificates issued in respect of the Land bearing Survey No. 149/1 for the period 15.2.1957 to 31.3.1970, 1.4.1970 to 31.4.2004, 1.4.2007 to 31.5.2008, 1.6.2008 to 24.11.2008 and 25.11.2008 to 11.11.2009 reflect no transactions being carried out in respect of the same during the aforesaid period (Document No. 23). Encumbrance Certificates issued in respect of the Land bearing Survey No. 149/1 for the period 1.4.1943 to 14.2.1957, 1.4.2004 to 31.3.2007, 1.4.2009 to 28.10.2010 and 1.4.2010 to 27.2.2011 reflect execution of the aforesaid Sale Deed dated 22.10.1943, Sale Deed dated 7.10.2004, Development Agreement dated 1.7.2010, Cancellation of Joint Development Agreement dated 30.9.2010, Joint Development Agreement dated 18.11.2010 and Amalgamation Deed dated 19.1.2011 (Document No. 24). Encumbrance Certificates issued for the said period do not reflect execution of the aforesaid Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010. It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period. We have not seen Encumbrance Certificate issued in respect of the land bearing Survey No. 149/1 for the period 28.2.2011 till date.
38. Further, Encumbrance Certificates issued in respect of the Land bearing Survey No. 150/3 for the period 15.2.1957 to 31.3.1970, 1.4.1970 to 31.4.2004, 1.4.2007 to 31.5.2008, 1.6.2008 to 24.11.2008 and 25.11.2008 to 11.11.2009 reflect no transactions being carried out in respect of the same during the aforesaid period (Document No. 25). Encumbrance Certificate issued in respect of the Land bearing Survey No. 150/3 for the period 1.4.1943 to 14.2.1957, 1.4.2004 to 31.3.2007, 1.4.2009 to 29.10.2010 and 1.4.2010 to 24.2.2011 reflects execution of the aforesaid Sale Deed dated 22.10.1943, Sale Deed dated 7.10.2004, Development Agreement dated 1.7.2010, Cancellation of Joint Development Agreement dated 30.9.2010 and Joint Development Agreement dated 18.11.2010 (Document No. 26). Encumbrance Certificates issued for the said period do not reflect execution of the aforesaid Amalgamation Deed dated 19.1.2011, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010. It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period. We have not seen Encumbrance Certificate issued in respect of the land bearing Survey No. 150/3 for the period 25.2.2011 till date.
39. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XI has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
40. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XI.

41. We have also been informed that no charges and/or mortgages have been created in respect of Property XI, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above in general and the right of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj to a maximum of 67,000 square feet built up area of villas along with proportionate share in the common areas in particular, we are of the opinion that:

- a. Austin Roach, Errol Fernandes and R. Nagaraj are the joint owners of Property XI subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 18.11.2010 and Power of Attorney dated 18.11.2010 and charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XI is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

XII. LAND BEARING SURVEY NO. 149/2 (21 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 149/2 measuring 21 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk bounded on the:

East by : Land bearing Survey No.149/1;
West by : Land bearing Survey No.140/2;
North by : Land bearing Survey No.150/3; and
South by : Lands bearing Survey Nos.148/1, 148/2 & 148/3.

the aforesaid property is hereinafter referred to as “**Property XII**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of land bearing Survey No. 149/2 measuring 21 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
2.	Extract of Entry No. IHC 21 of 1997-98 made in the Inheritance Register recording the demise of Mr. Munishami Reddy survived by his wife Mrs. Lingamma and children viz., Mr. M. Bhoomi Reddy, Mr. M. Thimma Reddy and Mrs. Muniyamma;
3.	Sale Deed dated 30.9. 2004 executed by M. Thimmah Reddy, T. Jaganath, T. Hema, T. Sandeep and T. Rajesh Reddy in favour of R. Nagaraj conveying the land bearing Survey No. 149/2 measuring 21 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. BAS-1-17097 of 2004-05 in Book-I (stored in C. D. No. BASD 100) in the Office of the Sub-Registrar, Bangalore South Taluk;
4.	Notarized General Power of Attorney dated 28.9.2004 executed by Ms. T. Hema authorizing and appointing M. Thimmah Reddy as her attorney to deal with the land bearing Survey No. 149/2 measuring 21 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
5.	Extract of Entry No. MR 124 of 2004-05 made in the Mutation Register recording the execution of the Sale Deed dated 30.9.2004 and grant of permission for the change khata in respect of the land bearing Survey No. 149/2 measuring 21 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of Mr. R. Nagaraj;

6.	Intimation letter bearing No.ALN(E)VB:SR:439/04-05 dated 18.2.2005 issued by the Special Deputy Commissioner, Bangalore Urban District;
7.	Receipt for payment of conversion fine and sub division fee in respect of land bearing Survey No.149/2 measuring 21 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
8.	Official Memorandum bearing No.BDis ALN(E)VB:SR:439/04-05 dated 24.2.2005 issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of the land bearing Survey No. 149/2 measuring 21 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
9.	Extract from House/Land Tax Assessment List issued by the Sorahunse Village Panchayat in respect of the land bearing Survey No.149/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2004-05;
10.	Extract of the Demand Tax Register issued by the Sorahunse Village Panchayat in respect of land bearing Survey No.149/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, for the year 2004-05;
11.	Receipt for payment of tax levied on the land bearing Survey No. 149/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2004-05;
12.	Khata Certificate issued by the Bruhat Bangalore Mahanagara Palike (“ BBMP ”) in respect of the land bearing Survey No. 149/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13.	Extract of House and Vacant Land Register for the period 2007-08 issued by BBMP in respect of the land bearing Survey No. 149/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
14.	Receipts evidencing payment of tax levied on the land bearing Survey No. 149/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 2008-09 and 2010-11;
15.	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Projects Private Limited (“ DIPPL ”), registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
16.	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr.

	Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
17.	Joint Development Agreement dated 18.11.2010 entered into by Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj with DIPPL in respect of <i>inter alia</i> the land bearing Survey No. 149/2 measuring 21 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-05169-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
18.	Power of Attorney dated 18.11.2010 entered into by Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj appointing Divyasree Infrastructure Projects Private Limited as their attorney in respect of the land bearing Survey No. 149/2 measuring 21 Guntas, registered as Document No. VRT-4-0332-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
18A	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
18B	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18C	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.3.2011;
18D	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.3.2011;
18E	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
18F	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
18G	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;

18H	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
19.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Divisional Commissioner, Bangalore North Sub Division to the effect that land bearing Survey No. 149/2 measuring 21 Guntas has not been the subject matter of any proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978;
20.	Endorsement bearing No.LRF:79A&79B:120:99-2000 dated 8.10.2001 issued by the Special Tahsildar to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the land bearing Survey No. 149/2 measuring 21 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
21.	Endorsement bearing No.LRF.CR.93:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 149/2 measuring 21 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
22.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 149/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
23.	Tippani issued in respect of the land bearing Survey No. 149 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
24.	Map of Ammani Bellandur Khane Village; and
25.	Encumbrance Certificates in respect of the land bearing Survey No. 149/2 measuring 21 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1970 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 31.5.2008, 1.6.2008 to 24.11.2008, 25.1.2008 to 11.11.2009 and 1.4.2009 to 29.10.2010.

C. FINDINGS BASED ON DOCUMENTS EXAMINED:

1. On an examination of the documents furnished to us, it appears that Property XII was initially held by Mr. Munishami Reddy. We have not seen any documents evidencing the mode and manner in which Mr. Munishami Reddy acquired title to Property XII. We have been informed that the same are available. RTCs in respect of Property XII for the years 1967-68 to 1996-97 reflect Mr. Munishami Reddy as the holder and cultivator of Property XII (**Document No. 1**).

2. Thereupon, it appears that Mr. Munishamappa passed away on 4.4.1982 (*as per Entry IHC No. 21 of 1997-98*) survived by his wife Mrs. Lingamma and children Mr. M Bhoomi Reddy, Mr. M Thimma Reddy and Mrs. Muniyamma. We have not been provided with the death certificate and the genealogical tree of Mr. Munishamappa. We have been informed that the same are not available.
3. Pursuant to the demise of Mr. Munishamappa, Entry No. IHC 21 of 1997-98 was made in the Inheritance Register recording the demise of Mr. Munishamappa on 4.4.1982 and being survived by his wife and children viz., Mrs. Lingamma and children Mr. M Bhoomi Reddy, Mr. M Thimma Reddy & Mrs. Muniyamma and further recording the grant of permission (upon representation made by the children of Mr. Munishamappa) for the change of Khata in respect of Property XII to Mr. M. Thimma Reddy.
4. RTCs issued in respect of Property XII for the years 1997-98 to 2002-03 reflect Mr. M. Thimma Reddy as the holder thereof for the said years.
5. Later, Mr. M. Thimma Reddy along with his children Mr. T. Jaganath, Ms. T. Hema (represented by her attorney M. Thimma Reddy), Mr. T. Sandeep and Mr. T. Rajesh Reddy executed the Sale Deed dated 30.09.2004 conveying Property XII in favour of Mr. R. Nagaraj (*Document No. 3*). We have not seen the genealogical tree of Mr. M Thimma Reddy. We have been informed that the same is not available.
6. We have been furnished with the General Power of Attorney dated 28.9.2004 executed by Ms. T. Hema appointing Mr. M Thimma Reddy as her attorney to deal with Property XII including the power to convey Property XII (*Document No. 4*).
7. It is pertinent to note that subsequent to the demise of Mr. Munishamappa on 4.4.1982, all his properties including Property XI devolved upon his wife Mrs. Lingamma and his children viz., Mr. M Bhoomi Reddy, Mr. M Thimma Reddy and Mrs. Muniyamma in equal proportions. The aforesaid Sale Deed dated 30.09.2004 is executed by Mr. M Thimma Reddy and whereas, Mrs. Lingamma, Mr. M Bhoomi Reddy and Mrs. Muniyamma have not joined the execution of the aforesaid Sale Deed dated 30.09.2004. It is necessary to secure confirmation deed executed by Mrs. Lingamma, Mr. M Bhoomi Reddy and Mrs. Muniyamma confirming the sale of Property XII under the Sale Deed dated 30.9.2004.
8. Entry No. MR 124 of 2004-05 made in the Mutation Register records execution of the said Sale Deed dated 30.9.2004 and grant of permission for change of khata in respect of Property XII to the name of Mr. R. Nagaraj (*Document No. 5*).
9. On an application made by Mr. R Nagaraj the Official Memorandum bearing No.BDis:ALN(E)VB:SR:439/2004-05 dated 24.2.2005 was issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of Property XII from agricultural to non-agricultural residential use (*Document Nos. 6 to 8*).

10. Post conversion, RTCs issued in respect of Property XII for the years 2004-05 to 2011-12 continue to reflect Mr. R Nagaraj as the holder and cultivator thereof for the said years.
11. Pursuant thereto, R. Nagaraj secured transfer of assessment records in respect of Property XII in his name in the books of the Sorahunse Village Panchayat as reflected from the extracts of the House/Land Tax Assessment List and Demand Register for the year 2004-05 (**Document Nos. 9 & 10**). We note the receipt for payment of tax levied on Property XII for the year 2004-05 (**Document No.11**).
12. We note the Khata Certificate issued by the Bruhat Bangalore Mahanagara Palike in respect of Property XII reflecting the same to be standing in the name of Mr. R. Nagaraj (**Document No. 12**).
13. We also note an extract of House and Vacant Land Register for the period 2007-08 issued by the Bruhat Bangalore Mahanagara Palike reflecting Mr. R Nagaraj as the owner of Property XII (**Document No. 13**). We note the receipts for payment of tax levied on Property XII for the period 2008-09 and 2010-11 (**Document No. 14**).
14. Later, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into a Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property XII (**Document No. 15**).
15. M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL effected the cancellation of the above referred Development Agreement dated 1.7.2010 vide the Cancellation Deed dated 30.9.2010 (**Document No. 16**).
16. Thereafter, Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj have entered into a Joint Development Agreement dated 18.11.2010 with DIPPL (**Document No. 17**). Under the said Joint Development Agreement, DIPPL has agreed to develop the land admeasuring 6 Acres 6 Guntas comprising of Property XII and the following Survey Nos. 149/1 measuring 22 Guntas and 150/3 measuring 23 Guntas, 150/1 measuring 23 Guntas, 160 measuring 2 Acres 37 Guntas, 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas for residential purposes. In consideration for Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj contributing land for development, DIPPL is required to deliver to Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj a maximum of 67,000 square feet of built up area comprising of villas along with proportionate share in the common areas in the land contributed under the Joint Development Agreement dated 18.11.2010.
17. Pursuant thereto, Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj have also executed a General Power of Attorney dated 18.11.2010 appointing DIPPL to deal with Property XII in terms thereof including the power to convey the same (**Document No. 18**).
18. Thereafter, DIPPL, Mr. Austin Roach, Mr. Errol Fernandes (represented by their attorney DIPPL), Mr. R. Nagaraj along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties

- measuring 55 Acres 19.5 Guntas (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike (“**BBMP**”) (**Document No. 18A**).
19. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 18B**). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
20. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (**Document Nos. 18C & 18D**). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 18E**).
21. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (**Document No. 18F**).
22. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Amalgamated Property in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 18G**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Project Lands (**Document No. 18H**).
23. We have been provided with the Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that Property XII has not been the subject matter of any proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (**Document No. 19**).
24. We have also been provided with the Endorsement bearing No.LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property XII (**Document No. 20**).
25. We note the Endorsement bearing No.LRF:CR.93:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XII (**Document No. 21**).

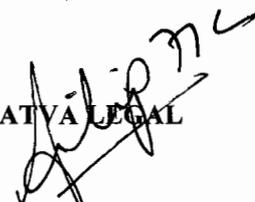
26. Revision Settlement Akarbandh issued in respect of Property XII reflects the total extent therein as 21 Guntas with no Kharab comprised therein (Document No. 22). Tippani issued in respect of the land bearing Survey No. 149 indicates the shape and sub-division thereof (Document No. 23).
27. We have been provided with a village map of Ammani Bellandur Khane indicating the location of the land bearing Survey No. 149 (Document No. 24).
28. Encumbrance Certificates in respect of Property XII for the period 1.4.1970 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 31.5.2008, 1.6.2008 to 24.11.2008, 25.1.2008 to 11.11.2009 and 1.4.2009 to 29.10.2010 reflecting the Sale Deed dated 30.9.2004, Joint Development Agreement dated 1.7.2010 and Cancellation Deed referred to hereinabove (Document No.25). It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period. We have not seen Encumbrance Certificate in respect of Property XII for the period 30.10.2010 till date.
29. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XII has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
30. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XII.
31. We have also been informed that no charges and/or mortgages have been created in respect of Property XII, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above in general and the right of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj to a maximum of 67,000 square feet built up area of villas along with proportionate share in the common areas in particular, we are of the opinion that:

- a. R. Nagaraj is the owner of Property XII subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 18.11.2010 and Power of Attorney dated 18.11.2010 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XII is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;

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**XIII. LANDS BEARING SURVEY NOS. 149/3A (29 GUNTAS) AND SURVEY
NO.150/5B (11 GUNTAS)**

A. DESCRIPTION OF THE PROPERTY

Lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas, situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and comprising of:

Land bearing Survey No.149/3A measuring 29 Guntas, bounded on its:

East by : Land bearing Survey No.160;
West by : Land bearing Survey No.150/3;
North by : Remaining portion of land bearing Survey No.149/3A; and
South by : Land bearing Survey No.149/3.

hereinafter referred to as "**Property XIII A**".

Land bearing Survey No.150/5B measuring 11 Guntas, bounded on its:

East by : Land bearing Survey No.149/3;
West by : Land belonging to Rajamma;
North by : Land bearing Survey No.150/2; and
South by : Land bearing Survey No.150/1.

hereinafter referred to as "**Property XIII B**".

Property XIII A and **Property XIII B** are hereinafter collectively referred to as "**Property XIII**".

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Partition Deed dated 27.9.1962 executed by and amongst the family members of Mr. Chenna Reddy in respect of <i>inter-alia</i> the lands bearing Survey Nos. 149/3 and 150/5 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk registered as Document No. 4269 of 1962-63 in Book-I, Volume No. 356 at Pages 5 to 15 in the office of the Sub-Registrar, Bangalore South Taluk;
1A.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 149/3A measuring 29 Guntas, situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;

2.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 150/5B measuring 11 Guntas, situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
3.	Extract of Entry No. IHC 11 of 1985-86 made in the Inheritance Register recording the demise of Mr. Hanumappa and grant of permission for change of khata in respect of the lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of Mr.Shivarama Reddy;
4.	Sale Deed dated 17.10.1987 executed by Mr. Shivaram Reddy in favour of Ms. Lakshamma conveying the lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 5705 of 1987-88 in Book-I, Volume No. 2676 at Pages 116 to 119 in the Office of the Sub-Registrar, Bangalore South Taluk;
5.	Extract of Entry No. MR 5 of 1987-88 made in the Mutation Register recording execution of the Sale Deed dated 19.10.1987 in respect of lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and the grant of permission to change khata in respect thereof to the name of Ms. Lakshamma;
6.	Intimation letter bearing No.ALN(E)VB:SR:24/03-04 dated 6.05.2003 issued by the Special Deputy Commissioner, Bangalore Urban District;
7.	Receipt for payment of conversion fine and sub division fee in respect of land bearing Survey Nos.149/3A and 150/5B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
8.	Official Memorandum bearing No.BDis ALN(E)VB:SR:24/03-04 dated 9.05.2003 issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of the lands bearing Survey Nos. 149/3A and 150/5B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
9.	Extract of Entry No. MR 53 of 2003-04 made in the Mutation Register recording the Official Memorandum dated 9.05.2003 issued in respect of the lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
10.	Extract of the House/Land Tax Assessment List issued by Sorahunse Grama Panchayat in respect of the lands bearing Survey Nos.149/3A and 150/5B situated at Ammani Bellandur Khane Village, Varthur Hobli,

	Bangalore East Taluk for the year 2004-05;
11.	Extract of the Demand Register issued by Sorahunse Grama Panchayat in respect of the lands bearing Survey Nos.149/3A and 150/5B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2004-05;
12.	Notarized General Power of Attorney executed by Ms. Lakshamma and Mr. N. Venkatesh Reddy authorizing and appointing Mr. Austin Roach and Mr. R. Nagaraj as their attorneys to deal with the land bearing Survey Nos. 149/3A and 150/5B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13.	Sale Deed dated 6.05.2004 executed by Ms. Lakshamma and Mr. N. Venkatesh Reddy (both represented by their attorney Mr. Austin Roach) in favor of Mr. Errol Fernandes conveying the lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. BAS-1-02732-2004-05 in Book-I (stored in CD No. BASD 57) in the Office of the Sub-Registrar, Bangalore South Taluk;
14.	Khata Certificate issued by the Bruhat Bangalore Mahanagara Palike (“ BBMP ”) in respect of the lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
15.	Extract of House and Vacant Land Register issued by BBMP in respect of lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16.	Lease Agreement dated 6.12.2008 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure in respect of the lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-01885-2008-09 (stored in C.D. No. VRTD 31) in the office of the Sub-Registrar, Varthur, Bangalore;
17.	Surrender of Lease Agreement dated 23.6.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Projects Private Limited (“ DIPPL ”), registered as Document No. VRT-1-02075-2010-11 (stored in C.D. No. VRTD 75) in the office of the Sub-Registrar, Varthur, Bangalore;
18.	Development Agreement dated 1.7.2010 entered into by and amongst M/s.

	Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL in respect of <i>inter alia</i> the land bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
19.	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
20.	Joint Development Agreement dated 18.11.2010 entered into by Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj with DIPPL in respect of <i>inter alia</i> the lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-05169-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
21.	Power of Attorney dated 18.11.2010 entered into by Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj appointing DIPPL as their attorney in respect in respect of <i>inter alia</i> the lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-4-0332-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
22.	Receipt for payment of tax levied on the lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2010-11;
22A	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
22B	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;

22C	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
22D	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
22E	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
22F	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
22G	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
22H	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
23.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 7.10.2004 issued by the Divisional Commissioner, Bangalore North Sub Division to the effect that <i>inter-alia</i> the lands bearing Survey Nos. 149/3A and 150/5B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, have not been the subject matter of any proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978
24.	Endorsement bearing No.LRF:79A&79B:120:99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the lands bearing Survey Nos. 149/3A and 150/5B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
25.	Endorsement bearing LRF.CR.93:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the lands bearing Survey Nos. 149/3A measuring 29 Guntas and 150/5B measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
26.	Revision Settlement Akarbandh in respect of the lands bearing Survey No. 149/3A and 150/5B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
27.	Tippani issued in respect of the lands bearing Survey No. 150/5A & Survey No. 150/5B situated at Ammani Bellandur Khane Village, Varthur Hobli,

	Bangalore East Taluk;
28.	Tippani issued in respect of the land bearing Survey No. 149 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
29.	Tippani issued in respect of the land bearing Survey No. 150 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
30.	Atlas issued in respect of the lands bearing Survey No. 150 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
31.	Map of Ammani Bellandur Khane Village;
32.	Encumbrance Certificates issued in respect of the land bearing Survey No.149/3A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1949 to 14.2.1957, 15.2.1957 to 31.3.1972, 1.4.1970 to 28.3.2003, 1.1.1972 to 31.12.2002 and 31.12.2002 to 31.05.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 11.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2008 to 24.2.2011;
33.	Encumbrance Certificates in respect of the land bearing Survey No.150/5B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1949 to 14.2.1957, 15.2.1957 to 31.3.1972, 1.4.1971 to 31.12.2003, 31.12.2002 to 31.3.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 23.1.2008 to 11.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2008 to 24.2.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

In respect of Property XIII A and Property XIII B

1. On an examination of the documents furnished to us it appears that the Land bearing Survey No. 149/3A initially formed part of the larger extent of the land bearing Survey No. 149/3 and that the Land bearing Survey No. 150/5B initially formed part of the larger extent of the land bearing Survey No. 150/5.
2. Further, on an examination of the documents furnished to us, it appears that an extent of 28 Guntas in Survey Nos. 149/3 and an extent of 9 Guntas in 150/5 were initially held by the joint family of Mr. Chennappa alias Chenna Reddy (*as per the Partition Deed dated 27.9.1962 referred to hereinafter*).
3. It also appears (*from the Partition Deed dated 27.9.1962*) that Mr. Chennappa and his two sons Mr. Gundappa and Mr. Chinta Reddy passed away. We have not seen the death certificates of Mr. Chennappa, Mr. Gundappa and Mr. Chinta Reddy. We have also not seen the genealogical tree of Mr. Chennappa. We have been informed that the said documents are not available.

4. On the demise of Mr. Chennappa and his sons, Mr. Gundappa and Mr. Chinta Reddy, their family members viz., Chenna Reddy (son of Late Mr. Junjappa Reddy and grandson of Mr. Gundappa), Ramaiah Reddy & Mr. Kaverappa (both sons of Late Mr. Gundappa) and sons of Mr. Chinta Reddy viz., Mr. Dodda Abbaiah Reddy, Mr. Chikka Abbaiah Reddy and Mr. Hanumappa partitioned their joint family properties including the lands bearing Survey Nos. 149/3 and 150/5 amongst themselves under the Partition Deed dated 27.9.1962 (**Document No. 1A**). Under Schedule C of the said Partition Deed, the lands bearing Survey Nos. 149/3 measuring 28 Guntas and 150/5 measuring 9 Guntas were allotted to the share of Mr. Hanumappa (son of Mr. Chinta Reddy and grandson of Mr. Chennappa).
5. Pursuant thereto, it appears that an extent of 29 Guntas in the land bearing Survey No. 149/3 including an extent of 28 Guntas allotted to the share of Mr. Hanumappa was assigned the survey number '149/3A' (Property XIII A) and an extent of 11 Guntas in the land bearing Survey No. 150/5 including an extent of 9 Guntas allotted to the share of Mr. Hanumappa was assigned the survey number '150/5B' (Property XIII B). However, we have not seen any documents evidencing the said assignment of new survey numbers. We are informed that the same are not available. Further, we have also not seen the documents to evidence the mode and manner by which Mr. Hanumappa acquired title to an addition extent of 1 Gunta in the Land bearing Survey No. 149/3A and an additional extent of 2 Guntas in the land bearing Survey No. 150/5B. We have been informed that the same are not available.
6. RTCs issued in respect of Property XIII A for the years 1967-68 to 1971-72 reflect Mr. Chennappa as the holder and Mr. Hanumappa as the cultivator thereof (**Document No. 1**).
7. RTCs issued in respect of Property XIII A for the subsequent years 1973-74 to 1976-77 reflect Mr. Hanumappa as the holder and cultivator thereof for the said years. Subsequently, it appears that Mr. Hanumappa ceased to be the holder of Property XIII A and Mr. Chenna Reddy (son of Mr. Babu) acquired Property XVIII A. We have not seen any documents evidencing the mode and manner in which Mr. Chenna Reddy acquired title to Property XIII A from Mr. Hanumappa. We have been informed that the same are not available.
8. RTCs issued in respect of Property XIII A for the period 1977-78 to 1981-82 reflect the name of Mr. Chenna Reddy as the holder and Mr. Hanumappa as the cultivator thereof. The said RTCs also refer to an order bearing DSO 41 of 1963-64 and an Entry No. MR 48 of 1962-63 made in the Mutation Register. We have not seen an extract of the said entry and a copy of the said order. We have been informed that the same are not available.
9. RTCs issued in respect of Property XIII B for the years 1967-68 to 1971-72 reflect Mr. Hanumappa as the cultivator and the said RTCs do not reflect the name of the holder. Further, RTCs issued in respect of Property XIII B for the years 1972-73 to 1981-82 reflect Mr. Hanumappa as the holder and cultivator thereof (**Document No. 2**). The said RTCs also refer to an order bearing DSO 41 of 1963-64. We have not seen the said order.

10. Later, it appears (*from Entry No. IHC 11 of 1985-86*) that Mr. Hanumappa passed away on 29.05.1983 survived by his family members. We have not seen the death certificate of Mr. Hanumappa and we have been informed that the same is not available.
11. Pursuant to the demise of Mr. Hanumappa, Entry No. IHC 11 of 1985-86 was made in the Inheritance Register recording the demise of Mr. Hanumappa on 29.05.1983 and the grant of permission for change of khata in respect of Property XIII A and Property XIII B to the name of his son viz., Mr. Shivarama Reddy. The aforesaid Entry No. IHC 11 of 1985-86 states that Mr. Shivarama Reddy is the only son of Late Mr. Hanumappa (**Document No. 3**). We have not seen the genealogical tree of Hanumappa to ascertain whether Shivaram Reddy is the only legal heir of Hanumappa. We have been informed that the same is not available.
12. RTCs issued in respect of Property XIII A and Property XIII B for the period 1982-83 to 1986-87 reflect the name of Mr. Shivaram Reddy as the holder and cultivator thereof for the said years.
13. Subsequently, Mr. Shivaram Reddy conveyed Property XIII A and Property XIII B in favour of Mrs. Lakshamma under the Sale Deed dated 17.10.1987 (**Document No.4**).
14. Entry No. MR 5 of 1987-88 was made in the Mutation Register recording execution of the said Sale Deed dated 19.10.1987 and the grant of permission for change khata in respect of Property XIII to the name of Mrs. Lakshamma (**Document No. 5**)
15. RTCs issued in respect of Property XIII A and Property XIII B for the period 1987-88 to 2003-04 reflect Mrs. Lakshamma as the holder and cultivator thereof.
16. On an application made by Mrs. Lakshamma the Official Memorandum bearing No.BDis:ALN(E)VB:SR:24/2003-04 dated 9.05.2003 was issued by the Special Deputy Commissioner, Bangalore District granting permission for the conversion of land use in respect of Property XIII from agricultural to non-agricultural residential use (**Document Nos. 6 to 8**). Entry No. MR 53 of 2003-04 made in the Mutation Register records the conversion of land use in respect of Property XIII under the said Conversion Order (**Document No. 9**).
17. Thereafter, Mrs. Lakshamma secured the change of khata in respect of Property XIII to her name in the books of the Sorahunase Village Panchayat as reflected from the extracts from the House / Land Tax Assessment List and the Demand Register for the year 2004-05 (**Document Nos. 10 & 11**).
18. Later, Mrs. Lakshamma (wife of Late Mr. Narayana Reddy) along with her son Mr. N. Venkatesh executed a Power of Attorney dated 22.12.2003 appointing Mr. Austin Roach and Mr. R. Nagaraj as her attorneys and also authorizing them to inter alia, convey Property XIII in their names and on their behalf (**Document No. 12**).
19. Thereupon, Mrs. Lakshamma and Mr. N. Venkatesh (both represented by their attorney Mr. Austin Roach) conveyed Property XIII in favour of Mr. Errol Fernandes

- (Document No. 13). We have not seen the death certificate and genealogical tree of Late Mr. Narayana Reddy. We have been informed that the same is not available.
20. Post conversion RTCs issued in respect of Property XIII A and Property XIII B for the years 2004-05 to 2011-12 continues to reflect Mrs. Lakshamma as the holder and cultivator thereof. The said RTCs also reflect conversion of land use in respect of Property XIII A and Property XIII B and the aforesaid Entry No. MR 53 of 2003-04.
21. We note the Khata Certificate issued by the BBMP in respect of Property XIII reflecting the same to be standing in the name of Mr. Errol Fernandes (Document No. 14). We also note an extract from the House and Vacant Land Register issued by BBMP in respect of Property XIII reflecting Mr. Errol Fernandes as the owner thereof (Document No. 15).
22. Further, Mr. Errol Fernandes along with the Partnership Firm, M/s. Ferns Builders & Developers, Mr. Nagaraj and Mr. Austin Roach executed the Lease Agreement dated 6.12.2008 with M/s. Divyasree Infrastructure in respect of certain properties including an extent of 29 Guntas in Property XIII A and 7 Guntas in Property XIII B (Document No. 16).
23. Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL (erstwhile M/s. Divyasree Infrastructure) have executed the Deed of Surrender of Lease dated 23.6.2010, thereby DIPPL surrendering the leasehold rights inter alia in respect of 29 Guntas in Property XIII A and 7 Guntas in Property XIII B granted in its favour under the above referred Lease Agreement dated 6.12.2008 (Document No. 17).
24. M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into a Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property XIII (Document No. 18). Later, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL effected cancellation of the said Development Agreement dated 1.7.2010 vide the Cancellation Deed dated 30.9.2010 (Document No. 19).
25. Thereafter, Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj have entered into a Joint Development Agreement dated 18.11.2010 with DIPPL (Document No. 20). Under the said Joint Development Agreement, DIPPL has agreed to develop land admeasuring 6 Acres 6 Guntas comprising of Property XIII and the following Survey Nos. 149/1 measuring 22 Guntas, 150/3 measuring 23 Guntas, 150/1 measuring 23 Guntas, 160 measuring 2 Acres 37 Guntas and 149/2 measuring 21 Guntas for residential purposes. In consideration for Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj contributing land for development, DIPPL is required to deliver to Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj a maximum of 67,000 square feet of built up area comprising of villas along with proportionate share in the common areas in the land contributed under the Joint Development Agreement dated 18.11.2010.
26. Pursuant thereto, Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj have also executed a General Power of Attorney dated 18.11.2010 appointing Divyasree

- Infrastructure Projects Private Limited (DIPPL) as their attorney to deal with Property XIII in terms thereof including the power to convey the same (Document No. 21).
27. We note the receipt evidencing payment of tax levied on Property XIII for the year 2010-11 (Document No. 22).
28. Thereafter, DIPPL, Mr. Austin Roach, Mr. Errol Fernandes (represented by their attorney DIPPL), Mr. R. Nagaraj along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike (“**BBMP**”) (Document No. 22A).
29. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (Document No. 22B). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
30. Thereupon, BBMP has issued Khata Certificate and an extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (Document Nos. 22C & 22D). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (Document No. 22E).
31. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (Document No. 22F).
32. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (Document No. 22G). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Project Lands (Document No. 22H).
33. We have been furnished with the Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that Property XIII has not been the subject matter of any proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (Document No. 23).

34. We have been furnished with the Endorsement bearing No.LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property XIII (Document No. 24).
35. We also note the Endorsement bearing No.LRF:CR.93:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7/7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XIII (Document No. 25).
36. Revision Settlement Akarbandh issued in respect of the lands bearing Survey Nos. 149/3A and 150/5B reflects the respective total extents therein as 29 Guntas and 11 Guntas with no kharab comprised therein (Document No. 26).
37. Tippani issued in respect of the lands bearing Survey No.149 and Survey No.150/5A and 150/5B and the Atlas issued in respect of the land bearing Survey No. 150 indicate the shape and sub-division thereof (Document No. 27 to 30).
38. We have been provided with the map of Ammani Bellandur Khane Village indicating the location of the lands bearing Survey Nos. 149 and 150 (Document No. 31).
39. Encumbrance Certificates issued in respect of Property XIII A for the period 1.4.1949 to 14.2.1957, 15.2.1957 to 31.3.1972, 1.4.1970 to 28.3.2003, 1.1.1972 to 31.12.2002 and 31.12.2002 to 31.05.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 11.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2008 to 24.2.2011 reflect execution of the aforesaid Sale Deed dated 17.10.1987, Sale Deed dated 6.05.2004, Lease Agreement dated 6.12.2008, Surrender of Lease Agreement dated 23.6.2010, Development Agreement dated 1.7.2010, Deed of Cancellation of Development Agreement dated 30.9.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 32). The aforesaid Encumbrance Certificates do not reflect execution of the said Joint Development Agreement dated 18.11.2010 and Amalgamation Deed dated 19.1.2011. It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period.
40. Encumbrance Certificates issued in respect of Property XIII B for the period 1.4.1949 to 14.2.1957, 15.2.1957 to 31.3.1972, 1.4.1971 to 31.12.2003, 31.12.2002 to 31.3.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 23.1.2008 to 11.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2008 to 24.2.2011 reflect execution of the aforesaid Sale Deed dated 17.10.1987, Sale Deed dated 6.05.2004, Lease Agreement dated 6.12.2008, Surrender of Lease Agreement dated 23.6.2010, Development Agreement dated 1.7.2010, Deed of Cancellation of Development Agreement dated 30.9.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 33). The aforesaid Encumbrance Certificates do not reflect execution of the said Joint Development Agreement dated 18.11.2010 and Amalgamation Deed dated 19.1.2011. It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period. We have not seen Encumbrance Certificates in respect of Property XIII A and Property XIII B for the period 25.2.2011 till date.

41. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XIII has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
42. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XIII.
43. We have also been informed that no charges and/or mortgages have been created in respect of Property XIII, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above in general and the right of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj to a maximum of 67,000 square feet built up area of villas along with proportionate share in the common areas in particular, we are of the opinion that:

- a. Errol Fernandes is the owner of Property XIII subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 18.11.2010 and Power of Attorney dated 18.11.2010 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XIII is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

XIV. LAND BEARING SURVEY NO. 150/1 (23 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 150/1 measuring 23 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk bounded on its:

East by : Land bearing Survey No. 150/1;
West by : Lands bearing Survey Nos. 151/3 & 151/7;
North by : Lands bearing Survey No. 150/4; and
South by : Land bearing Survey No. 149/2.

the aforesaid property is hereinafter referred to as “**Property XIV**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Record of Rights Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 150/1 measuring 23 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2002-03 and 2004-05 to 2010-11;
2.	Settlement Deed dated 14.5.1954 executed by Mr. Dodda Abbaiah Reddy in favour of Ms. Akkayamma, Ms. Basamma, Ms. Akkamma, Ms. Munithayamma alias Papamma and Ms. Chikkathayamma in respect of the land bearing Survey No. 150/1 measuring 23 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 867 of 1954-55 in Book-I, Volume No. 1416 at Pages 65 to 69 in the Office of the Sub Registrar, Bangalore Taluk;
3.	Rectification Deed dated 30.12.1965 executed by Mr. Dodda Abbaiah Reddy in respect of the land bearing Survey No. 150/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 4455 of 1965-66 in Book-I, Volume No. 563 at Pages 239 to 240 in the Office of the Sub Registrar, Bangalore South Taluk;
4.	Extract of Entry No. MR 10 of 2000-01 made in the Mutation Register recording change of khata in respect of the land bearing Survey No. 150/1 measuring 23 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of Mrs. Munithayamma <i>alias</i> Papamma;
5.	Death Certificate of Mrs. Papamma <i>alias</i> Munithayamma recording her demise on 22.09.2001;

6.	Genealogical tree of Mr. N. A. Govinda Reddy reflecting the names of his family members;
7.	Partition Deed dated 24.9.2003 executed by and amongst Mr. N.G. Ramesh Babu, Mr. N.G. Lokesh and Ms. N.G. Kokila effecting partition of their joint family properties amongst themselves, registered as Document No. 16567 of 2003-04 in Book I (stored in CD No. 122) in the office of the Sub Registrar, Bangalore South Taluk;
7A.	Extract of Entry No. MR 81 of 2004-05 made in the Mutation Register in respect of the land bearing Survey No. 150/1 measuring 23 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
8.	Sale Deed dated 6.10.2004 executed by Mr. N. G. Ramesh Babu, Mr. N. G. Lokesh and Ms. N. G. Kokila in favour of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj conveying the land bearing Survey No. 150/1 measuring 23 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. BAS-1-17434-2004-05 (stored in CD No. BASD101) in the Office of the Sub Registrar, Bangalore South Taluk;
8A.	Extract of Entry No. MR 147 of 2004-05 made in the Mutation Register recording execution of the Sale Deed dated 6.10.2004 and grant of permission for change khata in respect of the land bearing Survey No. 150/1 measuring 23 Guntas to the names of MR. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj;
9.	Intimation letter bearing No.ALN(E)VS:SR:437/04-05 dated 18.2.2005 issued by the Special Deputy Commissioner, Bangalore District;
10.	Official Memorandum bearing No. BDis:ALN(E)VB:SR:437:2004-05 dated 24.2.2005 issued by the Special Deputy Commissioner, Bangalore District granting permission for change of land use in respect of the land bearing Survey No. 150/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non agricultural residential purposes;
10A	Lease Agreement dated 6.12.2008 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Project Private Limited (“DIPPL”) in respect of the land bearing Survey No. 150/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-01885-2008-09 (stored in C.D. No. VRTD 31) in the office of the Sub-Registrar, Varthur, Bangalore;
10B	Surrender of Lease Agreement dated 23.6.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and M/s. Divyasree Infrastructure, registered as Document No. VRT-1-02075-2010-11 (stored in C.D. No. VRTD 75) in the

	office of the Sub-Registrar, Varthur, Bangalore;
10C	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL in respect of the land bearing Survey No. 150/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
10D	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
11.	Joint Development Agreement dated 18.11.2010 entered into by Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj with DIPPL in respect of the land bearing Survey No. 150/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-05169-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
12.	Power of Attorney dated 18.11.2010 entered into by Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj appointing Divyasree Infrastructure Projects Private Limited as their attorney to deal with the land bearing Survey No. 150/1 measuring 23 Guntas, registered as Document No. VRT-4-0332-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
13.	Khata Certificate issued by BBMP in respect of the land bearing Survey No. 150/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
14.	Extract from the Register of Houses and Vacant Lands issued by BBMP in respect of the land bearing Survey No. 150/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
15.	Receipts for payment of tax levied on the land bearing Survey No. 150/1 for the years 2008-09, 2009-10 and 2010-11;
15A	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;

15B	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike for amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
15C	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
15D	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
15E	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
15F	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
15G	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
15H	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
16.	Endorsement bearing No. KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that no proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 have been filed in respect of the land bearing Survey No. 150/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17.	Endorsement bearing No. LRF:79A&79B.120.99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings have been filed in respect of the land bearing Survey No. 150/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961;
18.	Endorsement bearing No. LRF.CR.93:2001-03 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk stating that no have applications have been made under Form 7 or 7A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 150/1 situated at Ammani Bellandur Khane Village;
19.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 150/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;

20.	Tippani issued in respect of land bearing Survey No. 150 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
21.	Hissa Tippani issued in respect of sub divisions of land bearing Survey No.150/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
22.	Map of Ammani Bellandur Khane village; and
23.	Encumbrance Certificates in respect of land bearing Survey No.150/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 15.2.1957 to 31.3.1970, 1.4.1970 to 31.3.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 11.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2008 to 3.3.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. On an examination of the documents furnished to us it appears that Property XIV was initially in the ownership of Mr. Dodda Abbaiah Reddy.
2. Thereafter, Mr. Dodda Abbaiah executed the Deed of Settlement dated 14.5.1954 under which he settled properties belonging to him in favour of Ms. Akkayamma, Ms. Basamma, Ms. Akkamma, Ms. Munithayamma alias Papamma and Ms. Chikkathayamma (**Document No. 1**). Under the aforesaid Deed of Settlement dated 14.5.1954 Property XIV was allotted to the share of Ms. Munithayamma alias Papamma.
3. In the aforesaid Deed of Settlement dated 14.5.1954, the village in which Property XIV is situated was wrongly referred to as Bellandur Village instead of Ammani Bellandur Khane. The said mistake was rectified by Dodda Abbaiah by the execution of a Deed of Rectification dated 30.12.1965 (**Document No. 2**).
4. RTCs issued in respect of Property XIV continue to reflect Mr. Dodda Abbaiah Reddy as the holder and cultivator of Property XIV for the years 1967-68 to 1996-97 (**Document No. 3**).
5. Thereafter, Entry No. MR No. 10 of 2000-01 was made in the Mutation Register granting permission for the change of Khata in respect of XIV to the name of Ms. Munithayamma alias Papamma pursuant to execution of the Deed of Settlement date 14.5.1954 (**Document No. 4**).
6. RTCs issued in respect of Property XIV for the years 1997-98 to 2003-04 reflect Mrs. Munithayamma alias Papamma as the holder and cultivator of Property XIV.
7. Subsequently, Mrs. Munithayamma passed away and the death certificate of Mrs. Munithayamma alias Papamma records her demise on 22.9.2001 (**Document No. 5**).

8. We note the genealogical tree of Late Mr. N. D. Govinda Reddy (husband of Mrs. Munithayamma alias Papamma) reflecting the names of his wife viz., Late Mrs. Munithayamma alias Papamma, his children viz., Mr. N. G. Ramesh Babu, Mr. N. G. Lokesh and Mrs. N. G. Kokila, wife and children of Mr. N. G. Ramesh Babu viz., Mrs. Ramya and Miss Pavithra & Master Anil and the wife and son of Mr. N. G. Lokesh viz., Mrs. Shalini & Master Mithun (Document No. 6). We have not seen the death certificate Mr. N. D. Govinda Reddy (husband of Mrs. Munithayamma alias Papamma). We have been informed that the same is not available.
9. Further, Mr. N.G. Ramesh Babu, Mr. N.G. Lokesh and Ms. N.G. Kokila executed the Deed of Partition dated 24.12.2003 effecting partition of their family including Property XIV (Document No. 7). In terms of the said Deed of Partition dated 24.12.2003 Property XIV was equally allotted (i.e., 1/3rd each) to the respective shares of Mr. N.G. Ramesh Babu, Mr. N.G. Lokesh and Ms. N.G. Kokila.
10. Entry No. MR 81 of 2004-05 made in the Mutation Register records the demise of Mrs. Munirathnamma alias Papamma and her husband Mr. Govinda Reddy the grant of permission for the change of Khata in respect of Property XIV jointly to the names of Mr. N.G. Ramesh Babu, Mr. N.G. Lokesh and Ms. N.G. Kokila from the name of Mrs. Munirathnamma alias Papamma (Document No. 7A). The said Entry No. MR 81 of 2004-05 does not record execution of the aforesaid Partition Deed dated 24.12.2003.
11. Later, Mr. N. G. Ramesh Babu, Mr. N. G. Lokesh and Ms. N. G. Kokila executed the Sale Deed dated 6.10.2004 conveying ownership over Property XIV jointly in favour of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj (Document No. 8). The Sale Deed dated 6.10.2004 states that the Vendors therein have conveyed Property XIV for fulfilling certain legal necessities of their family.
12. Entry No. MR 147 of 2004-05 made in the Mutation Register records execution of the aforesaid Sale Deed dated 6.10.2004 and the grant of permission for the change of Khata in respect of Property XIV to the names of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj (Document No. 8A).
13. On an application made by Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj the Official Memorandum dated 24.2.2005 was issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of Property XIV from agricultural to non-agricultural residential use (Document Nos. 9 & 10).
14. Post conversion, RTCs issued in respect of Property XIV for the years 2004-05 to 2010-11 continue to reflect Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj as the holders and cultivators thereof and the said RTCs also reflect the aforesaid Entry No. MR 147 of 2004-05.
15. Thereupon, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes executed a Lease Agreement dated 6.12.2008 with DIPPL in respect of certain properties including an extent of 2 Guntas in Property XIV (Document No. 10A).

16. Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL executed the Surrender of Lease dated 23.6.2010, thereby DIPPL surrendering the leasehold rights inter alia in respect of 2 Guntas in Property XIV granted in its favour under the above referred Lease Agreement dated 6.12.2008 (Document No. 10B).
17. M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into a Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property XIV (Document No. 10C).
18. Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL have executed the Cancellation Deed dated 30.9.2010, thereby cancelling the aforesaid Development Agreement dated 1.7.2010 (Document No. 10D).
19. Thereafter, Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj have entered into a Joint Development Agreement dated 18.11.2010 with DIPPL (Document No. 11). Under the said Joint Development Agreement, DIPPL has agreed to develop the land admeasuring 6 Acres 6 Guntas comprising of Property XIV and the following Survey Nos. 149/1 measuring 22 Guntas, 150/3 measuring 23 Guntas, 160 measuring 2 Acres 37 Guntas, 149/3A measuring 29 Guntas, 150/5B measuring 11 Guntas and 149/2 measuring 21 Guntas for residential purposes. In consideration for Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj contributing land for development, DIPPL is required to deliver to Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj a maximum of 67,000 square feet of built up area comprising of villas along with proportionate share in the common areas in the land contributed under the Joint Development Agreement dated 18.11.2010.
20. Pursuant thereto, Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj have also executed the General Power of Attorney dated 18.11.2010 appointing Divyasree Infrastructure Projects Private Limited (DIPPL) as their attorney to deal with Property XI in terms thereof including the power to convey the same (Document No. 12).
21. Property XIV, along with certain other properties, appears to have been assigned the Khata No. 150/1, 149/1, 150/3 (Old No. 119) by BBMP. We note the Khata Certificate issued by BBMP in respect of Property XIV reflecting the same to be standing in the name of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj (Document No. 13). We also note the extract from the Register of Houses and Vacant Lands issued in respect of Property XIV for the year 2007-08 reflecting Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj as the owners thereof (Document No. 14).
22. We note the receipt for payment of tax levied on Property XIV for the years 2008-09, 2009-10 and 2010-11 (Document No. 15).
23. Thereafter, DIPPL, Mr. Austin Roach, Mr. Errol Fernandes (represented by their attorney DIPPL), Mr. R. Nagaraj along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas (“**Amalgamated Property**”) owned by the

aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike ("BBMP") (Document No. 15A).

24. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (Document No. 15B). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
25. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (Document Nos. 15C & 15D). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (Document No. 15E).
26. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) ("**Project Lands**"), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 ("**Proposed Project**") (Document No. 15F).
27. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (Document No. 15G). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Project Lands (Document No. 15H).
28. We have been provided with the Endorsement dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that Property XIV has not been the subject matter of any proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Document No. 16).
29. We have also been provided with the Endorsement dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property XIV (Document No. 17).
30. We note the Endorsement dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk stating that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XIV (Document No. 18).

31. Revision Settlement Akarbandh issued in respect of Property XIV reflects the total extent of land therein as 23 Guntas with no kharab comprised therein (Document No. 19).
32. Hissa Tippani issued in respect of the land bearing Survey No. 150/1 reflects the shape thereof (Document Nos. 20 & 21).
33. We have been provided with a copy of the village map of Ammani Bellandur Khane indicating the location of the land bearing Survey No.150 (Document No. 22).
34. Encumbrance Certificates issued in respect of Property XIV for the period 15.2.1957 to 31.3.1970, 1.4.1970 to 29.10.2010 and 1.4.2008 to 3.3.2011 reflect execution of the aforesaid Rectification Deed dated 30.12.1965, Partition Deed dated 24.9.2003, Sale Deed dated 6.10.2004, Lease Agreement dated 6.12.2008, Surrender of Lease Agreement dated 23.6.2010, Development Agreement dated 1.7.2010, Deed of Cancellation of Development Agreement dated 30.9.2010 Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 23). Encumbrance Certificates for the said period do not reflect execution of the aforesaid Joint Development Agreement dated 18.11.2010 and Amalgamation Deed dated 19.1.2011. It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period. We have not seen the encumbrance certificate in respect of Property XIV for the period 4.3.2011 till date.
35. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XIV has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
36. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XIV.
37. We have also been informed that no charges and/or mortgages have been created in respect of Property XIV, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above in general and the right of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj to a maximum of 67,000 square feet built up area of villas along with proportionate share in the common areas in particular, we are of the opinion that:

- a. Austin Roach, Errol Fernandes and R. Nagaraj are the joint owners of Property XIV subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 18.11.2010 and Power of Attorney dated 18.11.2010 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XIV is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

XV. LAND BEARING SURVEY NO. 160 (2 ACRES 37 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 160 measuring 2 Acres 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk bounded on its:

East by : Lands bearing Survey Nos.166 and 167;
West by : Lands bearing Survey Nos.159/2 & 149/3;
North by : Land bearing Survey No.160; and
South by : Land bearing Survey No.161.

the aforesaid property is hereinafter referred to as “**Property XV**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Record of Rights Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 160 admeasuring 4 Acres 3 Guntas (and 3 Guntas kharab) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 1971-72, 1977-78 to 2001-02 and 2003-04 to 2011-12;
2.	Order dated 27.11.1981 passed by the Land Tribunal, Bangalore South Taluk in proceedings bearing No. LRF 503 of 1974-75 registering Mr. Dodda Abbaiah Reddy as an occupant in respect of the land bearing Survey No. 160 measuring 2 Acres 12 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
3.	Endorsement bearing No. RKCR796/04-05 dated 31.12.2004 issued by the Taluk Shirastedar, Bangalore East Taluk, stating that the extracts of RTCs in respect of the land bearing Survey No. 160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1972-73 to 1976-77 cannot be provided as the relevant records are found to be in a mutilated in his office;
4.	Death Certificate of Mr: Dodda Abbaiah Reddy;
4A.	Genealogical tree of Mr. Dodda Abbaiah Reddy reflecting the names of his family members;
5.	Death Certificate of Mr. Hanumappa Reddy;
5A.	Extract of Entry No. MR 31 of 2000-01 made in the Mutation Register

	recording the partition of properties effected between Mr. Bhopala Reddy and Mr. Ravi Kumar on 7.3.1992 and the grant of permission for change of khata in respect of the land bearing Survey No. 160 measuring 2 Acres 37 Guntas and 1 Acre 6 Guntas to the names of Mr. Bhopala Reddy and Mr. Ravi Kumar respectively;
6.	Sale Deed dated 17.06.2003 executed by Mr. R. Bhopala Reddy, Ms. Kavya B. Reddy, Ms. Thimakka, Mr. H. Shivaram Reddy, Mr. S. Vishwanath Reddy and Mr. S. Guruprasad Reddy in favour of Mr. Austin Roach conveying the land bearing Survey No. 160 measuring 2 Acres 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 5450 of 2003-04 in Book-I (stored in CD No. 110) in the Office of the Sub-Registrar, Bangalore South Taluk;
7.	Extract of Entry No. MR 6 of 2003-04 made in the Mutation Register recording execution of the Sale Deed dated 17.7.2003 and the grant of permission for change of khata in respect of an extent of 2 Acres 37 Guntas in the land bearing Survey No. 160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of Mr. Austin Roach;
7A.	Confirmation Deed dated 9.6.2008 executed by Ms. Kavya Reddy in favour of Mr. Austin Roach in respect of the land bearing Survey No. 160 measuring 2 Acres 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-00945-2008-09 (stored in C. D. No. VRTD 28) in the office of the Sub-Registrar, Varthur;
7B.	Will dated executed by Mr. Dodda Abbaiah Reddy, registered as Document No. 35 of 1980-81 in Book-III, Volume No. 12 at Pages 58 to 64 in the office of the Sub-Registrar, Bangalore South Taluk;
8.	Official Memorandum bearing No. BDis.ALN(E)VB:SR:299/2003-04 dated 8.10.2003 issued by the Special Deputy Commissioner, Bangalore granting permission for conversion of land use in respect of the land bearing Survey No. 160 measuring 2 Acres 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential use;
9.	Extract from the House/Land Tax Assessment List issued by Sorahunse Village Panchayat in respect of the land bearing Survey No.160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2004-05;
10.	Extract of Demand Tax Register issued by Sorahunse Village Panchayat in respect of the land bearing Survey No. 160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2004-05;

11.	Khata Certificate issued by the Bruhat Bangalore Mahanagara Palike (“ BBMP ”) in respect of the land bearing Survey No. 160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
12.	Extract of House and Vacant Land Register issued by the BBMP for the year 2007-08 in respect of the land bearing Survey No. 160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13.	Lease Agreement dated 6.12.2008 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Projects Private Limited (“ DIPPL ”) in respect of the land bearing Survey No. 160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-01885-2008-09 (stored in C.D. No. VRTD 31) in the office of the Sub-Registrar, Varthur, Bangalore;
14.	Surrender of Lease Agreement dated 23.6.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL in respect of the land bearing Survey No. 160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02075-2010-11 (stored in C.D. No. VRTD 75) in the office of the Sub-Registrar, Varthur, Bangalore;
15.	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL in respect of the land bearing Survey No. 160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
16.	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL in respect of the land bearing Survey No. 160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
17.	Joint Development Agreement dated 18.11.2010 entered into by Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj with DIPPL in respect of the land bearing Survey No. 160 measuring 2 Acres 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-05169-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
18.	Power of Attorney dated 18.11.2010 entered into by Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj appointing Divyasree Infrastructure Projects Private Limited as their attorney in respect of the land bearing

	Survey No. 160 measuring 2 Acres 37 Guntas, registered as Document No. VRT-4-0332-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
19.	Receipt for payment of tax levied on the property bearing Khata No. 160/48 for the year 2010-11;
19A	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
19B	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike for amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
19C	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
19D	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
19E	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
19F	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority ("BDA");
19G	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
19H	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
20.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that the land bearing Survey No. 160 measuring 2 Acres 37 Guntas has not been the subject matter of any proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978;

21.	Endorsement bearing No.LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the land bearing Survey No. 160 measuring 2 Acres 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
22.	Endorsement bearing No.LRF(BE)CR115/2003-04 dated 22.9.2003 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the land bearing Survey No. 160 measuring 2 Acres 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
23.	Endorsement bearing No.LRF:CR.95:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk stating that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 160 measuring 2 Acres 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
23A.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 160 admeasuring 4 Acres 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
24.	Tippani issued in respect of the land bearing Survey No. 160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
25.	Map of Bellandur Ammani Khane Village; and
26.	Encumbrance Certificates in respect of the land bearing Survey No. 160 measuring 2 Acres 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 14.1973 to 31.3.1988, 11.09.2003 to 21.5.2004, 28.3.2003 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 18.4.2007, 1.4.2007 to 22.1.2008, 23.1.2008 to 11.11.2009, 1.4.2009 to 1.11.2010 and 1.4.2004 to 27.12.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. Property XV forms part of a larger extent of the land bearing Survey No. 160 measuring 4 Acres 3 Guntas (excluding 3 Guntas of Kharab).
2. On an examination of the documents provided to us it appears that the larger extent of the land bearing Survey No. 160 measuring 4 Acres 6 Guntas appears to have been initially a Shanbhog Inam Land and Mrs. Sharadamma as being the Hakkdar of the Shanbhog.

3. It appears (*from the RTCs*) that a portion of the land bearing Survey No. 160 measuring 2 Acres 12 Guntas was cultivated by Mr. Dodda Abbaiah Reddy and remaining extent of 1 Acre 31 Guntas in the land bearing Survey No. 160 appears to have been cultivated by his brother.
4. RTCs issued in respect of the land bearing Survey No. 160 for the years 1967-68 to 1971-72 reflect the same as Shanbogh inam land and Mr. Dodda Abbaiah Reddy and Mr. Kaverappa as the cultivators thereof (*Document No. 1*).
5. Later, Mr. Dodda Abbaiah Reddy filed an application under Form 7 of the Karnataka Land Reforms Act, 1961 for grant of occupancy rights to an extent of 2 Acres 12 Guntas in the land bearing Survey No. 160. On proceedings being initiated in respect of the said application was numbered as Case No. LRF.503 of 1974-75 before the court of Land Tribunal, Bangalore South Taluk.
6. The Land Tribunal, Bangalore South Taluk passed an Order dated 27.11.1981 in the aforesaid proceedings registering Mr. Dodda Abbaiah Reddy as an occupant in respect of an extent of 2 Acres 12 Guntas in the land bearing Survey No. 160 on the ground that Mr. Dodda Abbaiah Reddy was cultivating the said land as a tenant (*Document No. 2*).
7. RTCs issued in respect of the land bearing Survey No. 160 for the years 1977-78 to 1988-89 reflect Mr. Dodda Abbaiah Reddy as the holder of an extent of 2 Acre 12 Guntas therein.
8. We have not seen RTCs issued in respect of the land bearing Survey No. 160 for the year 1972-73 to 1976-77. We note from the endorsement bearing No. RKCR796/04-05 dated 31.12.2004 issued by the Tahsildar, Bangalore East Taluk stating that the RTCs in respect of the land bearing Survey No. 160 cannot be issued for the years 1972-73 to 1976-77 as the relevant records in respect of the same are found to be in a mutilated condition in his office (*Document No. 3*).
9. Thereafter, Mr. Dodda Abbaiah Reddy passed away and the death certificate of Mr. Mr. Dodda Abbaiah Reddy records his demise on 2.1.1988 (*Document No. 4*).
10. RTCs issued in respect of the land bearing Survey No. 160 continue to reflect Mr. Mr. Dodda Abbaiah Reddy as the holder and cultivator for the years 1989-90 to 2000-01.
11. We note the genealogical tree of Mr. Dodda Abbaiah Reddy reflecting the names of his family members viz., Kaveramma (wife of Mr. Dodda Abbaiah Reddy), Late Mr. Chikka Abbaiah Reddy and Late Mr. Hanumappa (both brothers of Late Mr. Dodda Abbaiah Reddy), Late Mrs. Chinnamma (wife of Late Mr. Chikka Abbaiah Reddy), Late Mrs. Thimmakka (wife of Late Mr. Hanumappa), Mr. Shivarama Reddy (son of Late Mr. Hanumappa) and Mrs. Rathnamma (wife of Mr. Shivarama Reddy), Mrs. Kaveramma (wife of Late Mr. Dodda Abbaiah Reddy), Late Mrs. Parvathamma and Late Mr. Ramachandra Reddy (both children of Late Mr. Dodda Abbaiah Reddy). Late Mrs. Gowamma (wife of Late Mr. Ramachandra Reddy), Mr. Ramakrishna Reddy (son of Late Mr. Ramachandra Reddy), Mrs. Saraswamma (wife of Mr. Ramakrishna Reddy), Ms. Shylaja, Ms. Hema, Mr. Lokesh Reddy and Ms. Indu (all

children of Mr. Ramakrishna Reddy), Mrs. Hemavathi, Mrs. Rajamma, Mrs. Manjula and Mrs. Kamakshi (all daughters of Late Mr. Ramachandra Reddy) and Mr. Bhopala Reddy (son of Late Mr. Ramachandra Reddy), Mrs. Aruna (wife of Mr. Bhopala Reddy), Ms. Kavya Reddy (daughter of Mr. Bhopala Reddy), Mr. Ravikumar (son of Late Mr. Ramachandra Reddy), Mrs. Sindhuja (wife of Mr. Ravikumar), Master Sai Manoj and Master Varshith (both minor children of Mr. Ravikumar) (Document No. 4A). The aforesaid genealogical tree reflects Mr. Chikka Abbaiah Reddy & Mrs. Chinnamma as being issueless.

12. We note the death certificate of Mr. Hanumappa Reddy recording his demise on 29.5.1983 (Document No. 5).
13. Subsequently, Entry No. MR 31 of 2000-01 was made in the Mutation Register recording an oral partition effected between Mr. Bhopala Reddy and Mr. Ravi Kumar (sons of Late Mr. Ramachandra Reddy) on 7.3.1992 and grant of permission for the change of khata in respect of (i) an extent of 2 Acres 37 Guntas in the land bearing Survey No. 160 to the name of Mr. Bhopala Reddy and (ii) an extent of 1 Acre 6 Guntas in Survey No. 160 to the name of Mr. Ravi Kumar (Document No. 5A). We have not seen any documents that evidence the mode and manner by which Mr. Dodda Abbaiah Reddy or his sons acquired an extent of 1 Acre 31 Guntas in the land bearing Survey No. 160 in addition to the aforesaid 2 Acre 12 Guntas. We have not seen any documents that evidence the participation/exclusion of other family members (i.e., Mr. Ramakrishna Reddy, daughters of Late Mr. Ramachandra Reddy and the family members of Late Mr. Hanumappa Reddy) of Mr. Dodda Abbaiah Reddy in the aforesaid oral partition.
14. Subsequently, Mr. Bhopala Reddy along with his minor daughter Ms. Kavya (being represented therein by Mr. Bhopala Reddy), Mr. Thimmakka (wife of Late Mr. Hanumappa), Mr. Shivarama Reddy (son of Late Mr. Hanumappa), Mr. Vishwanath Reddy and Mr. Guruprasad Reddy (sons of Mr. Shivaram Reddy) executed the Sale Deed dated 17.6.2003 conveying an extent of 2 Acres 37 Guntas in the land bearing Survey No. 160 (i.e., Property XV) in favor of Mr. Austin Roach (Document No. 6). We have been informed that Mr. Shivaram Reddy is the only son of Mr. Hanumappa. However, we have not seen the genealogical tree of Mr. Shivaram Reddy. We have been informed that the same is not available. It may be noted that the legal heirs of Late Ms. Parvathamma (daughter of Mr. Dodda Abbaiah), Mr. Ramakrishna Reddy (son of Late Mr. Ramachandra Reddy) and Mrs. Hemavathi, Mrs. Rajamma, Mrs. Manjula and Mrs. Kamakshi (all daughters of Late Mr. Ramachandra Reddy) have not been made parties to the aforesaid Sale Deed dated 17.6.2003.
15. It is pertinent note that the recitals of the aforesaid Sale Deed dated 17.6.2003 state that:
 - i. an extent of 2 Acres 37 Guntas in Survey No. 160 was initially held by Mr. Dodda Abbaiah Reddy under the grant order no. LRF 503 of 1974-75. However, Mr. Dodda Abbaiah Reddy was granted only an extent of 2 Acres 12 Guntas in Survey No. 160 under the grant order no. LRF 503 of 1974-75;
 - ii. further, that an extent of 2 Acres 12 Guntas in Survey No. 160 was held by Late Mr. Dodda Abbaiah Reddy and the remaining extent of 1 Acre 31

Guntas held by Late Mr. Hanumappa (brother of Late Mr. Dodda Abbaiah). However, we have not seen any deeds or documents that evidence the mode of acquisition of 1 Acre 31 Guntas in the land bearing Survey No. 160 by Late Mr. Hanumappa and further the revenue records pertaining to the land bearing Survey No. 160 do not show either Hanumappa or Mr. Shivarama as the holders of the said extent of 1 Acre 31 Guntas therein;

- iii. that on demise of Mr. Dodda Abbaiah Reddy an extent of 2 Acres 12 Guntas in the land bearing Survey No. 160 devolved upon his grandsons viz., Mr. Ravi Kumar and Mr. Bhopala Reddy and on the demise of Mr. Hanumappa the said extent of 1 Acre 31 Guntas upon his legal heirs Mrs. Thimmakka and Mr. Shivaram Reddy. However, as observed in paragraph 13 hereinabove, the entire extent of 2 Acres 37 Guntas and 1 Acre 6 Guntas in the land bearing Survey No. 160 appears to have been allotted to the shares of Mr. Bhopala Reddy and Mr. Ravi Kumar respectively under said oral partition; and
 - iv. that since the Khata in respect of an extent of 2 Acres 37 Guntas in the land bearing Survey No. 160 has been changed to the name of Mr. Bhopala Reddy, the legal heirs of Mr. Hanumappa Reddy have joined the execution of the said Sale Deed.
16. Pursuant to execution of the aforesaid Sale Deed dated 17.6.2003, Entry No. MR 6 of 2003-04 was made in the Mutation Register recording the grant of permission for change of khata in respect of an extent of 2 Acres 37 Guntas in the land bearing Survey No. 160 to the name of Mr. Austin Roach (**Document No. 7**).
 17. RTCs issued in respect of the land bearing Survey No. 160 for the years 2003-04 to 2004-05 reflect Mr. Ravi Kumar as the holder of 1 Acre 6 Guntas and Mr. Austin Roach as the holder of 2 Acres 37 Guntas therein.
 18. We have been furnished with a Confirmation Deed dated 9.6.2008 executed by Mrs. Kavya B Reddy (daughter of Mr. Bhopala Reddy) confirming the conveyance of Property XV under the aforesaid Sale Deed dated 17.6.2003 (**Document No. 7A**). The recitals to the aforesaid Confirmation Deed dated 9.6.2008 state that Mr. Dodda Abbaiah Reddy had earlier executed a Will dated 11.8.1980, registered as Document No. 35 of 1980-81 in Book-III, Volume No. 12 at Pages 58 to 64 in the office of the Sub-Registrar, Bangalore South Taluk bequeathing Property XV. Mr. Dodda Abbaiah Reddy had earlier executed the Will dated 11.8.1980 bequeathing the said extent of 2 Acres 12 Guntas in favour of his grandsons viz., Mr. Bhopala Reddy and Mr. R Ravikumar (sons of Late Mr. Ramachandra Reddy) (**Document No. 3A**). The recitals of the Will dated 11.8.1980 state the said extent of 2 acres 12 Guntas in the land bearing Survey No. 160 as forming one of the self acquired properties of Mr. Dodda Abbaiah Reddy.
 19. On an application made by Mr. Austin Roach the Official Memorandum bearing No.BDis:ALN(E)VB:SR:299/2003-04 dated 8.10.2003 was issued by the Special Deputy Commissioner, Bangalore District granting permission for the change of land use in respect of Property XV from agricultural to non-agricultural residential use (**Document No. 8**). The aforementioned Official Memorandum states that an extent of

- 3 Guntas of 'B' kharab in the land bearing Survey No. 160 is been reserved for public purposes.
20. Post conversion, RTCs issued in respect of Property XV reflects Mr. Austin Roach as the holder and cultivator thereof and the said RTCs also reflect conversion of land use in respect of Property XV.
21. Thereafter, Mr. Austin Roach secured assessment records in respect of Property XV to his name from Sorahunase Village Panchayat as reflected in the extract from the House/Land Tax Assessment List and the Demand Register for the year 2004-05 (Document Nos. 9 & 10).
22. We note the Khata Certificate and extract from the House/ Vacant Land Register for the year 2007-08 issued by the BBMP in respect of Property XV reflecting Mr. Austin Roach as the owner thereof (Document Nos. 11 & 12).
23. Later, Mr. Austin Roach along with Mr. Errol Fernandes, Mr. Nagaraj and the Partnership Firm M/s. Ferns Builders & Developers executed the Lease Agreement dated 6.12.2008 with M/s. Divyasree Infrastructure in respect of certain properties including Property XV (Document No. 13).
24. Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Projects Private Limited ("DIPPL") (erstwhile M/s. Divyasree Infrastructure) have executed the Surrender of Lease dated 23.6.2010, thereby DIPPL surrendering the leasehold rights inter alia in respect of Property XV granted in its favour under the aforesaid Lease Agreement dated 6.12.2008 (Document No. 14).
25. Later, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into a Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property XV (Document No. 15).
26. M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL effected cancellation of the aforesaid Development Agreement vide Cancellation Deed dated 30.9.2010 (Document No. 16).
27. Thereafter, Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj have entered into a Joint Development Agreement dated 18.11.2010 with DIPPL (Document No. 17). Under the said Joint Development Agreement, DIPPL has agreed to develop the land admeasuring 6 Acres 6 Guntas comprising of Property XV and the following Survey Nos. 149/1 measuring 22 Guntas, 150/3 measuring 23 Guntas, 150/1 measuring 23 Guntas, 149/3A measuring 29 Guntas, 150/5B measuring 11 Guntas and 149/2 measuring 21 Guntas for residential purposes. In consideration for Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj contributing land for development, DIPPL is required to deliver to Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj a maximum of 67,000 square feet of built up area comprising of villas along with proportionate share in the common areas in the land contributed under the Joint Development Agreement dated 18.11.2010.

28. Pursuant thereto, Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj have also executed a General Power of Attorney dated 18.11.2010 appointing Divyasree Infrastructure Projects Private Limited (DIPPL) as their attorney to deal with Property XV in terms thereof including the power to convey the same (Document No. 18).
29. We note the receipt evidencing the payment of tax in respect of Property XV (bearing Khata No. 160/48) for the year 2010-11 (Document No. 19).
30. Thereafter, DIPPL, Mr. Austin Roach, Mr. Errol Fernandes (represented by their attorney DIPPL), Mr. R. Nagaraj along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike (“**BBMP**”) (Document No. 19A).
31. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (Document No. 19B). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
32. Thereupon, BBMP has issued Khata Certificate and extract from the Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (Document Nos. 19C & 19D). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (Document No. 19E).
33. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (Document No. 19F).
34. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Amalgamated Property in favor of BDA under the Relinquishment Deed dated 19.3.2010 (Document No. 19G). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Project Lands (Document No. 19H).
35. We have been provided with the Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that Property XV has not been the subject matter of any proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (Document No. 20).

36. We have also been provided with the Endorsement bearing NO.LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk and Endorsement bearing No. LRF(BE)CR115/2003-04 dated September 22, 2003 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property XV (Document No. 21 & 22).
37. We have also been provided with the Endorsement bearing No.LRF:CR.95:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk stating that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XV (Document No. 23).
38. We note the Revision Settlement Akarbandh issued in respect of the land bearing Survey No.160 reflecting the total extent therein as 4 Acres 6 Guntas including 3 Guntas of B Kharab comprised therein (Document No. 23A).
39. Tippani has been issued in respect of the land bearing Survey No. 160 indicating the shape thereof (Document No. 24). The Tippani shows a road running through the land bearing Survey No. 160.
40. We note the map of Ammani Bellandur Khane Village indicating the location of the land bearing Survey No.160 (Document No. 25). The said village map also indicates Yamalur-Munnekolalu road passing through the land bearing Survey No. 160.
41. Encumbrance Certificates issued in respect of Property XV for the period 1.4.1973 to 31.3.1988, 11.09.2003 to 21.5.2004, 28.3.2003 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 18.4.2007, 1.4.2007 to 22.1.2008, 23.1.2008 to 11.11.2009, 1.4.2009 to 1.11.2010 and 1.4.2004 to 27.12.2011 reflect execution of the aforesaid Sale Deed dated 17.7.2003, Confirmation Deed dated 9.6.2008, Lease Agreement dated 6.12.2008, Surrender of Lease Agreement dated 23.6.2010, Joint Development Agreement dated 1.7.2010, Deed of Cancellation dated 30.9.2010, Joint Development Agreement dated 18.11.2010 and Amalgamation Deed dated 19.1.2011 (Document No. 26). We have not seen Encumbrance Certificates in respect of Property XV for the period 28.12.2011 till date. It is advisable to obtain a fresh certificate for the period 1.4.2011 till date which would all reflect all transactions entered into during the said period.
42. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XV has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
43. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XV.
44. We have also been informed that no charges and/or mortgages have been created in respect of Property XV, except the equitable mortgage created in favour of HDFC

Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above in general and the right of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R Nagaraj to a maximum of 67,000 square feet built up area of villas along with proportionate share in the common areas in particular, we are of the opinion that:

- a. Austin Roach is the owner of Property XV subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 18.11.2010 and Power of Attorney dated 18.11.2010 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XV is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

XVI. SURVEY NO. 150/4 (18 ½ GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 150/4 measuring 18 ½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and bounded on its:

East by : Property held by Mrs. Rani N;
West by : Property held by Mr. Doddapillappa;
North by : Canal & property held by Mr. Domalur Muniswamy; and
South by : Water canal & property held by Mrs. Papamma;

the aforesaid property is hereinafter referred to as 'Property XVI'.

B. DOCUMENTS EXAMINED

In connection with the above we have been provided with and have examined photocopies of the following documents:

Sl. No.	Particulars
1.	Sale Deed dated 12.2.1949 executed by Mr. Chinnanna along with his children viz., Mr. Narayanappa, Mr. Kaverappa and Mr. Shamanna in favour of Mr. Nagappa conveying the land bearing Survey No. 150/4 measuring 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 4716 of 1948-49 in Book-I, Volume No. 1044 at Pages 27-28, in the office of the Sub-Registrar, Bangalore Taluk;
1A.	Sale Deed dated 13.5.1964 executed by Mr. S Nagappa in favor of Mrs. Parvathamma conveying the land bearing Survey No. 150/4 measuring 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 822 of 1964-65 in Book-I, Volume No. 450 at Pages 161 to 172 in the office of the Sub-Registrar, Bangalore South Taluk;
2.	Sale Deed dated 14.11.1967 executed by Mrs. Parvathamma in favor of Mr. K.S Shivanna conveying the land bearing Survey No. 150/4 measuring 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 3839 of 1967-68 in Book-I of Volume No. 674 at Pages 11 to 13 in the office of the Sub-Registrar, Bangalore South;
3.	Endorsement bearing No. RKCR:587/2007-08 dated 13.2.2008 issued by the Shirastedar, Bangalore East Taluk, K.R. Puram stating that extracts of Entry No. MR 29 of 1968-69 made in the Mutation Register in respect of the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk cannot be issued as the relevant records are not available in his office;

4.	Record of Rights, Tenancy & Crop Inspection (RTC) issued in respect of the land bearing Survey No. 150/4 measuring 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2007-08;
5.	Sale Deed dated 21.12.1992 executed by Mr. K.S. Shivanna in favour of Mr. D. Muniswamy Reddy and Mrs. Premavathi conveying the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 5040 of 1992-93 in Book-I, Volume No. 3651 at Pages 40 to 43 in the office of the Sub Registrar, Bangalore South Taluk;
6.	Extract of Entry MR No. 48 of 1992-93 made in the Mutation Register issued in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
7.	Extract of Entry No. MR 1 of 1999-2000 made in the Mutation Register issued in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
8.	Sale Deed dated 17.12.2003 executed By Mrs. Premavathi, Ms. Vajramma @ Vajralakshmi (daughter of Mr. Muniswamy Reddy), Master Ganesh (son of Mr. Muniswamy Reddy) & Ms. Vishalakshi (daughter of Mr. Muniswamy Reddy) (all being minors, represented therein by their mother Mrs. Premavathi) in favor of Mr. Suresh Hegde conveying the land bearing Survey No. 150/4 measuring 18½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 18794 of 2003-04 (stored in C.D. No. 124) in the office of the Sub-Registrar, Bangalore South;
9.	Extract of Entry No. MR 154 of 2003-04 made in the Mutation Register recording execution of the Sale Deed dated 17.12.2003 in respect of the land bearing Survey No. 150/4 measuring 18½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and the grant of permission for the change of khata in respect thereof to the name of Mr. Suresh Hegde;
9A.	Order bearing No. RRT(1)CR/1452/2008-09 dated 6.1.2009 was passed by the Tahsildar, Bangalore East Taluk;
10.	Sale Deed dated 27.11.2009 executed by Mr. Suresh Hegde in favor of M/s Divyasree Infrastructure conveying the land bearing Survey No. 150/4 measuring 18 ½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-03916 of 2009-10 in Book I (stored in C.D.No. VRTD57) in the office of the Sub-Registrar, Varthur;

11.	Official Memorandum bearing No. ALN[VH] SR 134 of 2008-09 dated 12.11.2008 issued by the District Commissioner, Bangalore granting permission for conversion of land use in respect of the land bearing Survey No. 150/4 measuring 18½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential use;
12.	Extract of House and Vacant Land Register issued by the Bruhat Bangalore Mahanagara Palike (“ BBMP ”) in respect of the land bearing Survey No. 150/4 measuring 18 ½ Guntas for the year 2009-10;
13.	Khata Certificate issued by BBMP in respect of the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13A	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
13B	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13C	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
13D	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
13E	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
13F	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“ BDA ”);
13G	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
13H	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;

14.	Tippani issued in respect of the land bearing Survey No. 150 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
15.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16.	Map of Ammani Bellandur Khane Village;
17.	Endorsement bearing No. LRF:CR:495/2007-08 dated 20.2.2008 issued by the Special Tahsildar, Bangalore East Taluk, K.R. Puram to the effect that no applications have been filed in respect of the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under Sections 48(A) & 77(A) of the Karnataka Land Reforms Act, 1961;
18.	Endorsement bearing No. LRF(BE)CR:1044/2007-08 dated 17.3.2008 issued by the Assistant Commissioner, Bangalore North Sub-Division stating that there are no proceedings filed in respect of the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under Sections 79(A) & 79(B) of the Karnataka Land Reforms Act, 1961;
19.	Endorsement dated 14.3.2008 bearing No. PTCL:CR:845 of 2007-08 issued by the Assistant Commissioner, Bangalore North Sub-Division to the effect that there are no proceedings filed in respect of the land bearing Survey No. 150/4 measuring 18 ½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978;
20.	Receipt dated 30.3.2010 evidencing the payment of tax levied on the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 2008-09 to 2009-10;
21.	Receipt dated 23.08.2010 issued for payment of tax levied on the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2010-11; and
22.	Encumbrance Certificates issued in respect of the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, for the period 1.4.1960 to 31.3.1992, 1.4.1992 to 31.3.2004, 1.4.2004 to 1.12.2007, 1.4.2007 to 11.11.2009, 1.4.2008 to 10.12.2009, 12.11.2009 to 2.7.2010 and 1.4.2004 to 24.2.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. On an examination of the documents stated herein above, it appears that the land bearing Survey No. 150/4 measuring 37 Guntas ("Land XVI") was earlier owned by one Mr. Chinnanna.
2. Pursuant thereto, Mr. Chinnanna along with his children viz., Mr. Narayanappa, Mr. Kaverappa and Mr. Shamanna conveyed Land XVI in favour of Mr. Nagappa under the Sale Deed dated 12.2.1949 (Document No. 1).
3. Thereafter, Mr. S Nagappa conveyed Land XVI in favor of Ms. Parvathamma under the Sale Deed dated 13.5.1964 (Document No. 1A).
4. Later, Ms. Parvathamma conveyed Land XVI in favour of Mr. K. S. Shivanna under a Sale Deed dated 14.11.1967 (Document No.2).
5. It appears that pursuant execution of the aforesaid Sale Deed dated 14.11.1967 an Entry No. MR 29 of 68-69 was made in the Mutation Register. We have not seen an extract of the aforesaid Entry No. MR 29 of 1968-69 made in the Mutation Register. We note the Endorsement dated 13.2.2008 issued by the Shirastedar, Bangalore East Taluk, bearing No. RKCR: 587/2007-08 stating that extract of Entry No. MR 29 of 1968-69 made in the Mutation Register in respect of the land bearing Survey No. 157/3 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk cannot be issued as relevant records are not available at his office (Document No. 3).
6. RTCs issued in respect of Land XVI for the years 1967-68 to 1976-77 reflect Mr. S. Nagappa and Ms. Parvathamma as the previous holders and Mr. K.S. Shivanna as the present holder and cultivator thereof for the said years (Document No. 4).
7. RTCs issued in respect of Land XVI reflect Mr. K S Shivanna as the holder and cultivator thereof for the years 1977-78 to 1996-97.
8. Pursuant thereto, Mr. K. S. Shivanna conveyed an extent of 18.5 Guntas in Land XVI (i.e., Property XVI) in favour of Mr. Munishami Reddy and Ms. Premavathi (wife of Mr. Munishami Reddy) under the Sale Deed dated 21.12.1992 (Document No. 5).
9. Entry No. MR 48 of 1992-93 made in the Mutation Register records execution of the aforesaid Sale Deed dated 21.12.1992 and the grant of permission for the change of Khata in respect of Property XVI to the names of Mr. Mr. Munishami Reddy and Ms. Premavathi (Document No. 6). Subsequently, it appears that Mr. Munishami Reddy passed away. We have not seen the death certificate and genealogical tree of Mr. Munishami Reddy. We have been informed that the same is not available.
10. There after it appears (from Entry No. MR 1 of 1999-2000) that proceedings bearing No. RRT (Dis.) 50/1998-99 was initiated before Tahsildar in respect of the land bearing Survey No. 150/4. We have not seen the order passed in the said proceedings. We have been informed that same are not available.

11. Pursuant thereto, Entry No. MR 1 of 1999-2000 was made in the Mutation Register recording an order dated 13.7.1999 passed by the Tahsildar in the proceedings bearing No. RRT (Dis.) 50/1998-99 and grant of permission for the change of khata in respect of Property XVI to the names of Mrs. Premavathi, Ms. Vajramma, Ms. Vishalakshi & Master Ganesh (legal heirs of Mr. Munishami Reddy) (Document No. 7).
12. Later, Mrs. Premavathi (wife of Late Mr. Munishami Reddy), Ms. Vajramma @ Vajralakshmi (daughter of Late Mr. Munishami Reddy), Master Ganesh (son of Late Mr. Munishami Reddy) & Ms. Vishalakshi (daughter of Late Mr. Munishami Reddy (all being minors, represented therein by their mother Mrs. Premavathi) conveyed Property XVI in favour of Mr. Suresh Hegde under the Sale Deed dated 17.12.2003 (Document No. 8). The Sale Deed dated 17.12.2003 states that Property XVI was conveyed by the Vendors there under for the legal necessities of their family. On the demise of Mr. Munishamireddy, his interest in Property XVI devolved on his wife, Mrs. Premavathi & his minor son, Ms. Vajramma, Ms. Vishalakshi & Master Ganesh equally and will be held by them as their absolute property. In such event, prior approval of the court under Section 8 of the Hindu Minority & Guardianship Act, 1956 would have to be obtained for conveyance of interests of the aforesaid minor children in Property XVI. In the absence of the same, the conveyance of 3/4th interest of the minor children in Property XVI is voidable at the option of such minor children, after he attains majority.
13. Entry No. MR 154 of 2003-04 made in the Mutation Register records conveyance of Property XVI in favour of Mr. Suresh Hegde under the said Sale Deed dated 17.12.2003 and the grant of permission for change of khata in respect of Property XVI to his name in respect thereof (Document No. 9).
14. RTCs issued in respect of Land XVI for the years 1997-98 to 2002-03 reflect the names of Mrs. Premavathi, Mrs. Vajramma, Mrs. Vishalakshi and Mr. Ganesh as the joint holders of an extent of 18 ½ Guntas in the land bearing Survey No. 150/4 and Mrs. Premavathi as the remaining extent of 18 ½ Guntas therein.
15. RTCs issued in respect of Land XVI for the years 2002-03 to 2007-08 reflect (i) Mr. Austin Roach as the holder and cultivator of an extent of 18.5 Guntas, (ii) Mrs. Premavathi, Ms. Vajramma, Ms. Vishalakshi and Mr. Ganesh as the holders of an extent of 18.5 Guntas in Land XVI and Mr. Suresh Hegde as the holder of an extent of 18.5 Guntas in Land XVI i.e., RTCs reflect a total holding of 1 Acre 15.5 Guntas, whereas the total extent of land in Land XVI is only 37 Guntas.
16. It appears that the aforesaid discrepancy was an error in entry, as although the Property XVI in Land XVI was conveyed by the Mrs. Premavathi, Ms. Vajramma @ Vajralakshmi, Master Ganesh, Ms. Vishalakshi in favor of Mr. Suresh Hegde under the said Sale Deed dated 17.12.2003, their names continued to be reflected in the RTCs for an extent of 18.5 Guntas.
17. Later, on an application made by Mr. Suresh Hegde, the Order bearing No. RRT(1)CR/1452/2008-09 dated 6.1.2009 was passed by the Tahsildar, Bangalore East Taluk for the deletion of the names of Mrs. Premavathi, Ms. Vajramma @

- Vajralakshmi, Master Ganesh and Ms. Vishalakshi as the holders of the said extent of 18 ½ Guntas for rectifying the aforesaid error in the RTCs (Document No. 9A).
18. On an application made by Mr. Suresh Hegde, the Official Memorandum bearing No. ALN(VH) SR 134/2008-09 dated 12.11.2008 was issued by the District Commissioner, Bangalore District granting permission for the change of land use in respect of Property XVI from agricultural to non-agricultural residential use (Document No. 10).
 19. Mr. Suresh Hegde conveyed Property XVI in favour of the partnership firm, M/s Divyasree Infrastructure under the Sale Deed dated 27.11.2009 (Document No. 11).
 20. We note extract of Khata Certificate and an extract from the House and Vacant Land Register for the year 2009-10 issued by the BBMP in respect of Property XVI reflecting the same to be standing in the name of M/s Divyasree Infrastructure (Document Nos. 12 & 13).
 21. Subsequently, we note that all the Partners of the aforesaid firm M/s Divyasree Infrastructure executed the Supplementary Deed on 2.1.2010 *inter alia* declaring the M/s Divyasree Infrastructure as a Joint Stock Company and further undertaking to register it as a private limited company and to continue the business of the Firm with all its assets including Property XVI as a going concern and further mutually agreed to abide by the declaration and regulations contained in the Memorandum of Association and Articles of Association of the Joint Stock Company from the date of registration as a Joint Stock Company.
 22. Pursuant to the aforesaid agreement and declaration, M/s Divyasree Infrastructure was incorporated as a private limited company under Part IX of the Companies Act, 1956 under the name and style of Divyasree Infrastructure Project Private Limited (herein after referred to as the “**DIPPL**”) as evidenced by the Certificate of Incorporation and as per the Memorandum of Association of the Company all the assets of the Firm including movable and immovable properties have vested in the Company.
 23. Thereafter, DIPPL along with certain other owners of adjoining lands have under the Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas (including Property XVI) (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of BBMP (Document No. 13A).
 24. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (Document No. 13B). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
 25. Pursuant thereto, BBMP has issued Khata Certificate and extract from the Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private

- Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (Document Nos. 13C & 13D). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (Document No. 13E).
26. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (Document No. 13F).
27. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (Document No. 13G). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Project Lands (Document No. 13H).
28. Tippani issued in respect of Land XVI indicate the shape thereof (Document No. 14).
29. Revision Settlement Akarbandh issued in respect of Land XVI reflects the total extent therein as 37 Guntas with no kharab comprised therein (Document No. 15).
30. We note the map of Ammani Bellandur Khane Village indicating the location of the land bearing Survey No. 150 (Document No. 16).
31. We note the Endorsement dated 20.2.2008 issued by the Special Tahsildar, Bangalore East Taluk, to the effect that no applications have been filed in respect of the Land XVI under Sections 48(A) & 77(A) of the Karnataka Land Reforms Act, 1961 (Document No. 17).
32. We have also been furnished with the Endorsement dated 17.3.2008 issued by the Assistant Commissioner, Bangalore North Sub-Division, stating that there are no proceedings filed in respect of the land bearing Survey No. 150/4 measuring 18 ½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under sections 79(A) & 79(B) of the Karnataka Land Reforms Act, 1961 (Document No. 18).
33. We also note the Endorsement dated 14.3.2008 issued by the Assistant Commissioner, Bangalore North Sub-Division to the effect that there are no proceedings filed in respect of land bearing Survey No. 150/4 measuring 18½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Document No. 19).
34. We note receipt dated 30.3.2010 for payment of tax in respect of (Khata No. 228) Survey No. 150/4 for the period 2008-09 to 2009-10 (Document No. 20). We also

note the receipt dated 23.08.2010 issued for payment of tax levied on Property XVI for the year 2010-11 (Document No. 21).

35. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XVI has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
36. Encumbrance Certificates issued in respect of land bearing Survey No. 150/4 for the period 1.4.1960 to 31.3.1992, 1.4.1992 to 31.3.2004, 1.4.2004 to 1.12.2007 and 1.4.2007 to 11.11.2009, 1.4.2008 to 10.12.2009, 12.11.2009 to 2.7.2010 and 1.4.2004 to 24.2.2011 reflect Sale Deeds dated 13.5.1964, 14.11.1967, 21.12.1992, 17.12.2003 and 27.11.2009, Amalgamation Deed dated 19.1.2011, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 referred to hereinabove (Document No. 22). We have not seen the Encumbrance Certificates issued in respect of Property XVI for the period 25.2.2011 till date. It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period.
37. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XVI.
38. We have also been informed that no charges and/or mortgages have been created in respect of Property XVI, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. Divyasree Infrastructure Projects Private Limited is the owner of Property XVI. Divyasree Infrastructure Projects Private Limited's title to Property XVI is subject to the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XVI is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

XVII. SURVEY NOS. 149/3C MEASURING 26 GUNTAS AND 159/2 MEASURING 32 GUNTAS

A. DESCRIPTION OF THE PROPERTY

The lands bearing Survey Nos. 149/3C measuring 27 Guntas and 159/2 measuring 32 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, Bangalore bounded on its

East by : Land bearing Survey No. 160;
West by : Land bearing Survey Nos. 157/3B, 150/5A & 150/2;
North by : Private Property; and
South by : Land bearing Survey No. 149/3B.

the aforesaid properties are hereinafter referred to as '**Property XVII**';

B. DOCUMENTS EXAMINED

In connection with the above we have been provided with and have examined photocopies of the following documents:

Sl. No.	Particulars
1.	Partition Deed dated 27.9.1962 executed by and amongst the family members of Mr. Chenna Reddy in respect of <i>inter-alia</i> the lands bearing Survey Nos. 149/3 and 159/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk registered as Document No. 4269 of 1962-63 in Book-I, Volume No. 356 at Pages 5 to 15 in the office of the Sub-Registrar, Bangalore South Taluk;
2.	Genealogical tree of Mr. Junjappa Reddy reflecting the names of his family members;
3.	Extract of Entry No. MR 109 of 1994-95 made in the Mutation Register recording the execution of the Partition Deed dated 27.9.1962 and the grant of permission for change of khata in respect of the lands bearing Survey Nos. 149/3P measuring 26 Guntas and 159/2P measuring 32 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of Mr. Chenna Reddy;
4.	Record of Rights and Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 149/3C measuring 27 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
4A.	Extract of Entry No. IHC 11 of 1985-86 made in the Inheritance Register in respect of the lands bearing Survey Nos. 149/3A and 150/5B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;

5.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 159/2 measuring 35 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 1971-72 and 1977-78 to 2011-12;
5A.	Endorsement bearing No. RK.CR: 349/2007-08 dated 24.12.2007 issued by the Tahsildar, Bangalore East Taluk, Krishnarajapura to the effect that RTCs in respect of the land bearing Survey No. 159/2 situated at Ammani Bellandur Khane Village cannot be issued for the years 1972-73 to 1976-77 as the relevant records are not available in his office;
6.	Official Memorandum bearing No. B. Dis. ALN (E). VB. SR. 431/2003-04 dated 30.1.2004 issued by the Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of the lands bearing Survey Nos. 159/2 and 149/3 measuring 1 Acre 18 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
7.	Extract of Entry No. MR 260 of 2003-04 made in the Mutation Register recording the Official Memorandum bearing No. ALN (E). VB. SR. 431/2003-04 granting permission for conversion of land use in respect of the lands bearing Survey Nos. 149/3C measuring 26 Guntas and 159/2 measuring 32 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
8.	Sale Deed dated 2.1.2008 executed by Mr. Chenna Reddy, Mrs. G. Chandramma (wife of Mr. Chenna Reddy), Mrs. C. Lakshminarayana (son of Mr. Chenna Reddy), Mrs. Naveena (wife of Mr. Lakshminarayana), Mrs. C. Bharathamma, Mrs. C. Kumaramma, Mrs. C. Jayashree, Mrs. C. Bindhu and Mrs. C. Prema (all daughters of Mr. Chenna Reddy) in favor of Divyasree Infrastructure conveying the lands bearing Survey Nos. 149/3C and 159/2 admeasuring 1 Acre 18 Guntas, situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-05047 of 2007-08, (stored in C. D. No. VRTD 18) in the office of the Sub-Registrar, Varthur, Bangalore;
8A.	Power of Attorney dated 31.12.2007 executed by Mrs. C. Bharathamma @ Bharathi, Mrs. C. Kumaramma, Mrs. C. Jayashree, Mrs. C. Bindhu, Mrs. C. Prema appointing Mr. Chenna Reddy as their attorney to convey the lands bearing Survey Nos. 149/3C and 159/2 admeasuring 1 Acre 18 Guntas, situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
9.	Rectification Deed dated 14.1.2008 executed by Mr. Chenna Reddy, Mrs. G. Chandramma (wife of Mr. Chenna Reddy), Mrs. C. Lakshminarayana (son of Mr. Chenna Reddy), Mrs. Naveena (wife of Mr. Lakshminarayana), Mrs. C. Bharathamma, Mrs. C. Kumaramma, Mrs. C. Jayashree, Mrs. C. Bindhu and Mrs. C. Prema (all daughters of Mr. Chenna Reddy), registered as Document No. VRT-1-05218-2007-08 (stored in C. D. No. VRTD19) in

	the office of the Sub-Registrar, Varthur;
9A.	Khata Certificate dated 5.04.2010 issued by Bruhat Bangalore Mahanagara Palike (“ BBMP ”) in respect of the lands bearing Survey Nos. 149/3C & 159/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
9B.	Extract of House & Vacant Land Register for the year 2009-10 issued by the BBMP in respect of the lands bearing Survey Nos. 149/3C & 159/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
9C.	Supplementary Deed dated 2.1.2010 to declare the partnership firm ‘Divyasree Infrastructure’ as a Joint Stock Company and register the same as a Joint Stock Company;
9D.	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
9E.	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
9F.	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
9G.	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
9H.	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
9I.	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“ BDA ”);
9J.	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
10.	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD

	No. VRTD77) in the office of the Sub Registrar, Varthur;
11.	Map of Ammani Bellandur Khane Village;
12.	Hissa Tippani issued in respect of the land bearing Survey No. 149/3C situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, Bangalore;
13.	Hissa Tippani issued in respect of the land bearing Survey No. 159/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, Bangalore;
14.	Revision Settlement Akarbandh issued in respect of the lands bearing Survey Nos. 149/3C and 159/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
15.	Field sketch issued in respect of the land bearing Survey No. 149 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, issued by the Licensed Surveyor;
16.	Field sketch issued in respect of the land bearing Survey No. 159 of situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, issued by the Licensed Surveyor;
17.	Endorsement bearing No. L.R.F. (B.E) CR 1044/2007-08 dated 17.3.2008 issued by the Assistant Commissioner, Bangalore North Taluk, to the effect that no applications have been filed in respect of the lands bearing Survey Nos. 149/3C measuring 26 Guntas and 159/2 measuring 32 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under Sections 79 (A) & 79(B) of the Karnataka Land Reforms Act, 1961;
18.	Endorsement bearing No. LRF:CR: 495/2007-08 dated 20.2.2008 issued by the Tahsildar, Bangalore East Taluk stating that no applications in Form 7 are pending in respect of the lands bearing Survey Nos. 149/3C and 159/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under Section 48 A of the Karnataka Land Reforms Act, 1961;
19.	Endorsement bearing No. PTCL:CR: 845: 2007-08 dated 14.3.2008 issued by the Sub-Divisional Officer, Bangalore North Sub-Division, Bangalore to the effect that no applications have been filed in respect of the land bearing Survey No. 159/2 measuring 32 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under the provisions of the Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978;
20.	Encumbrance Certificates issued in respect of the lands bearing Survey Nos. 149/3 and/or 149/3C situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1960 to 31.3.2004, 1.4.2004 to 7.12.2007, 1.4.2007 to 22.1.2008 and 1.4.2004 to 12.10.2011;

	and
21.	Encumbrance Certificates issued in respect of the land bearing Survey No. 159/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1960 to 31.3.2004, 1.4.2004 to 7.12.2007, 1.4.2007 to 22.1.2008 and 1.4.2004 to 12.10.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. On an examination of the documents furnished to us, it appears that the lands bearing Survey Nos. 149/3 measuring 27 Guntas and 159/2 measuring 32 Guntas were initially held by the joint family of Mr. Chennappa (*as per the Partition Deed dated 27.9.1962 referred to hereinafter*).
2. It also appears (*from the Partition Deed dated 27.9.1962*) that Mr. Chennappa and his two sons Mr. Gundappa and Mr. Chinta Reddy passed away. We have not seen the death certificates of Mr. Chennappa, Mr. Gundappa and Mr. Chinta Reddy. We have also not seen the genealogical tree of Mr. Chennappa. We have been informed that the said documents are not available.
3. On the demise of Mr. Chennappa and his sons, Mr. Gundappa and Mr. Chinta Reddy, their family members viz., Chenna Reddy (son of Late Mr. Junjappa Reddy and grandson of Mr. Gundappa), Ramaiah Reddy & Mr. Kaverappa (both sons of Late Mr. Gundappa) and sons of Mr. Chinta Reddy viz., Mr. Dodda Abbaiah Reddy, Mr. Chikka Abbaiah Reddy and Mr. Hanumappa partitioned their joint family properties including Property XVII amongst themselves under the Partition Deed dated 27.9.1962 (***Document No. 1***). Under Schedule E of the said Partition Deed, the lands bearing Survey Nos. 149/3 measuring 26 Guntas and 159/2 measuring 32 Guntas (i.e., Property XVII) were allotted to the share of Mr. Chenna Reddy (son of Mr. Junjappa and grandson of Mr. Gundappa).
4. We note the genealogical tree of Late Mr. Junjappa Reddy (father of Mr. Chenna Reddy) indicating his wife viz., Late Mrs. Chinnamma (wife of Mr. Junjappa Reddy) & his son viz., Mr. J Chenna Reddy and the family members of Mr. Chenna Reddy viz., Mrs. G. Chandramma (wife of Mr. J. Chenna Reddy), Mr. Lakshminarayana (son of Mr. Chenna Reddy), Mrs. Naveena (wife of Mr. Lakshminarayana), Master Vaibhav and Ms. Charvi (both children of Mr. Lakshminarayana), Mrs. C. Bharathamma, Mrs. C. Kumaramma, Mrs. C. Jayashree, Mrs. C. Bindhu, and Mrs. C. Prema (all daughters of Mr. Chenna Reddy) (***Document No.2***).
5. Thereupon, Entry No. MR 109 of 1994-95 was made in the Mutation Register recording execution of the aforesaid Partition Deed dated 27.9.1962 and the grant of permission for change of khata in respect of the lands bearing Survey Nos. 149/3P measuring 26 Guntas and Survey No. 159/2P measuring 32 Guntas to the name of Mr. Chenna Reddy (***Document No. 3***).
6. It appears from the RTCs that the land bearing Survey No. 149/3 measuring 26 Guntas was assigned new Survey No. 149/3C. We have not seen any documents

evidencing the said assignment of new Survey Number. We are informed that they are not available.

7. Further, it may be noted that the extent in the land bearing Survey No. 149/3 acquired by Mr. Chenna Reddy is 26 Guntas, whereas, the RTCs in respect of the land bearing Survey No. 149/3C reflect the total extent therein and the extent held by Mr. Chenna Reddy as 27 Guntas.
8. RTC issued in respect of the land bearing Survey No. 149/3C for the year 1967-68 to 1976-77 reflect Mr. Chenna Reddy as the cultivator thereof. However, the said RTC does not reflect the name of the holder in Column No. 9 (**Document No. 4**).
9. Further, RTCs issued in respect of the land bearing Survey No. 149/3C for the years 1977-78 to 1981-82 reflect Mr. Chenna Reddy as the erstwhile holder and Mr. Hanumappa as the holder and Mr. Chenna Reddy as the cultivator thereof (**Document No. 4**). The said RTCs also reflect an Order DSO 41 of 1963-64 made in the Mutation Register. We have not seen the documents explaining the reasons for the RTCs reflecting the name of Mr. Hanumappa substituting the name of Mr. Chenna Reddy and we have also not seen an extract of the said Order DSO 41 of 1963-64.
10. RTCs issued in respect of the land bearing Survey No. 149/3C for the years 1982-83 to 1986-87 reflect Mr. Shivaram Reddy (son of Mr. Hanumappa) as the holder and Mr. Chenna Reddy as the cultivator for the said years. The said RTCs also reflect an Entry No. IHC 11 of 1985-86 made in the Inheritance Register. We have not seen the documents explaining the reasons for the RTCs reflecting the name of Mr. Shivaram Reddy substituting the name of Mr. Hanumappa. We have been informed that the same is an erroneous entry and we note that the said Entry No. IHC 11 of 1985-86 is relation to the lands bearing Survey Nos. 149/3A and 150/5B and the same does not relate to land bearing Survey No. 149/3C (**Document No. 4A**).
11. Further, RTCs issued in respect of the land bearing Survey No. 149/3C reflect Mr. Hanumappa (son of Mr. Thippa Reddy) as the holder and Mr. Chenna Reddy as the cultivator for the years 1987-88 to 1991-92.
12. RTCs issued in respect of the land bearing Survey No. 149/3C reflect Mr. Chenna Reddy (son of Mr. Junjappa) as the holder of an extent of 27 Guntas therein and Mr. Chenna Reddy as the cultivator thereof for the years 1992-93 to 2003-04.
13. RTCs issued in respect of the land bearing Survey No. 159/2 measuring 35 Guntas (including 3 Guntas of kharab) for the years 1967-68 to 1971-72 and 1977-78 to 1991-92 reflect Mr. Chenna Reddy as the holder thereof (**Document No. 5**). The said RTCs also reflect an Entry No. MR 48 of 1962-63 made in the Mutation Register and also reflects sale as the mode of acquisition of the same. It may be noted that Mr. Chenna Reddy acquired title to the land bearing Survey No. 159/2 measuring 32 Guntas under the Partition Deed dated 27.9.1962 and not under the Sale Deed. We have not seen an extract of the said Entry No. MR 48 of 1962-63 made in the Mutation Register and we have been informed that the same is not available.
14. We have not seen RTCs issued in respect of the land bearing Survey No. 159/2 for the years 1972-73 to 1976-77. We note the Endorsement bearing No. RK.CR:

349/2007-08 dated 24.12.2007 issued by the Tahsildar, Bangalore East Taluk, Krishnarajapura to the effect that RTCs in respect of the land bearing Survey No. 159/2 for the years 1972-73 to 1976-77 cannot be issued as the relevant records are not available in his office (Document No. 5A).

15. RTCs issued in respect of the land bearing Survey No. 159/2 measuring 35 Guntas (including 2 Guntas of kharab) for the years 1992-93 to 2003-4 reflect Mr. Chenna Reddy (son of Mr. Junjappa) as the holder and Mr. Chenna Reddy as the cultivator of an extent of 33 Guntas therein. It may be noted that the extent in the land bearing Survey No. 159/2 acquired by Mr. Chenna Reddy is 32 Guntas, whereas, the RTCs for the years 1992-93 reflect the total extent therein and the extent held by Mr. Chenna Reddy as 33 Guntas.
16. On an application made by Mr. Chenna Reddy the Official Memorandum bearing No. B. Dis. ALN(E).VB.SR. 431/2003-04 dated 30.1.2004 was issued by the Deputy Commissioner, Bangalore District, granting permission for the conversion of land use in respect of the lands bearing Survey Nos. 149/3 measuring 26 Guntas (Property XVIIA) and 159/2 measuring 32 Guntas (Property XVIIIB), totally measuring 1 Acre 18 Guntas from agricultural to non-agricultural residential purposes (Document No. 6). Thereupon, Entry No. MR 260 of 2003-04 was made in the Mutation Register recording the aforesaid Official Memorandum dated 30.1.2004 for conversion of land use in respect of Property XVII from agricultural to non-agricultural residential purposes (Document No. 7).
17. Post conversion RTCs issued in respect of the land bearing Survey No. 149/3C measuring 27 Guntas (no kharab) and in respect of the land bearing Survey No. 159/2 measuring 33 Guntas (and 2 Guntas kharab) for the years 2005-06 to 2011-12 reflect Mr. Chenna Reddy as the holder and cultivator of Property XVIIA (measuring 26 Guntas) and Property XVIIIB (measuring 32 Guntas). The said RTCs also reflect conversion of land use in respect of Property XVIIA and Property XVIIIB.
18. Subsequently, Mr. Chenna Reddy along with Mrs. G. Chandamma, Mr. C. Lakshminarayana, Mrs. Naveena (for self and for her minor children Master Vaibhav and Kumari Charvi), and the daughters of Mr. Chenna Reddy viz., Mrs. C. Bharathamma @ Bharathi, Mrs. C. Kumaramma, Mrs. C. Jayashree, Mrs. C. Bindhu, Mrs. C. Prema (represented by their power of Attorney Mr. Chenna Reddy) executed Sale Deed dated 2.1.2008 conveying Property XVII A and Property XVII B (i.e., **Property XVII**) in favour of M/s. Divyasree Infrastructure (represented by its Partner Mr. Umesh S. Raju) (Document No. 8).
19. We note the Power of Attorney dated 31.12.2007 executed by Mrs. C. Bharathamma @ Bharathi, Mrs. C. Kumaramma, Mrs. C. Jayashree, Mrs. C. Bindhu, Mrs. C. Prema appointing Mr. Chenna Reddy as their attorney to convey Property XVII (Document No. 8A).
20. Mr. Chenna Reddy and others also executed the Rectification Deed dated 14.1.2008 for rectification of the typographical error in respect of the PAN Card details of M/s. Divyasree Infrastructure (Document No. 9).

21. We note the Khata Certificate dated 05.04.2010 issued by the BBMP reflecting Property XVII to be standing in the name of Divyasree Infrastructure. We also note an extract of House & Vacant Land Register for the year 2009-10 issued by the BBMP reflecting Divyasree Infrastructure as the owner of Property XVII (**Document Nos. 9A & 9B**).
22. Later, all the partners of the firm, M/s. Divyasree Infrastructure, executed a Supplementary Deed on 2.1.2010 inter alia declaring the Firm as a Joint Stock Company and further undertaking to register it as a private limited company and to continue the business of the Firm with all its assets including Property XVII as a going concern and further mutually agreed to abide by the declaration and regulations contained in the Memorandum of Association and Articles of Association of the Joint Stock Company from the date of registration as a Joint Stock Company (**Document No. 9C**). Pursuant to the aforesaid agreement and declaration, the Firm was incorporated as a private limited company under Part IX of the Companies Act, 1956 under the name and style of Divyasree Infrastructure Project Private Limited ('DIPPL') as evidenced by the Certificate of Incorporation and as per the Memorandum of Association of the company all the assets of the Firm including movable and immovable properties have vested in the company.
23. Thereafter, DIPPL along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas ("**Amalgamated Property**") owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike ("**BBMP**") (**Document No. 9D**).
24. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs.2,90,044/- (**Document No. 9E**). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
25. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (**Document Nos. 9F & 9G**). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 9H**).
26. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) ("**Project Lands**"), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 ("**Proposed Project**") (**Document No. 9I**).
27. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010

- (Document No. 9J). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Project Lands (Document No. 10).
28. We have seen the map of Ammani Bellandur Khane Village showing the location of the lands bearing Survey Nos. 149 and 159 (Document No. 11).
29. We have been furnished with the Hissa Survey Tippani issued in respect of the land bearing Survey No. 149/3C showing the shape of the said land which has no kharab (Document No. 12).
30. Hissa Survey Tippani issued in respect of the land bearing Survey No. 159/2 has also been furnished to us which shows the shape of the said land having kharab (Document No. 13).
31. We have been furnished with the Revision Settlement Akarbandh issued in respect of land bearing Survey No. 149/3C confirming the total extent in the said Survey Number to be 27 Guntas and the total extent in land bearing Survey No. 159/2 to be 35 Guntas (including 3 Guntas of kharab) (Document No. 14).
32. We have been furnished with the Field Sketch issued in respect of lands bearing Survey Nos. 149 and 159 showing the sub-division in the said survey numbers (Document Nos. 15 and 16).
33. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XVII has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
34. We have been furnished with the Endorsement bearing No. L.R.F. (B.E) CR 1044/2007-08 dated 17.3.2008 issued by the jurisdictional Assistant Commissioner stating that no applications have been filed in respect of the lands bearing Survey Nos. 149/3C measuring 26 Guntas and 159/2 measuring 32 Guntas under Sections 79 (A) & 79(B) of the Karnataka Land Reforms Act, 1961 (Document No. 17).
35. Endorsement bearing No. LRF:CR: 495/2007-08 dated 20.2.2008 has been issued by the Tahsildar, Bangalore East Taluk, K. R. Puram to the effect that no applications in Form C are pending in respect of lands bearing Survey Nos. 149/3C and 159/2 under Section 48 A of the Karnataka Land Reforms Act, 1961 (Document No. 18). We have not seen an endorsement issued by the Tahsildar certifying that no applications have been filed in respect of Property XVII under Section 48 A of the Karnataka Land Reforms Act, 1961.
36. We have been furnished with Endorsement bearing No. PTCL.CR: 845: 2007-08 dated 14.3.2008 issued by the Sub-Divisional Officer, Bangalore North Sub-Division, Bangalore to the effect that no applications have been filed in respect of lands bearing Survey Nos. 149/3C measuring 27 Guntas and 159/2 measuring 32 Guntas under the

provisions of the Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Document No. 19).

37. Encumbrance Certificates issued in respect of land bearing Survey No. 149/3C for the period 1.4.1960 to 31.3.2004, 1.4.2004 to 7.12.2007, 1.4.2007 to 22.1.2008 and 1.4.2004 to 12.10.2011 reflect the Partition Deed dated 27.9.1962, Sale Deed dated 2.1.2008, Rectification Deed dated 14.1.2008 and Amalgamation Deed dated 19.1.2011 referred to hereinabove (Document No. 20). Encumbrance Certificates issued in respect of land bearing Survey No. 159/2 for the period 1.4.1960 to 31.3.2004, 1.4.2004 to 7.12.2007, 1.4.2007 to 22.1.2008 and 1.4.2004 to 12.10.2011 reflect the Partition Deed dated 27.9.1962, Sale Deed dated 2.1.2008 and Rectification Deed dated 14.1.2008 referred to hereinabove (Document No. 21). We have not seen the Encumbrance Certificates issued in respect of the land bearing Survey Nos. 149/3 and/or 149/3C and 159/2 for the period 13.10.2011. It is advisable to obtain a fresh certificate for the period 1.4.2010 till date which would all reflect all transactions entered into during the said period.
38. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XVII.
39. We have also been informed that no charges and/or mortgages have been created in respect of Property XVII, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION:

Subject to our comments above, we are of the opinion that:

- c. Divyasree Infrastructure Projects Private Limited is the owner of Property XVII. Divyasree Infrastructure Projects Private Limited's title to Property XVII is subject to the charge created in favour of HDFC Limited by deposit of title deeds;
- d. Property XVII is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

XVIII. LANDS BEARING SURVEY NOS. 151/1 (10 GUNTAS) AND SURVEY NO.153/2 (28 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Lands bearing Survey Nos. 151/1 measuring 10 Guntas and 153/2 measuring 28 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk comprising of:

Land bearing Survey No.151/1 measuring 10 Guntas, bounded on its:

East by : Land bearing Survey No.151/2;
West by : Land bearing Survey No.153/2;
North by : Land bearing Survey No.156; and
South by : Lands bearing Survey No.151/2 & 151/4.

hereinafter referred to as “**Property XVIIIA**”;

Land bearing Survey No.153/2 measuring 28 Guntas, bounded on its:

East by : Land bearing Survey No.153/3;
West by : Raja Kaluve;
North by : Land bearing Survey No.153/1; and
South by : Land bearing Survey No.152.

hereinafter referred to as “**Property XVIIIIB**”;

Property XVIIIA and Property XVIIIIB are hereinafter collectively referred to as “**Property XVIII**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Sale Deed dated 7.7.1950 executed by Mr. Nagappa, Mr. Nanjundappa and Mr. Narayanappa in favour of Mrs. Akkayamma conveying the land bearing Survey 151/1 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No. 2291 of 1950-51 in Book-I, Volume No. 1149 at Pages 69 to 70, in the Office of the Sub-Registrar, Bangalore Taluk;
2.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 151/1 admeasuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;

3.	Sale Deed dated 22.5.1961 executed by Mr. Chikka Abbaiah in favour of Mr. Gurappa Boyi and Mrs. Lakshmaiah Boyi conveying the land bearing Survey No.153/2 measuring 28 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No. 1011 of 1961-62 in Book-I, Volume No. 240 at Pages 183 to 1850, in the Office of the Sub-Registrar, Bangalore Taluk;
4.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 153/2 admeasuring 29 Guntas (including 1 Gunta of Kharab) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 1971-72 and 1977-78 to 2011-12;
5.	Endorsement bearing No. RKCR 796/04-05 dated 31.12.2004 issued by the Taluk Shirastedar, Bangalore East Taluk stating that the extracts of RTCs in respect of the land bearing Survey No. 153/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk cannot for the years 1972-73 to 1976-77 as the relevant records pertaining to the same are in a dilapidated condition in his office;
6.	Partition Deed dated 18.12.1972 executed between Mr. Gurappa Boyi and Mr. Lakshmaiah Boyi effecting partition of their joint family properties including the lands bearing Survey Nos. 151/1 and 153/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 5532 of 1972-73 in Book-I, Volume No. 974 at Pages 35 to 36 in the Office of the Sub Registrar, Bangalore South Taluk;
7.	Genealogical Tree of Mr. Muddappa reflecting the names of his family members;
8.	Memorandum of Partition dated 11.3.1987 executed by and amongst Mr. Lakshmaiah Boyi alias Guruppa, Mr. Jayaram, Mr. Gopal and Mr. Satyanarayana in respect of <i>inter alia</i> the lands bearing Survey Nos. 151/1 and 153/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
9.	Agreement to Sell dated 27.5.1987 executed by Mr. Kodandarama in favour of Mrs. Sarojamma agreeing to sell the land bearing Survey No. 151/1 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
10.	Extract of Entry No. IHC 8 of 1996-97 made in the Inheritance Register in respect of the land bearing Survey Nos. 151/1 and 153/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
11.	Agreement to Sell dated 18.3.2003 executed by Mr. Jayaram, Mr. J. Jagadisha, Mr. Ravi, Mr. Gopal, Mr. Satyanarayana, Mr. Sarojamma and Mr. Srikant in favor of Mr. Errol Fernandes agreeing to convey the lands bearing Survey No. 153/2 measuring 28 Guntas and 151/1 measuring 10

	Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 17749 of 2002-03 in Book-I (stored in C. D. No. 102) in the Office of the Sub-Registrar, Bangalore South Taluk;
12.	General Power of Attorney dated 18.3.2003 executed by Mr. Jayaram, Mr. J. Jagadisha, Mr. Ravi, Mr. Gopal, Mr. Satyanarayana, Mrs. Sarojamma and Mr. Srikant authorizing and appointing Mr. Austin Roach and Mr. R. Nagaraj as their attorneys to deal with the lands bearing Survey No. 153/2 measuring 28 Guntas and 151/1 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 706 of 2002-03 in Book-IV (stored in C. D. No. 102) in the Office of the Sub-Registrar, Bangalore South Taluk;
13.	Affidavit dated 18.3.2003 sworn in by Mr. Jayaram, Mr. J. Jagadisha, Mr. Ravi, Mr. Gopal, Mr. Satyanarayana, Mrs. Sarojamma and Mr. Srikant confirming the execution of the Agreement to Sell dated 18.3.2003 and General Power of Attorney dated 18.3.2003 in respect of the lands bearing Survey No. 153/2 measuring 28 Guntas and 151/1 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
14.	Official Memorandum bearing No. BDis.ALN(E)VB:SR:56/03-04 dated 5.7.2003 issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of the land bearing Survey No. 151/1 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
15.	Receipt for payment of conversion fine and sub division fee in respect of the land bearing Survey No.151/1 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16.	Official Memorandum bearing No. BDis.ALN(E)VB:SR:57/03-04 dated 5.7.2003 issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of the land bearing Survey No. 153/2 measuring 28 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
16A	Receipt for payment of conversion fine and sub division fee in respect of the land bearing Survey No.153/2 measuring 28 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17.	Extract of Entry No. MR 152 of 2003-04 made in the Mutation Register recording conversion of land use in respect of the land bearing Survey No. 151/1 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for non-agricultural residential purposes;

18.	Extract of Entry No. MR 148 of 2003-04 made in the Mutation Register recording conversion of land use in respect of the land bearing Survey No. 153/2 measuring 28 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for non-agricultural residential purposes;
19.	Extract from the House/Land Tax Assessment List issued by the Sorahunse Grama Panchayat in respect of the land bearing Survey No.151/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, for the year 2004-05;
20.	Extract from the Demand Register issued by the Sorahunse Grama Panchayat in respect of the land bearing Survey No.151/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, for the year 2004-05;
21.	Extract from the House/Land Tax Assessment List issued by the Sorahunse Grama Panchayat in respect of the land bearing Survey No.153/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, for the year 2004-05;
22.	Extract from the Demand Register issued by the Sorahunse Grama Panchayat in respect of the land bearing Survey No.153/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, for the year 2004-05;
23.	Tax paid receipt issued by the Sorahunse Grama Panchayat evidencing the payment of tax for the year 2004-05 in respect of the land bearing Survey No. 151/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
24.	Tax paid receipt issued by the Sorahunse Grama Panchayat evidencing the payment of tax for the year 2004-05 in respect of the land bearing Survey No. 153/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
25.	Sale Deed dated 1.1.2004 executed by Mr. Jayaram, Mr. J. Jagadisha, Mr. Ravi, Mr. Satyanarayana, Mrs. Sarojamma and Mr. Srikant (all represented by their attorney Mr. R Nagaraj) in favour of Ferns Builders and Developers conveying the land bearing Survey Nos. 153/2 measuring 28 Guntas and 151/1 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 20000 of 2003-04 in Book-I (stored in C. D. No. 125) in the Office of the Sub-Registrar, Bangalore South Taluk;
26.	Confirmation Deed dated 18.1.2007 executed by Mr. Gopal (represented by his attorney Mr. Austin Roach) in favor of Ferns Builders and Developers in respect of the land bearing Survey Nos. 153/2 measuring 28 Guntas and 151/1 measuring 10 Guntas situated at Ammani Bellandur Khane Village,

	Varthur Hobli, Bangalore East Taluk, registered as Document No. BAS-1-26294-2006-07 (stored in BASD301) in the office of the Sub Registrar, Bangalore South;
27.	Affidavit dated 16.10.2004 sworn in by Mrs. Sarojamma in respect of the land bearing Survey Nos. 153/2 measuring 28 Guntas and 151/1 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
28.	Retirement Deed dated 1.10.2010 executed by and amongst Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj, registered as Document No. VRT-1-05217-2010-11 (stored in CD No. VRTD86) in the office of the Sub Registrar, Varthur;
29A	Khata Certificate issued by the Bruhat Bangalore Mahanagara Palike ("BBMP") issued in respect of the land bearing Survey No. 151/1 measuring 10 Guntas and 153/2 measuring 28 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
29B	Receipt dated 25.11.2010 evidencing payment of tax in respect of the land bearing Survey Nos. 151/1 and 153/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2010-11;
29C	Exchange Deed dated 18.3.2011 executed by and between Mr. R. Nagaraj and Divyasree Infrastructure Projects Private Limited in respect of the land bearing Survey Nos. 151/1 measuring 10 Guntas and 153/2 measuring 28 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08340-2010-11 (stored in CD No. VRTD103) in the office of the Sub Registrar, Varthur;
29D	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
29E	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
29F	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
29G	Extract of the Vacant Land and Houses Register for the year 2010-11 issued

	by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
29H	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
29I	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
29J	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
29K	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
29.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division stating that no proceedings have been filed under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 in respect of the lands bearing Survey Nos. 151/1 and 153/2 of situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
30.	Endorsement bearing No. LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings have been filed under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 in respect of the lands bearing Survey Nos. 151/1 and 153/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
31.	Endorsement bearing No. LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings have been filed under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 in respect of the lands bearing Survey Nos. 151/1 and 153/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
32.	Endorsement bearing No. LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk stating that no applications under Form 7 and/or 7A under Section 48A of the Karnataka Land Reforms Act, 1961 have been filed in respect of the lands bearing Survey Nos. 151/1 and 153/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
33.	Revision Settlement Akarbandh issued in respect of the lands bearing Survey Nos. 151/1 & 153/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
34.	Tippani issued in respect of the lands bearing Survey No. 153/1, 2 & 3

	situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
35.	Tippani in respect of lands bearing Survey No. 151 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
36.	Map of Ammani Bellandur Khane Village;
37.	Encumbrance Certificates issued in respect of land bearing Survey No. 151/1 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1949 to 14.2.1957, 15.2.1957 to 1.6.1988, 1.1.1972 to 31.12.2002, 1.6.1988 to 27.5.2003, 27.5.2003 to 31.3.2004, 1.4.2002 to 16.4.2003, 1.4.2004 to 26.11.2004 and 1.4.2004 to 25.2.2011; and
38.	Encumbrance Certificates issued in respect of land bearing Survey No. 153/2 measuring 28 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1949 to 14.2.1957, 1.4.1960 to 31.3.1970, 1.4.1970 to 28.3.2003, 28.2.2003 to 31.3.2004, 1.4.2004 to 26.11.2004 and 1.4.2004 to 25.2.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. Property XVIII comprises of the lands bearing Survey Nos.151/1 measuring 10 Guntas and 153/2 measuring 29 Guntas (including 1 Gunta Kharab land therein).

In respect of Property XVIII A

2. It appears (*from the Sale Deed dated 7.7.1950*) that the land bearing Survey No. 151/1 measuring 10 Guntas (i.e., Property XVIII A) was initially held by Mr. Nagappa (son of Mr. Chinnappa). We have been informed that there are no documents which evidence the mode and manner by which Mr. Nagappa acquired title to Property XVIII A.
3. Later, Mr. Nagappa along with his sons Mr. Nanjundappa and Mr. Narayanappa conveyed Property XVIII A in favour of Mrs. Akkayamma (wife of Mr. Gurappa) under Sale Deed dated 7.7.1950 (**Document No. 1**).
4. RTCs issued in respect of Property XVIII A for the years 1967-68 to 1971-72 reflect Mrs. Akkayamma as the holder and cultivator thereof for the said years (**Document No. 2**).

In respect of Property XVIII B

5. It also appears (*from the Sale Deed dated 22.5.1961*) that the land bearing Survey No. 153/2 (i.e., Property XVIII B) was held by Mr. Chikka Abbaiah. We have been informed that there are no documents to ascertain the mode and manner by which Mr. Chikka Abbaiah acquired title to Property XVIII B.

6. Thereafter, Property XVIIIIB was sold by Mr. Chikka Abbaiah in favour of Mr. Gurappa Boyi and Mr. Lakshmaiah Boyi under a Sale Deed dated 22.5.1961 (Document No.3).
7. RTCs issued in respect of Property XVIIIIB for the years 1967-68 to 1970-71 and 1977-78 to 1991-92 reflect Mr. Gurappa Boyi (son of Mr. Muddappa Boyi) as holder and cultivator thereof (Document No.4).
8. We have not seen RTCs issued in respect of Property XVIIIIB for the years 1971-72 to 1976-77. We have been provided with the Endorsement bearing No. RKCR 796/04-05 dated 31.12.2004 issued by the Taluk Shirastedar, Bangalore East Taluk to the effect that the extracts of RTCs in respect of land bearing Survey No.153/2 for the period 1972-73 to 1976-77 cannot be provided as the relevant records pertaining to the same are in a dilapidated condition in his office (Document No. 5).

In respect of Property XVIII

9. Further, it appears that Mrs. Akkayamma passed away. We have not seen the death certificate of Mrs. Akkayamma and we have been informed that the same is not available. Pursuant to the demise of Mrs. Akkayamma, it appears that the khata in respect of Property XVIIIIA was changed to the name of her husband viz., Mr. Gurappa Boyi. However, we have not seen any entry made in the Mutation Register/Inheritance Register evidencing the grant of permission for the change of khata in respect of Property XVIIIA to the name of Mr. Gurappa Boyi. We have been informed that the same is not available.
10. RTCs issued in respect of Property XVIIIIA reflect Mr. Gurappa Boyi as the holder and Mrs. Akkayamma as the cultivator thereof for the years 1972-73 to 1991-92.
11. Thereafter, Mr. Gurappa Boyi and Mr. Lakshmaiah Boyi effected partition of their joint family properties under the Partition Deed dated 18.12.1972 and an extent of 28 Guntas in the land bearing Survey No. 153/3 was allotted to the share of Mr. Lakshmaiah Boyi (Document No.6). It may be noted that Mr. Krishnappa (brother of Mr. Gurappa Boyi and Mr. Lakshmaiah Boyi) or his family members are not parties to the said Partition Deed.
12. We have been informed that the land bearing Survey No. 153/3 in the said Partition Deed dated 18.12.1972 in fact refers to the land bearing Survey No. 153/2 and that the same is a typographical error and that the land bearing Survey No.153/3 was granted in favour of Mr. Venkatesh Reddy vide certificate of grant in Form 10 bearing No. LRF 5389/74-75 issued by the Special Tahsildar, Bangalore South Taluk and does not form any of the joint family properties of Mr. Mudappa Boyi.
13. Thereafter, it appears (from Entry No. IHC 8 of 1996-97) that Mr. Gurappa Boyi passed away on 20.8.1985 and also Mr. Lakshmaiah Boyi passed away on 4.6.1990. We have not seen the death certificates of Mr. Gurappa Boyi and Mr. Lakshmaiah Boyi and we have been informed that the same is not available.

14. We note the genealogical tree of Late Mr. Muddappa (father of Mr. Gurappa Boyi and Mr. Lakshmaiah Boyi) reflecting the names of his wife viz., Late Mrs. Muniyamma alias Munekka, his sons viz., Late Mr. Gurappa Boyi, Late Mr. Lakshmaiah Boyi and Late Mr. Krishnappa, wives of Mr. Gurappa Boyi viz., Late Mrs. Akkayamma and Mrs. Muniyamma, children of Mr. Gurappa and Mrs. Muniyamma viz., Ms. Akkayamma, Mr. Kodandarama and Late Ms. Rachamma, wife of Late Mr. Krishnappa viz., Late Mrs. Munivenkatamma and sons of Late Mr. Krishnappa viz., Mr. Mudappa & wife of Mr. Mudappa viz., Mrs. Sarojamma, wife of Late Mr. Lakshmaiah Boyi viz., Late Mrs. Hanumakka and children of Late Mr. Lakshmaiah Boyi viz., Mr. Jayaram, Mr. Gopal, Mr. Satyanarayana & Mrs. Sarojamma (Document No.7). The aforesaid genealogical tree states that Mrs. Akkayamma died issueless.
15. We have not seen the death certificates of Late Ms. Rachamma (daughter of Late Mr. Gurappa Boyi), Late Mr. Krishnappa (son of Late Mr. Mudappa), Late Mrs. Munivenkatamma (wife of Late Mr. Krishnappa) and Late Mrs. Hanumakka (wife of Late Mr. Lakshmaiah Boyi). We have been informed that the same is not available.
16. Further, Mr. Lakshmaiah and his sons Mr. Jayarama, Gopal and Mr. Satyanarayana orally partitioned their properties and the said partition was recorded in the Memorandum of Partition dated 11.3.1987 (Document No.8). Under the said partition portions of Property XVIIIB measuring (i) 8 Guntas was allotted to the share of Mr. Lakshmaiah Boyi, (ii) 10 Guntas was allotted to the share of Mr. Gopal and; (iii) 10 Guntas was allotted to the share of Mr. Satyanarayana.
17. Later, Mr. Kodanda (son of Late Mr. Gurappa Boyi) executed the Agreement to Sell dated 27.5.1987 agreeing to convey Property XVIII A in favour of Mrs. Sarojamma (Document No.9). The recitals of the said Agreement to Sell state that the said instrument was not registered as the same would have been in violation of law relating to fragmentation of lands in the State of Karnataka and that the possession of Property XVIII A has been delivered to Mrs. Sarojamma pursuant to receipt of the entire sale consideration. The said Agreement to Sell dated 27.5.1987 has been signed by Mr. Kodandarama, Mr. Krishnappa (Mr. Gurappa Boyi's brother), Mr. Muddappa (Mr. Krishnappa's son), Mr. Jayarama, Mr. Gopal and Mr. Satyanarayana (sons of Mr. Lakshmaiah Boyi).
18. Subsequently, Entry No. IHC 8 of 1996-97 was made in the Inheritance Register recording demise of Mrs. Akkayamma, the demise of Mr. Gurappa Boyi and Mr. Lakshmaiah Boyi on 28.8.1985 and 4.6.1990 and grant of permission for the change of khata in respect of (i) Property XVIII A to the name of Mrs. Sarojamma and (ii) portions of Property XVIIIB each measuring 14 Guntas to the names of Mr. Gopal and Mr. Satyanarayana (sons of Mr. Lakshmaiah Boyi) (Document No. 10). The aforesaid Entry No. IHC 8 of 1996-97 also refers to the aforesaid Partition Deed dated 18.12.1972, the Memorandum of Partition dated 11.3.1987 and the Agreement to Sell dated 25.7.1987.
19. It may be noted that the said Entry No. IHC 8 of 1996-97 records the change of khata in respect of the portions of Property XVIIIB each measuring 14 Guntas to the names of Mr. Gopal and Mr. Satyanarayana (sons of Mr. Lakshmaiah Boyi), whereas, under the said partition as recorded in the Memorandum of Partition dated 11.3.1987

- portions of Property XVIIIIB measuring (i) 8 Guntas was allotted to the share of Mr. Lakshmaiah Boyi, (ii) 10 Guntas was allotted to the share of Mr. Gopal and; (iii) 10 Guntas was allotted to the share of Mr. Satyanarayana and pursuant to the demise of Mr. Lakshmaiah on 4.6.1990, the share allotted to Mr. Lakshmaiah i.e., 8 Guntas in Property XVIIIIB would have devolved upon his children in equal proportions.
20. RTCs issued in respect of Property XVIIIA reflect Mrs. Sarojamma as the holder and cultivator thereof for the years 1992-93 to 2002-03.
 21. Also, RTCs issued in respect of Property XVIIIIB for the years 1992-93 to 2002-03 reflect Mr. Gopal and Mr. Satyanarayana as the holders and cultivators of an extent of 14 Guntas each therein and the said RTCs also refer to the aforesaid Entry No. IHC 8 of 1996-97.
 22. Thereafter, Mr. Jayaram (son of Mr. Lakshmaiah), his sons Mr. J. Jagadisha and Mr. Ravi, Mr. Gopal (son of Mr. Lakshmaiah), Mr. Satyanarayana (son of Mr. Lakshmaiah), Mrs. Sarojamma (daughter of Mr. Lakshmaiah) and Mr. Srikant (son of Mrs. Sarojamma) executed the Agreement to Sell dated 18.3.2003 agreeing to sell Property XVIIIA and Property XVIIIIB in favour of Mr. Errol Fernandes (Document No.11).
 23. Mr. Jayaram, Mr. J. Jagadisha, Mr. Ravi, Mr. Gopal, Mr. Satyanarayana, Mrs. Sarojamma and Mr. Srikant also executed the General Power of Attorney dated 18.3.2003 appointing Mr. Austin Roach and Mr. R. Nagaraj as their attorneys and authorizing them to inter alia to convey Property XVIII (Document No.12). Ms. J Vinodamma (daughter of Mr. Jayaram), Mrs. Nagarathnamma (wife of Mr. Jayaram), Ms. G Neela (daughter of Mr. Gopal), Mrs. Lakshmidevi (wife of Mr. Gopal) and Mrs. Gowamma (wife of Mr. Satyanarayana) have executed the said Agreement to Sell and the General Power of Attorney as witnesses.
 24. We note the Affidavit dated 18.3.2003 sworn in by Mr. Jayaram, Mr. J. Jagadisha, Mr. Ravi, Mr. Gopal, Mr. Satyanarayana, Mrs. Sarojamma and Mr. Srikant confirming the execution of the said Agreement to Sell and the General Power of Attorney dated 18.3.2003 and also stating that they have received the entire sale consideration for conveying Property XVIII and that the possession thereof has handed over to the Purchaser under the said Agreement to Sell (Document No.13).
 25. On an application made by Mrs. Sarojamma (in respect of Property XVIIIA) and Mr. Gopal & Mr. Satyanarayana (in respect of Property XVIIIIB) the Official Memorandum bearing No.BDis:ALN(E)VB:SR:56/2003-04 dated 5.7.2003 and the Official Memorandum bearing No. BDis:ALN(E)VB:SR:57/03-04 dated 5.7.2003 were issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of Property XVIII from agricultural to non-agricultural residential use (Document Nos.14 to 164). Entry No. MR 148 of 2003-04 and Entry No. MR 152 of 2003-04 were made in the Mutation Register recording conversion of Property XVIII under said Official Memoranda (Document Nos. 17 & 18).
 26. Post conversion, RTCs issued in respect of Property XVIIIA and Property XVIIIIB for the years 2004-05 to 2011-12 continue to reflect Mrs. Sarojamma and Mr. Gopal &

Mr. Satyanarayana as the respective holders and cultivators thereof for the said years and the same also reflect the conversion of the land use in respect thereof and also the aforesaid Entry No. MR 148 of 2003-04 and Entry No. MR 152 of 2003-04 made in the Mutation Register.

27. Thereafter, Sarojamma and Gopal & Satyanarayana secured the transfer of assessment records in respect of Property XVIIIA and Property XVIIIIB respectively to their names from the Sorahunasi Village Panchayat as reflected in the extracts from the House / Land Tax Assessment List and the Demand Register for the year 2004-05 (**Document Nos. 19 to 22**). We note the receipt for payment of tax levied on Property XVIIIA and Property XVIIIIB for the year 2004-05 (**Document Nos. 23 & 24**)
28. Subsequently, Mr. Jayaram, Mr. J. Jagadisha, Mr. Ravi, Mr. Satyanarayana, Mrs. Sarojamma and Mr. Srikant (all represented by their attorney Mr. R. Nagaraj) executed the Sale Deed dated 1.1.2004 thereby conveying Property XVIII in favour of Ferns Builders and Developers (**Document No. 25**). It may be noted that the family members of Late Mr. Krishnappa (brother of Mr. Gurappa Boyi and Mr. Lakshmaiah Boyi) have not been made party to the said Sale Deed dated 1.1.2004.
29. It appears that the name of one of the sons of Mr. Lakshmaiah viz., Mr. Gopal was inadvertently omitted from the aforesaid Sale Deed dated 1.1.2004 and as such Mr. Gopal (represented by his Attorney Mr. Austin Roach) has confirmed the conveyance of Property XVIII under the said Sale Deed dated 1.1.2004 in favor of Mr. R. Nagaraj by executing the Confirmation Deed dated 18.1.2007 (**Document No. 26**).
30. We also note the Affidavit dated 16.10.2004 sworn in by Sarojamma stating that the original of Agreement to Sell dated 27.5.1987 executed by Jayaram is misplaced and that the same is not traceable (**Document No.27**).
31. Thereafter, Mr. R. Nagaraj, one of the partners of Ferns Builders and Developers has retired from the said partnership firm and the terms of Mr. R. Nagaraj's retirement from the Ferns Builders and Developers have been captured under the Retirement Deed dated 1.10.2010 (**Document No. 28**). We note that in terms of the said Retirement Deed Property XVIII has been allotted to Mr. R. Nagaraj.
32. We note the Khata Certificate issued by BBMP in respect of Property XVIII reflecting Mr. R. Nagaraj as the owner thereof and we also note the receipt dated 25.11.2010 issued by BBMP for payment of tax levied on Property XVIII for the year 2010-11 (**Document Nos. 29A & 29B**).
33. Subsequently, Mr. R. Nagaraj and DIPPL have exchanged properties under the Exchange Deed dated 18.3.2011 (**Document No. 29C**). Under the said Exchange Deed, Mr. R. Nagaraj has conveyed a total extent of 6 Acres 7 Guntas comprising of Property XVIII and the following Survey Nos. 151/4 measuring 6 Guntas, 153/1 measuring 12.5 Guntas, 151/2 measuring 33 Guntas, 151/5 measuring 6 Guntas, 152(part) measuring 1 Acre 9 Guntas, 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 151/6 measuring 11 Guntas, 151/7 measuring 16 Guntas, 151/4 measuring 12 Guntas and 153/1 measuring 12.5 Guntas in favour of DIPPL and DIPPL has conveyed 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4,

134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas in favour of Mr. R Nagaraj.

34. Thereafter, DIPPL along with certain other owners of adjoining lands has under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike (“**BBMP**”) (**Document No. 29D**).
35. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 29E**). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
36. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (**Document Nos. 29F & 29G**). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 29H**).
37. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (**Document No. 29I**).
38. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 29J**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Project Lands (**Document No. 29K**).
39. We have been furnished with the Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that Property XVIII has not been the subject matter of proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (**Document No.30**).
40. We have also been provided with the Endorsements bearing No.LRF:79A&79B:120/99-2000 dated 8.10.2001 and No.LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings under the provisions of Sections 79A and 79B of the Karnataka

Land Reforms Act, 1961 have been initiated in respect of Property XVIII (Document No. 31 & 32).

41. We also note the Endorsement bearing NO.LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XVIII (Document No.33).
42. Revision Settlement Akarbandh issued in respect of the lands bearing Survey Nos. 151/1 and 153/2 reflects that the total extent in the land bearing Survey No. 151/1 as 10 Guntas with no kharab comprised therein and the total extent in the land bearing Survey No. 153/2 as 29 Guntas (including 1 Gunta B Kharab) (Document No. 34). The said extent of 1 Gunta B kharab in the land bearing Survey No. 153/2 is not alienated under the said Conversion Order dated 5.7.2003 and the same is reserved for public purposes.
43. We note an extract of the Tippani issued in respect of the lands bearing Survey Nos.153/1, 153/2 & 153/3 and the land bearing Survey No. 151 reflects the respective shapes thereof (Document No. 35 & 36).
44. We have been provided with the map of Ammani Bellandur Khane village indicating the location of the lands bearing Survey Nos.151 and 153 (Document No. 37). It may be noted that the said Tippani and the village map indicate the existence of Yamalur-Munnekolalu road passing through the lands bearing Survey Nos.153/2 and 151/1.
45. Encumbrance Certificates issued in respect of Property XVIIIA for the period 1.4.1949 to 14.2.1957, 15.2.1957 to 1.6.1988, 1.1.1972 to 31.12.2002, 1.6.1988 to 27.5.2003, 27.5.2003 to 31.3.2004, 1.4.2002 to 16.4.2003, 1.4.2004 to 26.11.2004, 1.4.2007 to 22.1.2008, 22.1.2008 to 11.11.2009, and 1.4.2004 to 25.2.2011 reflect execution of the aforesaid Sale Deeds dated Sale Deed dated 7.7.1950 & 1.1.2004, Partition Deed dated 18.12.1972, Agreement to Sell dated 18.3.2003, Confirmation Deed dated 18.1.2007, Retirement Deed dated 1.10.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 38). Encumbrance Certificate issued for the said period do not reflect execution of the aforesaid Exchange Deed dated 18.3.2011, Amalgamation Deed dated 19.1.2011 and the Relinquishment Deed dated 19.3.2010.
46. Encumbrance Certificates in respect of Property XVIII B for the period 1.4.1949 to 14.2.1957, 1.4.1960 to 31.3.1970, 1.4.1970 to 28.3.2003, 28.2.2003 to 31.3.2004, 1.4.2004 to 26.11.2004 and 1.4.2004 to 25.2.2011 reflect execution of the aforesaid Sale Deeds dated 22.5.1961 & 1.1.2004, Agreement to Sell dated 18.3.2003, Confirmation Deed dated 18.1.2007, Retirement Deed dated 1.10.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 referred to hereinabove (Document No. 39). Encumbrance Certificate issued for the said period do not reflect execution of the aforesaid Partition Deed dated 18.12.1972, Exchange Deed dated 18.3.2011 and the Amalgamation Deed dated 19.1.2011. We have not been provided with Encumbrance Certificates issued in respect of Property XVIII A and Property XVIII B for the period 26.2.2011 till date. It is necessary to secure the same. It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period.

47. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XVIII has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
48. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XVIII.
49. We have also been informed that no charges and/or mortgages have been created in respect of Property XVIII, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. Divyasree Infrastructure Projects Private Limited is the owner of Property XVIII. Divyasree Infrastructure Projects Private Limited's title to Property XVIII is subject to the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XVIII is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

Report issued to:
Divyasree Infrastructure Projects Private Limited

<u>INDEX OF PROPERTIES</u>			
Serial No.	Survey Number	Extent (in Acres-Guntas)	Referred to herein as
1.	149/3B & 150/5A	0-14 & 0-11	Property I
2.	150/2	1-1	Property II
3.	150/4	0-18.5	Property III
4.	151/3	0-30	Property IV
5.	154	3-33	Property V
6.	153/3 153/4 155/1 & 155/2A	1-04 0-07 0-10 0-08	Property VI
7.	151/4 155/2A & 156	0-06 0-19 0-9 ¼	Property VIII
8.	155/2B & 156	0-20 & 0-10	Property VIII
9.	156	0-06 ¾	Property IX
10.	157/2 157/3A & 159/1B	1-19 1-19 & 0-07	Property X



I. LANDS BEARING SURVEY NOS. 149/3B (14 GUNTAS) & 150/5A (11 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Lands bearing Survey No. 149/3B measuring 14 Guntas and Survey No.150/5A measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, comprising of:

Land bearing Survey No.149/3B measuring 14 Guntas, bounded on its:

East by : Land bearing Survey No.160;
West by : Land bearing Survey No.150/5;
North by : Remaining portion of land bearing Survey No.149/3; and
South by : Remaining portion of Land bearing Survey No.149/3;

Land bearing Survey No.150/5A measuring 11 Guntas, bounded on its:

East by : Land bearing Survey No.149/3;
West by : Land bearing Survey No.150/1 & 150/2;
North by : Land bearing Survey No.150/2; and
South by : Land bearing Survey No.150/5B;

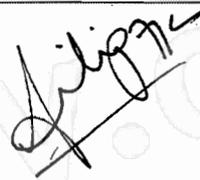
the aforesaid properties are hereinafter collectively referred to as "**Property I**".

(boundaries of Property I has to be validated by reference to survey map /survey report)

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Partition Deed dated 27.9.1962 executed by and amongst the family members of Mr. Chenna Reddy in respect of <i>inter-alia</i> the lands bearing Survey Nos. 149/3 and 150/5 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk registered as Document No. 4269 of 1962-63 in Book-I, Volume No. 356 at Pages 5 to 15 in the office of the Sub-Registrar, Bangalore South Taluk;
1A.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 149/3B measuring 14 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2003-04 and 2005-06 to 2011-12;
2.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect



Report issued to:

Divyasree Infrastructure Projects Private Limited

	of the land bearing Survey No. 150/5A measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
3.	Endorsement bearing No. RKCR 796/04-05 dated 31.12.2004 issued by the Taluk Shirastedar, Bangalore East Taluk to the effect that extracts of Entry No. MR 42 of 1998-99 made in the Mutation Register in respect of the land bearing Survey No. 149/3B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk cannot be issued;
4.	Endorsement bearing No. RKCR333/06-07 dated 28.7.2006 issued by Taluk Shirastedar, Bangalore East Taluk to the effect that extracts of Entry No. MR 42 of 1998-99 made in the Mutation Register in respect of the land bearing Survey No. 149/3B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk cannot be issued;
5.	Receipt for payment of conversion fine and sub division fee in respect of the lands bearing Survey No.149/3B and 150/5A measuring 14 Guntas and 11 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
6.	Official Memorandum bearing No.B-DIS.ALN(E)VB:SR:283/2003-04 dated 10.9.2003 issued by the Special Deputy Commissioner, Bangalore District issued in respect of the lands bearing Survey No.149/3B and 150/5A measuring 14 Guntas and 11 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for conversion of land use from agricultural to residential;
7.	Extract of Entry No. MR 259 of 2003-04 made in the Mutation Register issued in respect of the lands bearing Survey No.149/3B and 150/5A measuring 14 Guntas and 11 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
8.	Sale Deed dated 21.1.2004 executed by Mrs. Rajamma in favour of Ferns Builders and Developers conveying the lands bearing Survey No.149/3B and 150/5A measuring 14 Guntas and 11 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No.BAS-1-20819-2003-04, Book I, stored in CD No.BASD4 in the office of the Sub Registrar, Bangalore South Taluk;
9.	Khata Certificate dated 22.5.2007 issued by Bruhat Bangalore Mahanagara Palike (BBMP) in respect of the lands bearing Survey No.149/3B and 150/5A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
10.	Extract from the House and Vacant Land Register for the year 2007-08 issued by BBMP in respect of the lands bearing Survey No.149/3B and 150/5A situated at Ammani Bellandur Khane Village, Varthur Hobli,

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	Bangalore East Taluk;
11.	Receipts dated 28.5.2009 and 25.11.2010 for payment of tax levied on the lands bearing Survey No.149/3B and 150/5A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 2008-09 and 2010-11;
11A	Development Agreement dated 1.7.2010 executed by Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj in favor of Divyasree Infrastructure Private Limited (“DIPPL”) in respect of the land bearing Survey Nos. 149/3B and 150/5A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02320-2010-11 (stored in CD No. VRTD26) in the office of the Sub Registrar, Varthur;
11B	Cancellation of Joint Development Agreement dated 30.9.2010 executed by Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj in favor of DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in CD No. VRTD83) in the office of the Sub Registrar, Varthur;
11C	Retirement Deed dated 1.10.2010 executed by and amongst Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj, registered as Document No. VRT-1-05217-2010-11 (stored in CD No. VRTD86), in the office of the Sub Registrar, Varthur;
12.	Khata Certificate dated 21.12.2010 issued by Bruhat Bangalore Mahanagara Palike (BBMP) in respect of the lands bearing Survey No.149/3B and 150/5 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
12A	Joint Development Agreement dated 31.3.2011 executed by and amongst Mr. R. Nagaraj and Divyasree Infrastructure Private Limited (“DIPPL”) in respect of the land bearing Survey Nos. 149/3B measuring 14 Guntas and 150/5A measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08779-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
12B	Power of Attorney dated 31.3.2011 executed by Mr. R. Nagaraj authorizing and appointing DIPPL as their attorney to deal with the land bearing Survey Nos. 149/3B and 150/5A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk registered as VRT-4-00650-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
12C	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr.

	Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
12D	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of an extent of 55 Acres 19.5 Guntas in various land parcels situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
12E	Khata Certificate issued by BBMP pursuant to Amalgamation Deed dated 19.1.2011;
12F	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to Amalgamation Deed dated 19.1.2011;
12G	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
12H	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
12I	Permission Letter bearing No. JDTP/U/ALP/64/2010-11 dated 11.11.2011 issued by BBMP;
12J	Consent for establishment bearing No. PCB/369/CNP/10/H/1877 dated 24.2.2011 issued by the Senior Environment Officer, Karnataka State Pollution Control Board (“KSPCB”) under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981;
12K	No-Objection Certificate bearing No. BWSSB/CE(M)/ALE(M)-I/TA-9/3383/2007-08 dated 1.8.2008 issued by the Bangalore Water Supply and Sewage Board (“BWSSB”);
12L	Letter bearing No. CGM/BMAZ/DGM/AGM-3/F-241/115-120 dated 4.4.2005 issued by the Bangalore Electricity Supply Company Limited (“BESCOM”);
12M	No-Objection Certificate bearing No. ASC/CM/(AO)/181/1668/08 dated 2.12.2008 issued by the Hindustan Aeronautics Limited, Bangalore;
12N	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of Bangalore Development Authority, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub

	Registrar, Varthur;
120	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
13.	Extract from the House and Vacant Land Register for the year 2010-11 dated 23.12.2010 issued by Bruhat Bangalore Mahanagara Palike (BBMP) in respect of the lands bearing Survey No.149/3B and 150/5 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
14.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that the lands bearing Survey Nos. 149/3B and 150/5A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk have not been the subject matter of any proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978;
15.	Endorsement bearing No. LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the lands bearing Survey Nos. 149/3B and 150/5A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16.	Endorsement bearing No. LRF:CR.93:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the lands bearing Survey Nos. 149/3B and 150/5A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17.	Revision Settlement Akarbandh issued in respect of the lands bearing Survey Nos. 149/3B and 150/5A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18.	Tippani issued in respect of the land bearing Survey No. 149 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;;
19.	Tippani issued in respect of the land bearing Survey No. 150 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
20.	Hissa Tippani issued in respect of sub divisions of the land bearing Survey No. 150 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
21.	Village map of Ammani Bellandur Khane village;

22.	Encumbrance Certificates issued in respect of the land bearing Survey No. 149/3B measuring 14 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.1.1972 to 17.1.2003, 17.1.2003 to 23.8.2003, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 23.1.2008 to 11.11.2009 and 1.4.2008 to 3.3.2011;
23.	Encumbrance Certificates issued in respect of the land bearing Survey No. 150/5A measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.1.1972 to 31.12.2002, 31.12.2002 to 23.8.2003, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008 and 23.1.2008 to 11.11.2009;
24.	Encumbrance Certificate issued in respect of the land bearing Survey No. 149/3B measuring 14 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 17.1.2003 to 31.3.2004;
25.	Encumbrance Certificate issued in respect of the land bearing Survey No. 150/5A measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 31.12.2002 to 31.3.2004;
26.	Encumbrance Certificate issued in respect of the land bearing Survey No. 150/5A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.2009 to 29.10.2010 and 1.4.2010 to 24.02.2011; and
27.	Encumbrance Certificate issued in respect of the land bearing Survey No. 149/3B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.2008 to 3.3.2011.

C. FINDING BASED ON DOCUMENTS EXAMINED

1. Property I comprises of two parcels being the land bearing Survey No.149/3B measuring 14 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk ("**Land bearing Survey No. 149/3B**") and the Land bearing Survey No. 150/5A measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk ("**Land bearing Survey No. 150/5A**").
2. It also appears that the Land bearing Survey No. 149/3B initially formed part of the larger extent of the land bearing Survey No. 149/3 and that the Land bearing Survey No. 150/5A initially formed part of the larger extent of the land bearing Survey No. 150/5.
3. Further, on an examination of the documents furnished to us, it appears that the lands bearing Survey Nos. 149/3 measuring 16 Guntas and 150/5 measuring 13 Guntas

were initially held by the joint family of Mr. Chennappa alias Chenna Reddy (*as per the Partition Deed dated 27.9.1962 referred to hereinafter*).

4. It also appears (*from the Partition Deed dated 27.9.1962*) that Mr. Chennappa and his two sons Mr. Gundappa and Mr. Chinta Reddy passed away. We have not seen the death certificates of Mr. Chennappa, Mr. Gundappa and Mr. Chinta Reddy. We have also not seen the genealogical tree of Mr. Chennappa. We have been informed that the said documents are not available.
5. On the demise of Mr. Chennappa and his sons, Mr. Gundappa and Mr. Chinta Reddy, their family members viz., Chenna Reddy (son of Late Mr. Junjappa Reddy and grandson of Mr. Gundappa), Ramaiah Reddy & Mr. Kaverappa (both sons of Late Mr. Gundappa) and sons of Mr. Chinta Reddy viz., Mr. Dodda Abbaiah Reddy, Mr. Chikka Abbaiah Reddy and Mr. Hanumappa partitioned their joint family properties including the lands bearing Survey Nos. 149/3 and 150/5 amongst themselves under the Partition Deed dated 27.9.1962 (***Document No. 1***). Under Schedule B of the said Partition Deed, the lands bearing Survey Nos. 149/3 measuring 16 Guntas and 150/5 measuring 13 Guntas were allotted to the share of Mr. Chikkabbaiah Reddy (son of Mr. Chinta Reddy and grandson of Mr. Chennappa).
6. Pursuant thereto, it appears that an extent of 14 Guntas in the land bearing Survey No. 149/3 out of the total extent of 16 Guntas allotted to the share of Mr. Chikkabbaiah Reddy was assigned the survey number '149/3B' and an extent of 11 Guntas in the land bearing Survey No. 150/5 out of the total extent of 13 Guntas allotted to the share of Mr. Chikkabbaiah Reddy was assigned the survey number '150/5A'. However, we have not seen any documents evidencing the said assignment of new survey numbers. We are informed that the same are not available.
7. RTCs issued in respect of the Land bearing Survey No. 149/3B for the years 1967-68 to 1976-77 do not reflect the name of the holder thereof and reflect Mr. Chikkabbaiah as the cultivator for the aforesaid years (***Document No. 1A***).
8. Further, RTCs issued in respect of the Land bearing Survey No. 150/5A for the years 1967-68 to 1976-77 reflect Mr. M Chennappa as the holder and Mr. Chikkabbaiah as the cultivator for the aforesaid years (***Document No. 2***).
9. It appears (*from the RTCs*) that the khata in respect of the Lands bearing Survey Nos. 149/3B and 150/5A (Property I) was changed to the name of Mr. Chikkabbaiah Reddy pursuant to order bearing DSO No. 41/1963-64..
10. RTCs issued in respect of the Lands bearing Survey Nos. 149/3B and 150/5A reflect Mr. Chikkabbaiah as the holder and cultivator thereof for the years 1977-78 to 1996-97.
11. Subsequently, it appears that Mrs. Rajamma (daughter of Mr. Chikkabbaiah) acquired title to the Lands bearing Survey Nos. 149/3B and 150/5A (i.e., Property I) and the khata in respect of the same was changed to the name of Mrs. Rajamma pursuant to Entry No. MR 42 of 1998-99 made in the Mutation Register.

12. We have also not been provided with MR 42 of 1998-99, however we have been furnished with the Endorsements bearing Nos. RKCR 796/04-05 dated 31.12.2004 and RKCR333/06-07 dated 28.7.2006 issued by the Taluk Shirastedar, Bangalore East Taluk to the effect that the said Entry No. MR 42 of 1998-99 is not reflected in the Mutation Register and as such extracts of the same cannot be issued (**Document Nos. 3 & 4**).
13. RTCs issued in respect of the Lands bearing Survey Nos. 149/3B and 150/5A for the years 1997-98 to 2003-04 reflect Mrs. Rajamma as the holder and cultivator thereof for the aforesaid years.
14. Later, on an application made by Mrs. Rajamma the Official Memorandum bearing No.BDis:ALN(E)VB:SR:283/2003-04 dated 10.9.2003 was issued by the Special Deputy Commissioner, Bangalore District for conversion of land use in respect of Property I from agricultural to non-agricultural residential use (**Document Nos. 5 & 6**). The aforesaid conversion of land use in respect of Property I under the said Official Memorandum dated 10.9.2003 has been recorded in Entry No. MR 259 of 2003-04 made in the Mutation Register (**Document No.7**).
15. Thereafter, Mrs. Rajamma conveyed Property I in favour of Ferns Builders and Developers (a partnership firm represented by its partner Mr. Austin Roach) by executing the Sale Deed dated 21.1.2004 (**Document No. 8**).
16. We note the Khata Certificate dated 22.5.2007 issued by the BBMP reflecting the khata in respect of Property I to be standing in the name of Ferns Builders and Developers (**Document No. 9**).
17. We also note the extract from the House and Vacant Land Register for the year 2007-08 issued by the BBMP in respect of Property I reflecting Ferns Builders and Developers as the owner of Property I (**Document No. 10**).
18. We note the receipts dated 28.5.2009 and 25.11.2010 for the payment of tax levied on Property I for the years 2008-09 and 2010-11 (**Document No. 11**).
19. Thereafter, Mr. R. Nagaraj, Mr. Errol Fernandes and Mr. Austin Roach, i.e., the partners of Ferns Builders and Developers entered into a Joint Development Agreement dated 1.7.2010 with Divyasree Infrastructure Projects Private Limited ("DIPPL") in respect of Property I (**Document No. 11A**). Subsequently, the aforementioned Joint Development Agreement dated 1.7.2010 has been cancelled by the parties under the Cancellation of Joint Development Agreement dated 30.9.2010 (**Document No. 11B**).
20. Thereafter, Mr. R. Nagaraj, one of the partners of Ferns Builders and Developers retired from the said partnership firm by executing a Retirement Deed dated 1.10.2010 (**Document No. 11C**). As per the terms of the said Retirement Deed, among other things Property I has been allotted to the share of Mr. R. Nagaraj.
21. Further, the Khata in respect of the Land bearing Survey No. 149/3B and land bearing Survey No. 150/5 was changed to the name of Mr. R Nagaraj as reflected in the

Khata Certificate dated 21.12.2010 and the Extract from the House and Vacant Land Register for the year 2010-11 dated 23.12.2010 issued by BBMP (Document Nos. 12).

22. Pursuant thereto, Mr. R. Nagaraj has entered into a Joint Development Agreement dated 31.3.2011 with DIPPL (Document No. 12A). Under the said Joint Development Agreement, Mr. R. Nagaraj has granted DIPPL the right to develop and retain/sell the following properties owned by him:
- (i) an extent of 12 Acres 18 Guntas comprising of Property I and the following Survey Nos. 156 measuring 9.25 Guntas, 155/2A measuring 19 Guntas, 156 measuring 6.75 Guntas, 150/4 measuring 18.5 Guntas, 151/3 measuring 30 Guntas, 155/1 measuring 10 Guntas, 155/2A measuring 8 Guntas, 135/2 measuring 22.5 Guntas, 150/2 measuring 1 Acre 1 Gunta, 154 measuring 3 Acres 33 Guntas, 155/2B measuring 20 Guntas, 156 measuring 10 Guntas, 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas; and
 - (ii) 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 totally measuring about 16 Acres 22.5 Guntas.

And in consideration for contributing the aforementioned lands for Joint Development, Mr. Nagaraj is entitled to receive 4,40,000 square feet of built up area in the commercial development being developed by DIPPL and proportionate undivided share in land (referred to in item (ii) of this paragraph).

23. Mr. R. Nagaraj has further executed Power of Attorney dated 31.3.2011 authorizing and appointing DIPPL as his attorney to do all such acts and deeds as specified therein, in terms of the Joint Development Agreement dated 31.3.2011 (Document Nos. 12B).
24. Thereafter, DIPPL and Mr. R. Nagaraj and along with certain other land owners of the adjoining properties have under the Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas which also includes Property I ("**Amalgamated Property**") owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike ("**BBMP**") (Document Nos. 12C).
25. Pursuant to the said Amalgamation Deed dated 19.1.2011, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs.2,90,044/- (Document No. 12D). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by the BBMP.
26. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited,

- (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as the joint khatadars thereof (**Document Nos. 12E & 12F**). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 12G**).
27. A mixed development plan comprising of a total extent of 45 Acres 38.25 Guntas in the Amalgamated Property (out of which 12 Acres 21.5 Guntas for commercial purpose and 33 Acres 16.5 Guntas for residential purpose) ("**Project Lands**"), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 dated 18.08.2010 ("**Proposed Project**") (**Document No. 12H**).
28. DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 12N**). Subsequently, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Project Lands (**Document No. 12O**).
29. We have been provided with a copy of the Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that properties listed therein including the two portions of Property I have not been the subject matter of proceedings under the provisions of Karnataka Scheduled Castes and Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (**Document No.13**).
30. We have been provided with the Endorsement bearing No. LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the two parcels of Property I (**Document No.14**).
31. We have also been provided with the Endorsement bearing No. LRF:CR.93:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 have been filed under Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property I (**Document No. 15**).
32. We have been provided with an extract of the Revision Settlement Akarbandh in respect of Property I indicating the total extents in Lands bearing Survey Nos.149/3B and 150/5A as 14 Guntas and 11 Guntas respectively (**Document No. 16**). It is further seen that there is no Kharab (unarable land) in Property I.
33. We have also been provided with extracts of Tippani in respect of lands bearing Survey Nos. 149 and 150 reflecting the shapes thereof (**Document Nos. 17 & 18**). The Lands bearing Survey Nos. 149/3B and 150/5A forming the two portions of Property I appear to have been carved out of lands bearing Survey No.149 and 150.

34. We have also been provided with an extract of the Hissa Tippani of the land bearing Survey No.150 reflecting the sub-division thereof into lands bearing Survey Nos. 150/1 to 150/5 (Document No. 19).
35. We have been provided with a copy of the village map of Ammani Bellandur Khane village which sets out the location of the lands bearing Survey Nos.149 and 150 (Document No. 22).
36. Encumbrance Certificates issued in respect of the Land bearing Survey No. 149/3B for the period 1.1.1972 to 17.1.2003, 17.1.2003 to 23.8.2003, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008 and 23.1.2008 to 11.11.2009 reflect no transactions being carried out in respect of the same during the aforesaid period (Document No.23). Encumbrance Certificates issued in respect of the Land bearing Survey No. 150/5A for the period 1.1.1972 to 31.12.2002, 31.12.2002 to 23.8.2003, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008 and 23.1.2008 to 11.11.2009 reflect no transactions being carried out in respect of the same during the aforesaid period (Document No. 24).
37. Encumbrance Certificate issued in respect of the Land bearing Survey No. 149/3B for the period 17.1.2003 to 31.3.2004 and Encumbrance Certificate issued in respect of the Land bearing Survey No. 150/5A for the period 31.12.2002 to 31.3.2004 reflect execution of the aforesaid Sale Deed dated 21.12.2004 (Document Nos. 25).
38. Encumbrance Certificates issued in respect of the Land bearing Survey No. 150/5A for the period 1.4.2010 to 24.02.2011, 1.4.2009 to 29.10.2010 and 1.4.2010 to 24.02.2011 reflect execution of the aforesaid Retirement Deed dated 1.10.2010, Joint Development Agreement dated 1.7.2010, Cancellation of Joint Development Agreement dated 30.9.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 26).
39. Encumbrance Certificate issued in respect of the Land bearing Survey No. 149/3B for the period 1.4.2008 to 3.3.2011 reflects execution of the Joint Development Agreement dated 1.7.2010 and Cancellation of Joint Development Agreement dated 30.9.2010 (Document No. 27). Encumbrance Certificate issued in respect of the Land bearing Survey No. 149/3B for the aforesaid period does not reflect the aforesaid Retirement Deed dated 1.10.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010. It is advisable to obtain a fresh certificate for the period 1.4.2008 till date which would all reflect all transactions entered into during the said period. We have not seen Encumbrance Certificate issued in respect of the Land bearing Survey No. 149/3B for the period 4.3.2011 till date. We have not seen Encumbrance Certificate issued in respect of the Land bearing Survey No. 150/5A for the period 25.02.2011 till date. It is necessary to secure the same.
40. We have been informed that there are no litigations, currently pending or disposed off in respect of Property I.
41. We have also been informed that no charges and/or mortgages have been created in respect of Property I, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of

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Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

42. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property I has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. R. Nagaraj is the Owner of Property I subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 31.3.2011 and Power of Attorney dated 31.3.2011 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property I is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;

TATVA LEGAL



II. LAND BEARING SURVEY NO. 150/2 (1 ACRE 1 GUNTA)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 150/2 measuring 1 Acre 1 Gunta situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk bounded on its:

East by : Land bearing Survey No. 149/3;
West by : Land bearing Survey No. 150/4;
North by : Land bearing Survey No. 157/3B; and
South by : Lands bearing Survey Nos. 150/1 & 150/5

The aforesaid property is hereinafter referred to as “**Property II**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Sale Deed dated 14.9.1951 executed by Mr. Chikka Abbaiah in favour of Mr. Chikka Nanjappa conveying the land bearing Survey No. 150/2 measuring 1 Acre 1 Gunta situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 4023 of 1951-52 in Book-I, Volume No. (<i>not legible</i>) at Pages 21 to 22 in the office of the Sub-Registrar, Bangalore Taluk;
1A.	Sale Deed dated 21.2.1961 executed by Mr. Chikka Nanjappa in favour of Mr. Chikka Abbaiah Reddy conveying the land bearing Survey No. 150/2 measuring 1 Acre 1 Gunta situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 2241/1961-62, Book I, Volume No.255 at Pages 66-68, in the Office of the Sub-Registrar, Bangalore South Taluk;
2.	RTCs in respect of land bearing Survey No. 150/2 measuring 1 Acre 1 Gunta situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
3.	Genealogical Tree of Chikka Abbaiah Reddy reflecting the names of his family members;
4.	Partition Deed dated 04.1.2001 executed by and amongst Mrs. Narayanamma, Mr. A. Subbamma, Mr. A. Papaiah Reddy, Mr. A. Gopala Reddy, Mr. A. Shankuntala, Mr. A. Srinivasa Reddy and Mr. Nagaraja A. Reddy effecting partition of their joint family properties, registered as Document No. 103 of 2001-2002 in Book-I, Volume No. 4844 at Pages 140-161 in the Office of the Sub-Registrar, Bangalore South Taluk;

4A.	Extract of Entry No. MR 148 of 2002-03 made in the Mutation Register recording execution of the Partition Deed dated 4.4.2001 and grant of permission for change of khata in respect of the land bearing Survey No. 150/2 measuring 1 Acre 1 Gunta situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of Mr. A. Pappaiah Reddy;
5.	Intimation letter bearing No.ALN(E)VB:SR:260/03-04 dated 14.8.2003 issued by the Special Deputy Commissioner, Bangalore Urban District;
6.	Receipt for payment of conversion fine and sub-division fee in respect of land bearing Survey No. 150/2 measuring 1 Acre 1 Gunta situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
7.	Official Memorandum bearing No. BDis.ALN(E)VB:SR:260/03-04 dated 20.8.2003 issued by the Special Deputy Commissioner, Bangalore District for conversion of land use in respect of land bearing Survey No. 150/2 measuring 1 Acre 1 Gunta situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, from agricultural to non-agricultural residential uses;
8.	Extract of Entry No. MR 264/2003-04 made in the Mutation Register in respect of the land bearing Survey No. 150/2 measuring 1 Acre 1 Gunta situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
9.	Sale Deed dated 2.9.2003 executed by Mr. A. Papaiah Reddy, Mr. Lokesh P and Mr. Sandeep P conveying the land bearing Survey No. 150/2 measuring 1 Acre 1 Gunta situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk in favour of Ferns Builders & Developers, registered as Document No. 10863 of 2003-04 in Book-I (stored in C. D. No. 116) in the office of the Sub-Registrar, Bangalore South Taluk;
9A	Lease Agreement dated 6.12.2008 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure, registered as Document No. VRT-1-01885-2008-09 (stored in C.D. No. VRTD 31) in the office of the Sub-Registrar, Varthur, Bangalore;
9B	Surrender of Lease Agreement dated 23.6.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Projects Private Limited ("DIPPL"), registered as Document No. VRT-1-02075-2010-11 (stored in C.D. No. VRTD 75) in the office of the Sub-Registrar, Varthur, Bangalore;
9C	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol

	Fernandes and DIPPL, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
9D	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Fern Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
10.	Deed of Retirement of Mr. Nagaraj dated 1.10.2010 executed by and amongst Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj, registered as Document No. VRT-1-5217-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
11.	Khata Certificate issued by Bruhat Bangalore Mahanagara Palike (BBMP) in respect of property bearing Khata No. 80 (Old No. 150/2, 45);
12.	Extract of Register of Houses and Vacant Lands issued by BBMP in respect of property bearing Khata No. 80 (Old No. 150/2, 45) for the year 2010-11;
13.	Tax paid receipt dated 25.11.2010 for the year 2010-11;
13A	Joint Development Agreement dated 31.3.2011 executed by and amongst Mr. R. Nagaraj and Divyasree Infrastructure Private Limited (" DIPPL ") in respect of the land bearing Survey No. 150/2 measuring 1 Acre 1 Gunta situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08779-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
13B	Power of Attorney dated 31.3.2011 executed by Mr. R. Nagaraj authorizing and appointing DIPPL as his attorney to deal with the land bearing Survey No. 150/2 measuring 1 Acre 1 Gunta situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk registered as VRT-4-00650-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
13C	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
13D	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated

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	2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13E	Khata Certificate issued by BBMP pursuant to Amalgamation Deed dated 19.1.2011;
13F	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to Amalgamation Deed dated 19.1.2011;
13G	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
13H	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority ("BDA");
13I	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
13J	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
14.	Endorsement bearing No. KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Divisional Commissioner, Bangalore North Sub Division;
15.	Endorsement bearing No. LRF:CR.93:2001-02 dated 25.2.2002 issued by the Special Tahsildar, Bangalore East Taluk;
16.	Endorsement bearing No. LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk;
17.	Extract of the Revision Settlement Akarbandh in respect of land bearing Survey No. 150/2 situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18.	Extract of the Tippani Register in respect of land bearing Survey No. 150 situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
19.	Extract of the Hissa Tippani Register in respect of sub divisions of land bearing Survey No.150 situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
20.	Map of Ammani Bellandur Khane Village; and
21.	Encumbrance Certificate in respect of land bearing Survey No. 150/2

	situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1960 to 31.3.1974, 1.4.1970 to 28.3.2003, 28.3.2003 to 31.3.2004 and 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 23.1.2008 to 11.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2008 to 24.2.2011.
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C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. On an examination of the documents stated herein above, it appears that Property II was earlier held by one Mr. Chikka Abbaiah (son of Mr. Changama Reddy).
2. Thereafter, Mr. Chikka Abbaiah conveyed Property II in favour of Mr. Chikka Nanjappa under the Sale Deed dated 14.9.1951 (Document No. 1).
3. Mr. Chikka Nanjappa further conveyed Property II to Mr. Chikka Abbaiah under Sale Deed dated 21.7.1961 (Document No. 1A).
4. RTCs issued in respect of Property II for the years 1967-68 to 2003-04 reflect Mr. Chikka Abbaiah Reddy as the holder thereof for the said years (Document No. 2).
5. We note the Genealogical Tree of Mr. Chikka Abbaiah Reddy reflecting the names of his family members viz., his wife viz., Mrs. Narayanamma and his children viz., Mr. A. Subbamma, Mr. A. Pappaiah Reddy, Mr. Gopal Reddy, Mrs. A. Shankuntamma, Mr. A. Srinivas Reddy and Mr. A. Nagaraj (Document No. 3). The Genealogical Tree reflects the demise of Mr. Chikka Abbaiah Reddy.
6. Subsequent to the demise of Mr. Chikka Abbaiah Reddy, his wife, Mrs. Narayanamma and children, Mrs. A. Subbamma, Mr. A. Pappaiah Reddy, Mr. Gopal Reddy, Mrs. A. Shankuntamma, Mr. A. Srinivas Reddy and Mr. A. Nagaraj executed a Partition Deed dated 4.4.2001 effecting partitioning of the properties belonging to the family of Chikka Abbaiah Reddy (Document No. 4). Under the said Partition Deed dated 4.4.2001, Property II was allotted to the share of Mr. A. Pappaiah Reddy.
7. Extract of Entry No. MR 148 of 2002-03 made in the Mutation Register records execution of the aforesaid Partition Deed dated 4.4.2001 and the grant of permission for the change of Khata in respect of Property II from the name of Mr. Chikka Abbaiah to Mr. A. Pappaiah Reddy (Document No. 4A).
8. On an application made by Mr. A. Pappaiah Reddy the Official Memorandum dated 20.8.2003 was issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of Property II from agricultural to non-agricultural residential use (Document Nos. 5 to 7). The aforesaid conversion of land use in respect of Property II under the said Official Memorandum dated 20.8.2003 is recorded in Entry No. MR 264/2003-04 made in the Mutation Register (Document No. 8).

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9. Subsequently, Mr. A. Pappaiah Reddy and his children Mr. P. Lokesh and Mr. P. Sandeep executed the Sale Deed dated 2.9.2003 conveying Property II in favour of M/s. Ferns Builders and Developers (**Document No. 9**).
10. M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into a Lease Agreement dated 6.12.2008 with M/s. Divyasree Infrastructure in respect of certain properties including an extent of 36 Guntas in Property II (**Document No. 9A**).
11. Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL (formerly M/s. Divyasree Infrastructure) executed the Surrender of Lease dated 23.6.2010, thereby DIPPL surrendering the leasehold rights inter alia in respect of an extent of 36 Guntas in Property II granted in its favour under the aforesaid Lease Agreement dated 6.12.2008 (**Document No. 9B**).
12. Thereafter, M/s. Ferns Builders & Developers, along with its partners Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property II (**Document No. 9C**).
13. Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL executed the Cancellation Deed dated 30.9.2010, thereby cancelling the above referred Development Agreement dated 1.7.2010 (**Document No. 9D**).
14. Mr. R. Nagaraj, one of the partners of Ferns Builders and Developers retired from the said partnership firm by executing a Retirement Deed dated 1.10.2010 (**Document No. 10**). As per the terms of the said Retirement Deed, among other things Property II has been allotted to the share of Mr. R. Nagaraj.
15. Property II appears to have been assigned the Khata No. 80 (Old No. 150/2, 45). We note the Khata Certificate issued by BBMP in respect of Property II reflecting Property II to be standing in the name of Mr. R Nagaraj (**Document No. 11**). We also note the extract of Register of Houses and Vacant Lands, issued by BBMP for the year 2010-11 in respect of Property II reflecting Mr. R Nagaraj as the owner of Property II (**Document No. 12**).
16. We note the receipts dated 30.7.2009 and 25.11.2010 for payment of tax levied on Property II for the years 2009-10 & 2010-11 (**Document No. 13**).
17. Pursuant thereto, Mr. R. Nagaraj has entered into a Joint Development Agreement dated 31.3.2011 with DIPPL (**Document No. 13A**). Under the said Joint Development Agreement, Mr. R. Nagaraj has granted DIPPL the right to develop and retain/sell the following properties owned by him:
 - (i) an extent of 12 Acres 18 Guntas comprising of Property II and the following Survey Nos. 149/3B measuring 14 Guntas, 150/5A measuring 11 Guntas, 156 measuring 9.25 Guntas, 155/2A measuring 19 Guntas, 156 measuring

6.75 Guntas, 150/4 measuring 18.5 Guntas, 151/3 measuring 30 Guntas, 155/1 measuring 10 Guntas, 155/2A measuring 8 Guntas, 135/2 measuring 22.5 Guntas, 154 measuring 3 Acres 33 Guntas, 155/2B measuring 20 Guntas, 156 measuring 10 Guntas, 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas; and

- (ii) 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 totally measuring about 16 Acres 22.5 Guntas.

And in consideration for contributing the aforementioned lands for Joint Development, Mr. Nagaraj is entitled to receive 4,40,000 square feet of built up area in the commercial development being developed by DIPPL and proportionate undivided share in land (referred to in item (ii) of this paragraph).

18. Mr. R. Nagaraj has executed Power of Attorney dated 31.3.2011 authorizing and appointing DIPPL as his attorney to do all such acts and deeds as specified therein, in terms of the Joint Development Agreement dated 31.3.2011 (**Document Nos. 13B**).
19. Thereafter, DIPPL and Mr. R. Nagaraj along with land owners of the adjoining properties have under the Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas which also includes Property II ("**Amalgamated Property**") owned by the aforementioned persons be treated as one single property for the purposes of development (commercial and residential) in the books of the Bruhat Bangalore Mahanagara Palike ("**BBMP**") (**Document Nos. 13C**).
20. Pursuant to the said Amalgamation Deed dated 19.1.2011, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 13D**). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
21. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as the joint khatadars thereof (**Document Nos. 13E & 13F**). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 13G**).
22. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) ("**Project Lands**"), has been approved by the Bangalore Development Authority ("**BDA**") as per JDTP(N) LP No. 64 of 2010-11 ("**Proposed Project**") (**Document No. 13H**).

23. DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 13I**). Subsequently, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further relinquished an area of (i) 2907.73 square meters and (ii) 2745.48 square meters in favor of BDA in relation to the Proposed Project (**Document No. 13J**)
24. We have been provided with the Endorsement dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that properties listed therein including the Property II have not been the subject matter of proceedings under the provisions of Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (**Document No. 14**).
25. We have been provided with the Endorsement dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property II (**Document No. 15**).
26. We have also been provided with the Endorsement dated 25.10.2002 issued by Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property II (**Document No. 16**).
27. We have been provided with a copy of an extract of the Karnataka Revision Settlement Akarbandh which reveals that the total extent of land in Survey No. 150/2 measures 1 Acre 1 Gunta (**Document No. 17**).
28. We have been provided with extract of the Tippani in respect of land bearing Survey No. 150 indicating the shape thereof (**Document No. 18**). We have also been provided with an extract of Hissa Tippani in respect of the land bearing Survey No. 150 reflecting the shape thereof and the sub-division of the land bearing Survey No. 150 into lands bearing Survey Nos. 150/1 to 150/5 (**Document No. 19**).
29. We note the map of Ammani Bellandur Khane village indicating the location of the land bearing Survey No. 150 (**Document No. 20**).
30. Encumbrance Certificates in respect of Property II for the period 1.4.1960 to 29.10.2010 and 1.4.2004 to 24.2.2011 reflect execution of the aforesaid Sale Deed dated 21.2.1961, Partition Deed dated 04.1.2001, Sale Deed dated 2.9.2003, Surrender of Lease Agreement dated 23.6.2010, Development Agreement dated 1.7.2010, Development Agreement dated 1.7.2010, Deed of Cancellation of Development Agreement dated 30.9.2010, Deed of Retirement of Mr. Nagaraj dated 1.10.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (**Document No. 21**). The aforesaid Encumbrance Certificate for the period 1.4.2004 to 24.2.2011 does not reflect execution of the aforesaid Lease Agreement dated 6.12.2008, Joint Development Agreement dated 31.3.2011, Amalgamation Deed dated 19.1.2011. It is advisable to obtain a fresh certificate for the period

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1.4.2004 till date which would all reflect all transactions entered into during the said period.

31. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property II has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
32. We have been informed that there are no litigations, currently pending or disposed off in respect of Property II.
33. We have also been informed that no charges and/or mortgages have been created in respect of Property II, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. R. Nagaraj is the Owner of Property II subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 31.3.2011 and Power of Attorney dated 31.3.2011 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property II is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;

TATVA LEGAL



III. LAND BEARING SURVEY NO. 150/4 (18.5 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk bounded on its:

East by : Land bearing Survey No.150/2;
West by : Land bearing Survey No.150/4;
North by : Land bearing Survey No.157/3; and
South by : Land bearing Survey No.150/1;

hereinafter referred to as “**Property III**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined photocopies of the following documents:

Sl. No.	Particulars
1.	Sale Deed dated 12.2.1949 executed by Mr. Chinnanna along with his children viz., Mr. Narayanappa, Mr. Kaverappa and Mr. Shamanna in favour of Mr. Nagappa conveying the land bearing Survey No. 150/4 measuring 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 4716 of 1948-49 in Book-I, Volume No. 1044 at Pages 27-28, in the office of the Sub-Registrar, Bangalore Taluk;
1A.	Sale Deed dated 13.5.1964 executed by Mr. A Nagappa in favor of Ms. Parvathamma conveying the land bearing Survey No. 150/4 measuring 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 822 of 1964-65 in Book-I, Volume No. 450 at Pages 161-162, in the Office of the Sub-Registrar, Bangalore South Taluk;
2.	Sale Deed dated 14.11.1967 executed by Ms. Parvathamma in favor of Mr. K.S. Shivanna conveying the land bearing Survey No. 150/4 measuring 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 3839 of 1967-68 in Book-I, Volume No. 674 at Pages 11-13, in the Office of the Sub-Registrar, Bangalore South Taluk;
3.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 150/4 admeasuring 37 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2004-05;

4.	Sale Deed dated 21.12.1992 executed by Mr. K.S. Shivanna in favour of Mr. D. Muniswamy Reddy and Mrs. Premavathi conveying the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 5040 of 1992-93 in Book-I, Volume No. 3651 at Pages 40 to 43 in the office of the Sub Registrar, Bangalore South Taluk;
5.	Extract of Entry MR No. 48 of 1992-93 made in the Mutation Register issued in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
6.	(Notarized) General Power of Attorney dated 21.12.1992 executed by Mr. K.S. Shivanna appointing Ms. N. Rani as his attorney in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
7.	Affidavit dated 21.12.1992 executed by Mr. K. S. Shivanna in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
8.	Extract of Entry No. MR 1 of 1999-2000 made in the Mutation Register issued in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
9.	Sale Deed dated 23.11.2000 executed by Mr. K.S. Shivanna in favor of Mrs. Premavathi conveying the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 6875 of 2000-01 in Book-I, Volume No. 4691 at Pages 12-16, in the Office of the Sub-Registrar, Bangalore South Taluk;
10.	Extract of Entry No. MR 22 of 2000-01 made in the Mutation Register issued in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
11.	Sale Deed dated 18.6.2003 executed by Mrs. Premavathi in favor of Austin Roach conveying the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 5817 of 2003-04 in Book-I (stored in C. D. No. 111) in the Office of the Sub-Registrar, Bangalore South Taluk;
12.	Extract of Entry No. MR 10 of 2003-04 made in the Mutation Register issued in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli,

	Bangalore East Taluk;
12A.	Order bearing No. RRT(1)CR/1452/2008-09 dated 6.1.2009 passed by the Tahsildar, Bangalore East Taluk;
13.	Official Memorandum bearing No. BDis:ALN(E)VB:SR:295:2003-04 dated 8.10.2003 issued by the Special Deputy Commissioner, Bangalore District for the conversion of land use in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential use;
14.	Khata Certificate dated 22.5.2007 issued by Bruhat Bangalore Mahanagara Palike (BBMP) in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
15.	Extract from the House and Vacant Land Register for the year 2007-08 issued by BBMP in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16.	Receipt dated 28.5.2009 for payment of tax levied on the land bearing Survey No. 150/4 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16A	Lease Agreement dated 6.12.2008 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure, registered as Document No. VRT-1-01885-2008-09 (stored in C.D. No. VRTD 31) in the office of the Sub-Registrar, Varthur;
16B	Surrender of Lease Agreement dated 23.6.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Project Private Limited ('DIPPL'), registered as Document No. VRT-1-02075-2010-11 (stored in C.D. No. VRTD 75) in the office of the Sub-Registrar, Varthur;
16C	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
16D	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of

	the Sub-Registrar, Varthur, Bangalore;
16E.	Exchange Deed dated 28.10.2010 executed by and between Mr. Austin Roach and Mr. R. Nagaraj along with Ferns Builders and Developers (represented by Mr. Errol Fernandes), registered as Document No. VRT-1-04768 of 2010-11 (stored in C. D. No. VRTD 85) in the office of the Sub-Registrar, Varthur;
17.	Rectification Deed dated 18.11.2010 executed by and between Mr. Austin Roach and Mr. R. Nagaraj, registered as Document No. VRT-1-05216-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
17A	Khata Certificate issued by Bruhat Bangalore Mahanagara Palike in respect of the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17B	Receipt dated 25.11.2010 evidencing the payment of tax in respect of land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village. Varthur Hobli, Bangalore East Taluk for the year 2010-11;
17C	Joint Development Agreement dated 31.3.2011 executed by and amongst Mr. R. Nagaraj and Divyasree Infrastructure Private Limited (“DIPPL”) in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08779-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
17D	Power of Attorney dated 31.3.2011 executed by Mr. R. Nagaraj authorizing and appointing DIPPL as his attorney to deal with the land bearing Survey No. 150/4 measuring 18.5 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk registered as VRT-4-00650-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
17E	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
17F	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of Khata in respect of 55 Acres 19.5 Guntas situated

	at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17G	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
17H	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
17I	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
17J	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority ("BDA");
17K	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
17L	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
18.	Endorsement bearing No. KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Divisional Commissioner, Bangalore North Sub Division to the effect that the land bearing Survey No. 150/4 measuring 18½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk has not been the subject matter of any proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978;
19.	Endorsement bearing No.LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
20.	Endorsement bearing No. LRF(BE)CR115/2003-04 dated 22.9.2003 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that no proceedings under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the lands bearing Survey Nos.131/1A, 131/6, 139/2, 140/2, 150/4 and 160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
21.	Endorsement bearing No. LRF:CR.93:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy

	claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No.150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
22.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
23.	Tippani issued in respect of the land bearing Survey No. 150 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
24.	Hissa Tippani issued in respect of the lands bearing Survey Nos.150/1 to 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
25.	Map of Bellandur Ammani Khane Village;
26.	Encumbrance Certificates issued in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.1.1972 to 31.12.2002 and 31.12.2002 to 25.8.2004; and
27.	Encumbrance Certificate in respect of land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 1.4.2008 to 11.11.2009 and 1.4.2004 to 24.02.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. On an examination of the documents stated herein above, it appears that the land bearing Survey No. 150/4 measuring 37 Guntas ("Land III") was earlier owned by one Mr. Chinnanna.
2. Pursuant thereto, Mr. Chinnanna along with his children viz., Mr. Narayanappa, Mr. Kaverappa and Mr. Shamanna conveyed Land III in favour of Mr. Nagappa under the Sale Deed dated 12.2.1949 (Document No. 1).
3. Thereafter, Mr. A Nagappa conveyed Land III in favor of Ms. Parvathamma under the Sale Deed dated 13.5.1964 (Document No. 1A).
4. Later, Ms. Parvathamma conveyed Land III in favour of Mr. K. S. Shivanna under a Sale Deed dated 14.11.1967 (Document No.2).
5. RTCs issued in respect of Land III for the years 1967-68 to 1976-77 reflect Mr. S. Nagappa and Ms. Parvathamma as the previous holders and Mr. K.S. Shivanna as the present holder and cultivator thereof for the said years (Document No. 3).

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	at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17G	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
17H	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
17I	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
17J	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
17K	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
17L	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
18.	Endorsement bearing No. KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Divisional Commissioner, Bangalore North Sub Division to the effect that the land bearing Survey No. 150/4 measuring 18½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk has not been the subject matter of any proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978;
19.	Endorsement bearing No.LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
20.	Endorsement bearing No. LRF(BE)CR115/2003-04 dated 22.9.2003 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that no proceedings under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the lands bearing Survey Nos.131/1A, 131/6, 139/2, 140/2, 150/4 and 160 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
21.	Endorsement bearing No. LRF:CR.93:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy

	claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No.150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
22.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
23.	Tippani issued in respect of the land bearing Survey No. 150 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
24.	Hissa Tippani issued in respect of the lands bearing Survey Nos.150/1 to 150/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
25.	Map of Bellandur Ammani Khane Village;
26.	Encumbrance Certificates issued in respect of the land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.1.1972 to 31.12.2002 and 31.12.2002 to 25.8.2004; and
27.	Encumbrance Certificate in respect of land bearing Survey No. 150/4 measuring 18.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 1.4.2008 to 11.11.2009 and 1.4.2004 to 24.02.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. On an examination of the documents stated herein above, it appears that the land bearing Survey No. 150/4 measuring 37 Guntas (“**Land III**”) was earlier owned by one Mr. Chinnanna.
2. Pursuant thereto, Mr. Chinnanna along with his children viz., Mr. Narayanappa, Mr. Kaverappa and Mr. Shamanna conveyed Land III in favour of Mr. Nagappa under the Sale Deed dated 12.2.1949 (**Document No. 1**).
3. Thereafter, Mr. A Nagappa conveyed Land III in favor of Ms. Parvathamma under the Sale Deed dated 13.5.1964 (**Document No. 1A**).
4. Later, Ms. Parvathamma conveyed Land III in favour of Mr. K. S. Shivanna under a Sale Deed dated 14.11.1967 (**Document No.2**).
5. RTCs issued in respect of Land III for the years 1967-68 to 1976-77 reflect Mr. S. Nagappa and Ms. Parvathamma as the previous holders and Mr. K.S. Shivanna as the present holder and cultivator thereof for the said years (**Document No. 3**).

6. RTCs issued in respect of Land III reflect Mr. K S Shivanna as the holder and cultivator thereof for the years 1977-78 to 1991-92.
7. Pursuant thereto, Mr. K. S. Shivanna conveyed an extent of 18.5 Guntas in Land III in favour of Mr. Munishamireddy and Ms. Premavathi (wife of Mr. Munishami) under the Sale Deed dated 21.12.1992 (Document No. 4).
8. Entry No. MR 48 of 1992-93 made in the Mutation Register records execution of the aforesaid Sale Deed dated 21.12.1992 and the grant of permission for the change of Khata pursuant to the aforesaid Sale Deed dated 21.12.1992 (Document No. 5).
9. Pursuant to conveyance of an extent of 18.5 Guntas under the Sale Deed dated 21.12.1992 Mr. K.S. Shivanna retained the ownership in respect of the remaining extent of 18.5 Guntas in Land III ("**Property III**").
10. Further, Mr. K.S. Shivanna executed a Power of Attorney dated 21.12.1992 in favour of Ms. N. Rani authorizing her, inter alia, to convey Property III by way of sale, release, etc. in favour of third parties (Document No. 6).
11. Mr. K.S. Shivanna also executed an Affidavit dated 21.12.1992 stating that he is the absolute and sole owner of Property III and agreeing to execute a Sale Deed in respect of the same (Document No. 7). Although the said Affidavit does not name the purchaser, it appears that the sale was executed together with the aforesaid Power of Attorney in favour of Ms. N. Rani and the references to the term Purchaser in the Affidavit is made in relation to Ms. N. Rani.
12. Subsequently, Mr. K.S. Shivanna represented by his Power of Attorney holder, Ms. N. Rani, executed a Sale Deed dated 23.11.2000 conveying Property III in favour of Mrs. Premavathi (wife of Mr. Munishamireddy) (Document No. 9).
13. Pursuant thereto, Entry No. MR 22 of 2000-01 was made in the Mutation Register recording execution of the aforesaid Sale Deed dated 23.11.2000 and the grant of permission for the change of khata in respect of Property III to the name of Mrs. Premavathi (Document No. 10).
14. RTCs in respect of Land III for the years 1997-98 to 2001-02 reflect Mrs. Premavathi as the holder and cultivator of Property III and Mrs. Premavathi, Ms. Vajramma, Ms. Vishalakshi and Mr. Ganesh as the holders of the remaining extent of 18.5 Guntas in Land III.
15. Thereupon Mrs. Premavathi executed a Sale Deed dated 18.6.2003 in respect of Property III in favour of Mr. Austin Roach (Document No.11). The recitals of the aforesaid Sale Deed dated 18.6.2003 state that Mrs. Premavathi conveyed Property III as the absolute owner thereof and further to fulfill certain legal necessities of her family.
16. Pursuant thereto, Entry No. MR 10 of 2003-04 was made in the Mutation Register recording execution of the aforesaid Sale Deed dated 18.6.2003 and the grant of

- permission for the change of Khata to the name of Mr. Austin Roach (**Document No. 12**).
17. RTCs issued in respect of Land III for the years 2002-03 to 2004-05 reflect (i) Mr. Austin Roach as the holder and cultivator of Property III, (ii) Mrs. Premavathi, Ms. Vajramma, Ms. Vishalakshi and Mr. Ganesh as the holders of the remaining extent of 18.5 Guntas in Land III and one Mr. Suresh Hegde as the holder of an extent of 18.5 Guntas in Land III i.e., RTCs reflect a total holding of 1 Acre 15.5 Guntas, whereas the total extent of land in Land III is only 37 Guntas.
 18. It appears that the aforesaid discrepancy was an error in entry, as although the remaining extent of 18 ½ Guntas (i.e., Property XVI) in Land III was conveyed by the Mrs. Premavathi, Ms. Vajramma @ Vajralakshmi, Master Ganesh, Ms. Vishalakshi in favor of Mr. Suresh Hegde under a Sale Deed dated 17.12.2003, their names continued to be reflected in the RTCs for an extent of 18.5 Guntas.
 19. Later, on an application made by Mr. Suresh Hegde, the Order bearing No. RRT(1)CR/1452/2008-09 dated 6.1.2009 was passed by the Tahsildar, Bangalore East Taluk for the deletion of the names of Mrs. Premavathi, Ms. Vajramma @ Vajralakshmi, Master Ganesh and Ms. Vishalakshi as the holders of the said extent of 18 ½ Guntas for rectifying the aforesaid error in the RTCs (**Document No. 12A**).
 20. On an application made by Mr. Austin Roach the Official Memorandum bearing No. BDis:ALN(E)VB:SR:295:2003-04 dated 8.10.2003 was issued by the Special Deputy Commissioner, Bangalore District granting permission for the conversion of land use in respect of Property III from agricultural to non-agricultural residential uses (**Document No.13**).
 21. We note the Khata Certificate dated 22.5.2007 issued by BBMP reflecting the Khata in respect of Property III to be standing in the name of Mr. Austin Roach (**Document No. 14**).
 22. We also note the extract from the House and Vacant Land Register for the year 2007-08 issued by BBMP in respect of Property III reflecting Mr. Austin Roach as the owner of Property III (**Document No. 15**).
 23. We note the receipt dated 28.5.2009 for the payment of tax on Property III for the year 2008-09 (**Document No. 16**).
 24. Thereafter, Mr. Austin Roach, along with Mr. Errol Fernandes, Mr. R. Nagaraj and Ferns Builders and Developers entered into the Lease Agreement dated 6.8.2008 in respect of *inter alia* 7 Guntas in Property III with Divyasree Infrastructure and subsequently the said lease has been surrendered under the Surrender of Lease Agreement dated 23.6.2010 executed by Mr. Austin Roach, Mr. Errol Fernandes, Mr. R. Nagaraj, Ferns Builders and Developers and DIPPL (**Document Nos. 16A & 16B**).
 25. Thereafter, Mr. Austin Roach along with Mr. Errol Fernandes, Mr. R. Nagaraj and Ferns Builders and Developers has entered into a Joint Development Agreement dated 1.7.2010 with DIPPL to develop *inter alia* Property III and subsequently the

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- parties to the said Joint Development Agreement have cancelled the said Joint Development Agreement under the Cancellation Deed dated 30.9.2010 (**Document Nos. 16C & 16D**).
26. Thereafter, Mr. Austin Roach conveyed Property III in favour of Mr. R Nagaraj under the Exchange Deed dated 28.10.2010 in exchange for certain other properties (**Document No. 16E**).
27. Subsequently Mr. Austin Roach and Mr. Nagaraj have executed the Rectification Deed dated 18.11.2010 adding khata numbers in respect of the properties which were the subject matter of the said Exchange Deed (**Document No. 17**).
28. We note the Khata Certificate issued by BBMP reflecting Property III to be standing in the name of Mr. R. Nagaraj and we also note the receipt dated 25.11.2010 issued by BBMP evidencing payment of tax levied on Property III for the year 2010-11 (**Document Nos. 17A & 17B**).
29. Pursuant thereto, Mr. R. Nagaraj has entered into a Joint Development Agreement dated 31.3.2011 with DIPPL (**Document No. 17C**). Under the said Joint Development Agreement, Mr. R. Nagaraj has granted DIPPL the right for mixed use development (commercial and residential) for the following properties owned by him:
- i. an extent of 12 Acres 18 Guntas including Property III and comprising of certain others lands bearing Survey Nos. 156 measuring 9.25 Guntas, 155/2A measuring 19 Guntas, 156 measuring 6.75Guntas, 151/3 measuring 30 Guntas, 155/1 measuring 10 Guntas, 155/2A measuring 8 Guntas, 135/2 measuring 22.5 Guntas, 149/3B measuring 14 Guntas, 150/2 measuring 1 Acre 1 Gunta, 150/5A measuring 11 Guntas, 154 measuring 3 Acres 33 Guntas, 155/2B measuring 20 Guntas, 156 measuring 10 Guntas, 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas; and
 - ii. 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.
- And in consideration for contributing the aforementioned lands for Joint Development, Mr. Nagaraj is entitled to receive 4,40,000 square feet of built up area in the commercial development being developed by DIPPL and proportionate undivided share in land (referred to in item (ii) of this paragraph).
30. Mr. R. Nagaraj has executed Power of Attorney dated 31.3.2011 authorizing and appointing DIPPL as their attorney to do all such acts and deeds as specified therein, in terms of the Joint Development Agreement dated 31.3.2011 (**Document No. 17D**).
31. Thereafter, DIPPL and Mr. R. Nagaraj and along with certain other land owners of the adjoining properties have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas which also includes Property III

- (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike (“**BBMP**”) (**Document No. 17E**).
32. Pursuant to the said amalgamation deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 17F**). Pursuant to the amalgamation khata in respect of Property III has been assigned Khata No. 248/117.
33. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as the joint khatadars thereof (**Document No. 17G**). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 17H**).
34. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the Bangalore Development Authority (“**BDA**”) as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (**Document No. 17I**).
35. DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 17J**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further relinquished an area of (i) 2907.73 square meters and (ii) 2745.48 square meters in favor of BDA in relation to the Proposed Project (**Document No. 17K**).
36. We have been provided with the Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that an extent of 18½ Guntas in Land III has not been the subject matter of any proceedings under the provisions of the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (**Document No. 18**).
37. We have been provided with the Endorsement bearing No.LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk and Endorsement bearing No. LRF(BE)CR115/2003-04 dated 22.9.2003 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that no proceedings under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the land bearing Survey No. 150/4 (**Document Nos. 19 & 20**).

38. We have also been provided with the Endorsement bearing No.LRF:CR.93:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk which indicates that no tenancy claims in Form 7 or 7A have been filed under Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property III (Document No. 21).
39. We have been provided with the Revision Settlement Akarbandh indicating the total extent of land in Survey Nos.150/4 as 37 Guntas (Document No.22). It is further seen that there is no Kharab land in Land III.
40. We have been provided with extract of the Tippani in respect of land bearing Survey No.150, which indicates the shape thereof (Document No. 23). We have also been provided with an extract of the Hissa Tippani issued in respect of land bearing Survey No.150 reflecting sub-division thereof and shape of Property III (Document No. 24).
41. We have been provided with a copy of the village map of Ammani Bellandur Khane village indicating the location of the land bearing Survey No.150 (Document No. 25).
42. Encumbrance Certificates issued in respect of Property III for the period 1.1.1972 to 31.12.2002 and 31.12.2002 to 25.8.2004 reflects execution of the aforesaid Sale Deeds dated 21.12.1992, 23.11.2000 and 18.6.2003 (Document No. 26). Encumbrance Certificates issued in respect of Property III for the period 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 1.4.2008 to 11.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2004 to 24.02.2011 reflect Lease Agreement dated 6.12.2008, Surrender to Lease Agreement dated 23.6.2010, Exchange Deed dated 28.10.2010, Development Agreement dated 1.7.2010 and Deed of Cancellation of Development Agreement dated 30.9.2010, Relinquishment Deed dated 19.3.2010, Relinquishment Deed dated 16.7.2010, Rectification Deed dated 18.11.2010 and the Amalgamation Deed dated 19.1.2011 referred to hereinabove (Document No. 27). We have not seen Encumbrance Certificate issued in respect of Property III for the period 25.2.2011 till date. It is necessary to secure the same.
43. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property III has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
44. We have been informed that there are no litigations, currently pending or disposed off in respect of Property III.
45. We have also been informed that no charges and/or mortgages have been created in respect of Property III, except the equitable mortgage created in favour of HDFC Limited for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

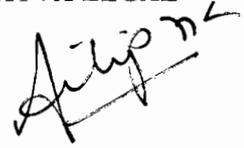
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D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. R. Nagaraj is the Owner of Property III subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 31.3.2011 and Power of Attorney dated 31.3.2011 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property III is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;

TATVA LEGAL



IV. LAND BEARING SURVEY NO. 151/3 (30 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 151/3 measuring 30 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and bounded on its:

East by : Lands bearing Survey Nos. 150/3 & 150/4;
West by : Land bearing Survey No. 151/2;
North by : Land bearing Survey No. 157/2; and
South by : Lands bearing Survey Nos. 151/6 & 151/7

the aforesaid property is hereinafter referred to as the “**Property IV**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	RTCs issued in respect of land bearing Survey No. 151/3 measuring 30 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
2.	Endorsement bearing No. RKCR.624/02-03 dated 31.1.2003 issued by the Taluk Shirastedar, Bangalore East Taluk;
3.	Genealogical Tree of Mr. Munishamappa (father of Mr. Pullappa) reflecting the names of his family members;
4.	Sale Deed dated 5.5.2003 executed by Mr. Puttappa, Mrs. Muniamma, Mrs. Kanthamma, Mrs. Padmamma, Mrs. Shanthamma, Mr. Srinivas, Mr. Dilip (all represented therein by their attorney, Mr. Srinivas), Mr. Chikapullappa, Mrs. Munithayamma, Mrs. Chennamma, Mrs. Lakshamma, Mrs. Neelamma, Mrs. Meenamma, Mrs. Rama, Mrs. Chinnamma, Mr. Gopi, Mr. Shankara (all represented therein by their attorney, Mr. Chikapullappa), Mrs. Munirathnamma, Mrs. Girijamma, Mr. Chandrashekar and Mr. Arjun (represented therein by their attorney, Mr. Arjun) in favour of Mr. Austin Roach conveying the land bearing Survey No. 151/3 measuring 30 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 28885 of 2003-04 in Book-I (stored in C. D. No. 108) in the Office of the Sub-Registrar, Bangalore South Taluk;
5.	Notarized General Power of Attorney dated 5.2.2003 executed by Mrs. Muniamma, Mrs. Kanthamma, Mrs. Padmamma, Mrs. Shanthamma and Mr. Dilip appointing Mr. Srinivas as his attorney in respect of land

	bearing Survey No. 151/3 measuring 30 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
6.	Notarized General Power of Attorney dated 5.2.2003 executed by Mrs. Munitayamma, Mrs. Chennamma, Mrs. Lakshamma, Mrs. Neelamma, Mrs. Meenamma, Mrs. Rama, Mrs. Chinnamma, Mr. Gopi and Mr. Shankara appointing Mr. Chikkapullappa as their attorney in respect of land bearing Survey No. 151/3 measuring 30 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
7.	Notarized General Power of Attorney dated 5.2.2003 executed by Mrs. Munirathamma, Mrs. Girijamma and Mr. Chandrashekar appointing Mr. Arjun as their attorney in respect of land bearing Survey No. 151/3 measuring 30 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
8.	Intimation letter bearing No. ALN(E)VB:SR:257/03-04 dated 14.8.2003 issued by the Special Deputy Commissioner, Bangalore Urban District;
9.	Receipt for payment of conversion fine and sub division fee in respect of land bearing Survey No. 151/3, measuring 30 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
10.	Official Memorandum bearing No. BDIS/ALN/(E)VB/SR/257/03-04 dated 20.8.2003 issued by the Special Deputy Commissioner, Bangalore District for conversion of land use in respect of land bearing survey No. 151/3 measuring, 30 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential uses;
11.	Khata Certificate issued by erstwhile Bangalore Mahanagara Palike in respect of property bearing Khata No. 151/3/47 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
12.	Extract of Register of Houses and Vacant Lands, issued by Bangalore Mahanagara Palike in respect of property bearing Khata No. 151/3/47 for the year 2007-08 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13.	Lease Agreement dated 6.12.2008 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-01885-2008-09 (stored in C.D. No. VRTD 31) in the office of the Sub-Registrar, Varthur, Bangalore;
13A	Surrender of Lease Agreement dated 23.6.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No.

	VRT-1-02075-2010-11 (stored in C.D. No. VRTD 75) in the office of the Sub-Registrar, Varthur, Bangalore;
13B	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
13C	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
14.	Deed of Exchange dated 28.10.2010 executed by and between Mr. Austin Roach and Mr. R. Nagaraj, registered as Document No. VRT-1-04768-2010-11 (stored in C.D. No. VRTD 85) in the office of the Sub-Registrar, Varthur, Bangalore;
15.	Rectification Deed dated 18.11.2010 executed by and between Mr. Austin Roach and Mr. R. Nagaraj, registered as Document No. VRT-1-05216-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
16.	Khata Certificate issued by erstwhile BBMP in respect of property bearing Khata No. 151/3/47 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17.	Extract of Register of Houses and Vacant Lands, issued by BBMP in respect of property bearing Khata No. 151/3/47 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2007-08;
18.	Receipts dated 28.5.2009 30.7.2009 and 25.11.2010 evidencing payment of tax levied on property bearing Khata No. 151/3/47 for the years 2008-09 to 2010-11;
18A	Joint Development Agreement dated 31.3.2011 executed by and amongst Mr. R. Nagaraj and Divyasree Infrastructure Private Limited (“DIPPL”) in respect of the land bearing Survey No. 151/3 measuring 30 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08779-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
18B	Power of Attorney dated 31.3.2011 executed by Mr. R. Nagaraj authorizing and appointing DIPPL as his attorney to deal with the land bearing Survey Nos. 151/3 situated at Ammani Bellandur Khane Village,

	Varthur Hobli, Bangalore East Taluk, registered as VRT-4-00650-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
18C	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
18D	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike for amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18E	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
18F	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP Amalgamation Deed dated 19.1.2011;
18G	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
18H	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
18I	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
18J	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
19.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10. 2004 issued by the Assistant Commissioner, Bangalore North Sub Division in respect of land bearing Survey No. 151/3 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
20.	Endorsement bearing No. LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk in respect of land bearing Survey No. 151/3 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;

21.	Endorsement bearing No. LRF.CR.305:2001-02 dated 29.1.2003 issued by the Special Tahsildar, Bangalore East Taluk in respect of land bearing Survey No. 151/3 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
22.	Extract of the Karnataka Revision Settlement Akarbandh in respect of land bearing Survey No. 151/3 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
23.	Extract of the Tippani Register in respect of land bearing Survey No. 151/3 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
24.	Map of Ammani Bellandur Khane Village; and
25.	Encumbrance Certificate in respect of land bearing Survey No. 151/3 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 13.2.1957 to 31.3.1983, 1.4.1972 to 31.3.1973, 1.4.1983 to 21.2.2003, 21.2.2003 to 23.8.2004, 1.1.2003 to 5.8.2003 and 1.10.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.2.2008, 22.1.2008 to 11.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2004 to 25.2.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. On an examination of the documents stated herein above, it appears that Property IV was initially held by one Mr. Nagappa (son of Mr. Muniyappa).
2. RTCs issued in respect of Property IV for the years 1967-68 to 1976-77 reflect Mr. Nagappa as the holder thereof (**Document No. 1**).
3. It appears (*from the RTCs*) that Mr. Pullappa @ Puttappa acquired title to Property IV from Mr. Nagappa under a Sale Deed dated 26.4.1956.
4. RTCs for the years 1977-78 to 1981-82 reflect Mr. Pullappa @ Puttappa as the holder and cultivator of Property IV for the said years.
5. The aforesaid change of Khata to the name of Mr. Puttappa in respect of Property IV appears to have been effected by an Entry No. MT 87/67-68 made in the Mutation Register. We have not been provided with the extract of the said entry, however we have been provided with an endorsement dated 31.1. 2003 issued by the Taluk Shirastedar, Bangalore East Taluk to the effect that the extract of the aforesaid Entry No. MT 87/67-68 cannot be provided as the relevant records are not available in his office for the year 1967-68 (**Document No.2**).
6. RTCs issued in respect of Property IV for the years 1982-83 to 2001-02 reflect Mr. Puttappa as the holder of Property IV for the said years.

7. We have been provided with a copy of the genealogical tree of Mr. Puttappa's father, Mr. Munishammappa (**Document No.3**). The said genealogical tree reflects the name of the sons of Mr. Munishammappa viz., Mr. Puttappa, Mr. Chikkapullappa and Mr. Shamanna and also sets out the names of their respective family members.
8. Pursuant thereto, Mr. Puttappa along with his wife Mr. Muniamma, daughter-in-law, Mrs. Kanthamma (wife of predeceased son of Mr. Puttappa viz., Mr. Muniraju), and his children viz., Mrs. Padmamma, Mrs. Shanthamma, Mr. Srinivas, and Mr. Dilip (all represented therein by their attorney, Mr. Srinivas), Mr. Chikapullappa, his wife Mrs. Munithayamma and his children viz., Mrs. Chennamma, Mrs. Lakshamma, Mrs. Neelamma, Mrs. Meenamma, Mrs. Rama, Mrs. Chinnamma, Mr. Gopi and Mr. Shankara (all represented by their attorney, Mr. Chikkapullappa); and children of Mr. Shamanna alias Ramachandrappa (predeceased brother of Mr. Puttappa), viz., Mrs. Munirathamma, Mrs. Girijamma, Mr. Chandrashekar and Mr. Arjun (all represented therein by their attorney, Mr. Arjun) executed the Sale Deed dated 5.5.2003 conveying Property IV in favour of Mr. Austin Roach (**Document No. 4**).
9. We have been provided with copies of powers of attorney executed in favour of Mr. Srinivas, Mr. Chikkapullappa and Mr. Arjun by their respective family members (**Document No. 5 to 7**).
10. On an application made by Mr. Austin Roach the Official Memorandum dated 20.8.2003 was issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of Property IV from agricultural to non-agricultural residential use (**Document Nos. 8 to 10**). The said Official Memorandum specifies that an extent of 1 Gunta 'B' kharab in the land bearing Survey No. 151/3 would be reserved for public purposes.
11. Further, Property IV appears to have been assigned the Khata No. 151/3, 47 (Old No. 82). We note the Khata Certificate issued by erstwhile Bangalore Mahanagara Palike in respect of property bearing Khata No. 151/3,47 (Old No. 82) reflecting the same to be standing in the name of Mr. Austin Roach (**Document No. 11**). We also note the extract of Register of Houses and Vacant Lands, issued by Bangalore Mahanagara Palike for the year 2007-08 reflecting Mr. Austin Roach as the owner of Property IV (**Document No. 12**).
12. Later, Mr. Austin Roach along with M/s. Ferns Builders & Developers, Mr. R. Nagaraj and Mr. Errol Fernandes executed the Lease Agreement dated 6.12.2008 with DIPPL in respect of certain properties including an extent of 17 Guntas in Property IV (**Document No. 13**).
13. Subsequently, Mr. Austin Roach, M/s. Ferns Builders & Developers, Mr. R. Nagaraj, Mr. Errol Fernandes and DIPPL executed a Deed of Surrender of Lease dated 23.6.2010, wherein DIPPL surrendered the leasehold rights inter alia in respect of the extent of 17 Guntas in Property IV granted in its favour under the aforesaid Lease Agreement dated 6.12.2008 (**Document No. 13A**).
14. Pursuant thereto, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into the Development Agreement

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dated 1.7.2010 with DIPPL in respect of development of certain properties including Property IV (**Document No. 13B**).

15. Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL executed the Cancellation Deed dated 30.9.2010, thereby cancelling the said Development Agreement dated 1.7.2010 (**Document No. 13C**).
16. Thereafter, Mr. Austin Roach executed an Exchange Deed dated 28.10.2010 in favour of Mr. R. Nagaraj whereunder, Property IV was conveyed in favour of Mr. R. Nagaraj (**Document No. 14**).
17. Mr. Austin Roach and Mr. Nagaraj also executed the Rectification Deed dated 18.11.2010 adding khata numbers in respect of the properties which were the subject matter of the said Exchange Deed (**Document No. 15**).
18. We note the Khata Certificate issued by BBMP reflecting Property IV to be standing in the name of Mr. R. Nagaraj (**Document No. 16**). We also note the Extract of House and Vacant Land Register for the year 2010-11 issued by BBMP reflecting Mr. R. Nagaraj as the owner of Property IV (**Document No. 17**).
19. We note the receipts dated 28.5.2009, 30.7.2009 and 25.11.2010 for payment of tax levied on Property IV for the years 2008-09 to 2010-11 (**Document No. 18**).
20. Pursuant thereto, Mr. R. Nagaraj entered into a Joint Development Agreement dated 31.3.2011 with Divyasree Infrastructure Projects Private Limited (“DIPPL”) (**Document No. 18A**). Under the said Joint Development Agreement, Mr. R. Nagaraj has granted DIPPL the right for mixed use development (commercial and residential) for the following properties owned by him:
 - (i) an extent of 12 Acres 18 Guntas including Property IV and comprising of the following Survey Nos. 149/3B measuring 14 Guntas, 150/5A measuring 11 Guntas, 156 measuring 9.25 Guntas, 155/2A measuring 19 Guntas, 156 measuring 6.75Guntas, 150/4 measuring 18.5 Guntas, 155/1 measuring 10 Guntas, 155/2A measuring 8 Guntas, 135/2 measuring 22.5 Guntas, 150/2 measuring 1 Acre 1 Gunta, 154 measuring 3 Acres 33 Guntas, 155/2B measuring 20 Guntas, 156 measuring 10 Guntas, 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas; and
 - (ii) 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.

And in consideration for contributing the aforementioned lands for Joint Development, Mr. Nagaraj is entitled to receive 4,40,000 square feet of built up area in the commercial development being developed by DIPPL and proportionate undivided share in land (referred to in item (ii) of this paragraph).

21. Mr. R. Nagaraj has executed Power of Attorney dated 31.3.2011 authorizing and appointing DIPPL as his attorney to do all such acts and deeds as specified therein, in terms of the Joint Development Agreement dated 31.3.2011 (**Document Nos. 18B**).
22. Thereafter, DIPPL and Mr. R. Nagaraj and along with certain other land owners of the adjoining properties have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas which also includes Property IV (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike (“**BBMP**”) (**Document Nos. 18C**).
23. Pursuant to the said Amalgamation Deed dated 19.1.2001, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 18D**). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned khata No. 248/117 by BBMP.
24. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as the joint khatadars thereof (**Document Nos. 18E & 18F**). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 18G**).
25. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the Bangalore Development Authority (“**BDA**”) as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (**Document No. 18H**).
26. DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 18I**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further relinquished an area of (i) 2907.73 square meters and (ii) 2745.48 square meters in favor of BDA in relation to the Proposed Project (**Document No. 18J**).
27. We have been provided with the Endorsement bearing dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that properties listed therein including Property IV have not been the subject matter of proceedings under the provisions of the Karnataka Scheduled Castes and Schedules Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (**Document No. 19**).

28. We have been provided with the Endorsement bearing dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property IV (Document No. 20).
29. We have also been furnished with the Endorsement dated 29.1.003 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property IV (Document No. 21).
30. We have been provided with a copy of Revision Settlement Akarbandh in respect of Property IV indicating the total extent of land therein as 31 Guntas including 1 Gunta 'B' Kharab therein (Document No. 22).
31. We have also been provided with an extract of the Tippani Register in respect of land bearing Survey No. 151/3 reflecting the sub-division of land bearing Survey No. 151 and also the shapes thereof (Document No. 23).
32. We have also been provided with a copy of the map of Ammani Khane village indicating the location of the land bearing Survey No. 151 (Document No. 24).
34. Encumbrance Certificates issued in respect of Property IV for the period 13.2.1957 to 29.10.2010 and 1.4.2004 to 25.2.2011 reflect the execution of the aforesaid Sale Deed dated 5.5.2003, Lease Agreement dated 6.12.2008, Surrender of Lease Agreement dated 23.6.2010, Development Agreement dated 1.7.2010, Deed of Cancellation of Development Agreement dated 30.9.2010 and the Deed of Exchange dated 28.10.2010, Rectification Deed dated 18.11.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 25). The aforesaid Encumbrance Certificates do not reflect execution of the Amalgamation Deed dated 19.1.2011 and execution of any document evidencing the mode and manner by which Mr. Puttappa acquired title to Property IV. It is advisable to obtain a fresh certificate for the period 1.4.2004 till date which would all reflect all transactions entered into during the said period. We have not seen the Encumbrance Certificate issued in respect of Property IV for the period 26.2.2011 till date. It is necessary to secure the same.
33. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property IV has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
34. We have been informed that there are no litigations, currently pending or disposed off in respect of Property IV.
35. We have also been informed that no charges and/or mortgages have been created in respect of Property IV, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

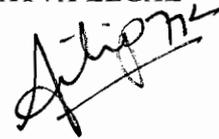
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D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. R. Nagaraj is the Owner of Property IV subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 31.3.2011 and Power of Attorney dated 31.3.2011 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property IV is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;

TATVA LEGAL



V. LAND BEARING SURVEY NO. 154 (3 ACRES 33 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No.154 measuring 3 Acres 33 Guntas situated in Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk bounded on its:

East by : Land bearing Survey No.155;
West by : Land bearing Survey No.129;
North by : Boundary of Marathahalli Village; and
South by : Land bearing Survey No.153.

hereinafter referred to as "**Property V**".

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Record of Rights Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 154 measuring 3 Acres 36 Guntas (including 3 Guntas of Kharab) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
2.	Sale Deed dated 8.9.1967 executed by Mr. Cigaretappa, Mr. Kullappa, Mr. Muniyappa, Mr. Yellappa, Mr. Papaiah, Mr. Krishnappa, Mr. K. Narayanappa, Mr. Chikkaramaiah, Mr. Ramaiah, Mr. Chikkayellappa, Mr. Kachappa, Mr. Doddayellappa, Mr. Taneppa, Mr. Ramaiah and Mrs. Hanumakka in favour of Mr. M. R. Gurusurthy Reddy conveying ownership in respect of the land bearing Survey No. 154 measuring 38 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No. 2778 of 1967-68 in Book-I, Volume No. 662 at Pages 93 to 96 in the office of the Sub-Registrar, Bangalore South;
3.	Sale Deed dated 8.9.1967 executed by the family members of Mr. Maddurappa viz., Mr. Yellappa, Mr. Gullappa, Mrs. Akkaiyamma, Mr. Kaverappa (son of Mr. Maddurappa), Mr. Marappa, Mr. Ramaiah, Master Chikkamaddurappa (represented by his father Mr. Kaverappa), Mr. Munishamappa, Mr. Yellappa & Mr. Kaverappa (sons of Mr. Munishamappa) in favour of Mr. M. R. Gurusurthy Reddy conveying the land bearing Survey No. 154 measuring 12½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No. 2779 of 1967-68 in Book-I, Volume No. 664 at Pages 3 to 6 in the office of the Sub-Registrar, Bangalore South Taluk;

4.	Sale Deed dated 3.1.1969 executed by Mr. Tanappa and Mr. Annaiappa in favour of Mr. Chikkaramaiah conveying ownership over the land bearing Survey No. 154 measuring 12¾ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No.4759 of 1968-69 in Book-I, Volume No. 740 at Pages 233 to 235 in the office of the Sub-Registrar, Bangalore South;
5.	Sale Deed dated 3.1.1969 executed by Mr. Maddurappa and his sons Mr. Muniyappa, Mr. Krishnappa and Mr. Venkatasamappa in favour of Mr. Chikkaramaiah conveying the land bearing Survey No. 154 measuring 12¾ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No. 4760 of 1968-69 in Book-I, Volume No. 739 at Pages 192 to 193 in the office of the Sub-Registrar, Bangalore South Taluk;
6.	Sale Deed dated 3.1.1969 executed by Mr. Moogappa, Mr. Annaiah, Mr. Chikkatatha and Mr. Kaverappa in favour of Mr. Chikkaramaiah conveying the land bearing Survey No. 154 measuring 12¾ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No. 4763 of 1968-69 in Book-I, Volume No. 740 at Pages 235 to 237 in the office of the Sub-Registrar, Bangalore South Taluk;
6A.	Sale Deed dated 29.5.1970 executed by Mr. Kaveriappa, Mr. Papaiah, Mr. Munellappa and Mr. Dodda Kaveriappa in favour of Mr. Dodda Hanumappa conveying the land bearing Survey No. 154 measuring 1 Acre 1 Gunta situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No.1113 of 1970-71 in Book-I, Volume No. 817 at Pages 124 to 126 in the office of the Sub-Registrar, Bangalore South Taluk;
7.	Sale Deed dated 29.5.1970 executed by Mr. Shãmbuga, Mr. Kaveriappa, Mr. Papaiah, Mr. Munellappa and Mr. Dodda Kaveriappa in favour of Mr. Dodda Abbaiah Reddy conveying the land bearing Survey No. 154 measuring 22 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No.1114 of 1970-71 in Book-I, Volume No. 818 in the office of the Sub-Registrar, Bangalore South Taluk;
8.	Sale Deed dated 27.7.1972 executed by Mr. Dodda Abbaiah Reddy in favour of Mr. M. R. Gurusurthy Reddy conveying the land bearing Survey No. 154 measuring 12 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No.2864 of 1972-73 in Book – I, Volume No. 958 at Pages 66 to 67 in the office of the Sub-Registrar, Bangalore South Taluk;
9.	Order dated 15.1.1983 passed by the Tahsildar, Bangalore South Taluk, in Case No. HOA.CR.31/82-83 in respect of the land bearing Survey No. 154 measuring 3 Acres 33 Guntas situated at Ammani Bellandur

	Khane Village, Varthur Hobli, Bangalore South Taluk;
10.	Index of Lands issued in respect of land bearing Survey No. 154 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
11.	Memo dated August 7, 2003 filed by the Advocate for the Appellants in case bearing MA No. 10/2003;
12.	Order Sheet in Case bearing MA No. 10/2003 in the Court of the Principal District Judge, Bangalore Rural District, Bangalore;
13.	Extract of Entry bearing IHC No. 17/1997-98 made in the Inheritance Register recording the demise of Mr. Hanumappa Reddy on 17.11.1988;
14.	Genealogical Tree of Dodda Hanumappa Reddy reflecting the names of his family members;
15.	Genealogical Tree of Chikkaramaiah Reddy reflecting the names of his family members;
16.	Intimation letter bearing No. ALN(E)VB:SR:7/03-04 dated April 25, 2003 issued by the Special Deputy Commissioner, Bangalore Urban District;
17.	Receipt for payment of conversion fine and sub division fee in respect of land bearing Survey No.154 measuring 3 Acres 25 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk;
18.	Official Memorandum bearing No. BDis:ALN(E)VB:SR:7:2003-04 dated May 5, 2003 issued by the Special Deputy Commissioner, Bangalore District for conversion of land use in respect of Survey No. 154 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk from agricultural to non-agricultural residential uses;
19.	Extract of Entry No. MR 52/2003-04 made in the Mutation Register in respect of the land bearing Survey No. 154 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk;
19A.	Agreement to Sell dated 7.3.2003 executed by Mr. M. R. Gurumurthy Reddy, Mr. G. Chandrashekar, Mr. G. Jayaram, Mr. G. Srinivas, Mr. M. R. Rajagopala Reddy, Mr. R. Pradeep, Mr. R. Dilip, Mrs. Savithamma, Ms. K. Meena, Mr. Gajendra, Mr. Sundarshan, Mr. Shivaramma, Mr. Rajashekara Reddy, Mr. V. Thimmah Reddy, Mr. T. Ravi, Mr. V. Nagaraj, Mr. N. Anil Kumar and Mr. N. Sunil Kumar agreeing to convey the land bearing Survey No. 154 measuring 3 Acres 33 Guntas

	situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk in favour of Mr. Errol Fernandes, registered as Document No. 17395 of 2002-03 in Book-I (stored in C. D. No. 102) in the Office of the Sub-Registrar, Bangalore South Taluk;
20.	General Power of Attorney dated March 7, 2003 executed by Mr. M. R. Gurumurthy Reddy, Mr. G. Chandrashekar, Mr. G. Jayaram, Mr. G. Srinivas, Mr. M. R. Rajagopala Reddy, Mr. R. Pradeep, Mr. R. Dilip, Mrs. Savithramma, Ms. K. Meena, Mr. Gajendra, Mr. Sundarshan, Mr. Shivaramma, Mr. Rajashekara Reddy, Mr. V. Thimmah Reddy, Mr. T. Ravi, Mr. V. Nagaraj, Mr. N. Anil Kumar and Mr. N. Sunil Kumar appointing of Austin Roach and R. Nagaraj as their attorneys to deal with the land bearing Survey No. 154 measuring 3 Acres 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No. 688 of 2002-03 in Book IV (stored in C. D. No. 101) in the Office of the Sub Registrar, Bangalore South Taluk;
20A.	Memorandum of Partition dated 8.9.1986 executed by Mr. M R Gurumurthy, Mr. M R Rajagopal Reddy, Mr. V. Thimma Reddy and Mr. V. Nagaraj recording partition of the joint family properties of Late Mr. Chikkaramaiah Reddy;
21.	Sale Deed dated 1.1.2004 executed by Mr. M. R. Gurumurthy Reddy, Mr. G. Chandrashekar, Mr. G. Jayaram, Mr. G. Srinivas, Mr. M. R. Rajagopala Reddy, Mr. R. Pradeep, Mr. R. Dilip, Mrs. Savithramma, Ms. K. Meena, Mr. Gajendra, Mr. Sundarshan, Mr. Shivaramma, Mr. Rajashekara Reddy, Mr. V. Thimmah Reddy, Mr. T. Ravi, Mr. V. Nagaraj, Mr. N. Anil Kumar and Mr. N. Sunil Kumar (represented by their attorney Mr. R Nagaraj) conveying the land bearing Survey No. 154 measuring 3 Acres 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk in favour of Ferns Builders & Developers (represented by its partner Mr. Errol Fernandes), registered as Document No. 1998 of 2003-04 in Book-I (stored in C. D. No. 125) in the Office of the Sub-Registrar, Bangalore South Taluk;
22.	Khata Certificate issued by BBMP in respect of the land bearing Survey No. 80/78/154/43 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk;
23.	Extract of Vacant Land and Houses Register issued by BBMP in respect of the land bearing Khata No. 80/78/154/43 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
24.	Receipt dated 28.5.2010 for payment of property tax levied on the land bearing Khata No. 80/78/154/43 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
24A	Lease Agreement dated 6.12.2008 entered into by and amongst M/s.

	Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Projects Private Limited (“DIPPL”), registered as Document No. VRT-1-01885-2008-09 (stored in C.D. No. VRTD 31) in the office of the Sub-Registrar, Varthur, Bangalore;
24B	Surrender of Lease Agreement dated 23.6.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-02075-2010-11 (stored in C.D. No. VRTD 75) in the office of the Sub-Registrar, Varthur, Bangalore;
24C	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
24D	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
25.	Retirement Deed dated 1.10.2010 executed by and amongst Mr. Austin Roach, MR. Errol Fernandes and Mr. R. Nagaraj, registered as Document No. VRT-1-05217-2010-11 (stored in CD No. VRTD86) in the office of the Sub Registrar, Varthur;
25A	Khata Certificate dated 21.12.2010 issued by BBMP reflecting the land bearing Survey No. 154 (85/78/154/43) to be standing in the name of Divyasree Infrastructure;
25B	Extract of House & Vacant Land Register for the year 2010-11 issued by the BBMP reflecting Divyasree Infrastructure as the owner of the land bearing Survey No. 154 (85/78/154/43);
25C	Joint Development Agreement dated 31.3.2011 executed by and amongst Mr. R. Nagaraj and Divyasree Infrastructure Private Limited (“DIPPL”) in respect of the land bearing Survey No. 154 measuring 3 Acres 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08779-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
25D	Power of Attorney dated 31.3.2011 executed by Mr. R. Nagaraj authorizing and appointing DIPPL as his attorney to deal with the land bearing Survey No. 154 situated at Ammani Bellandur Khane Village,

	Varthur Hobli, Bangalore East Taluk, registered as VRT-4-00650-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
25E	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
25F	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike for amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
25G	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2001;
25H	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2001;
25I	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
25J	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
25K	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
25L	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
26.	Endorsement bearing No.KSCST.CR.153:2004-05 dated October 27, 2004 issued by the Assistant Commissioner, Bangalore North Sub Division in respect of the land bearing Survey No. 154 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk;
27.	Endorsement bearing NO.LRF:79A&79B:121/99-2000 dated October 8, 2001 issued by the Special Tahsildar, Bangalore South Taluk in respect

	of the land bearing Survey No. 154 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk;
28.	Endorsement bearing NO.LRF:CR.95:2001-02 dated October 25, 2002 issued by the Special Tahsildar, Bangalore East Taluk in respect of the land bearing Survey No. 154 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk;
29.	Extract of the Revision Settlement Akarbandh in respect of the lands bearing Survey No.153/1, 153/2, 153/3, 154, 155/1, 155/2A, 155/2B, 156, 158, 159/1A, 159/1B, 159/2, 157/1, 157/2, 157/3A and 157/3B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk;
30.	Extract of the Tippani Register in respect of land bearing Survey No. 154 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk;
31.	Map of Bellandur Ammani Khane Village; and
32.	Encumbrance Certificate in respect of land bearing Survey No. 154 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk for the period 15.2.1957 to 31.3.1974, 1.4.1960 to 31.3.1970, 1.4.1965 to 31.3.1990, 1.4.1970 to 28.3.2003, 1.4.1988 to 7.4.2003, 28.3.2003 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 12.11.2009 and 1.4.2009 to 28.10.2010.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. On an examination of the documents stated herein above, it appears that Property V was earlier an Inam land.
2. RTCs issued in respect of Property V for the years 1967-68 to 1981-82 reflect Property V to be a Yamaluru Neeraganti Inam in Column No. 9 and Mr. Chikkaramaiah as the cultivator of Property for the said years (**Document No. 1**).
3. Later, Mr. Cigaretappa along with Mr. Kullappa (son of Mr. Cigaretappa), Mr. Muniyappa, Mr. Yellappa, Mr. Papaiah, Mr. Krishnappa, Mr. K. Narayanappa (son of Mr. Kullappa), Mr. Chikkaramaiah (son of Mr. Cigaretappa), Mr. Ramaiah, Mr. Chikkayellappa, Mr. Kachappa, Mr. Doddayellappa, Mr. Taneppa, Mr. Ramaiah and Mrs. Hanumakka conveying an extent of 38 Guntas in Property V in favour of Mr. M. R. Gurumurthy under the Sale Deed dated 8.9.1967 (**Document No. 2**). We have not seen any documents evidencing the mode and manner in which Mr. Cigaretappa or his family members acquired right/title to an extent of 38 Guntas in Property V for conveying the said Inam land in favour of M. R. Gurumurthy. We have been informed that the same are not available.

4. Later, the family members of Maddurappa conveyed an extent of 12½ Guntas in Property V to Mr. M.R. Gurumurthy Reddy by executing the Sale Deed dated 8.9.1967 (Document No. 3).
5. Mr. Tanappa and Mr. Annaiappa also conveyed an extent of 12¾ Guntas in Property V to Mr. Chikkaramaiah under Sale Deed dated 1.1.1969 (Document No. 4).
6. Thereafter, Mr. Maddurappa along with his sons viz., Mr. Muniyappa, Mr. Krishnappa and Mr. Venkatashamappa conveyed an extent of 12¾ Guntas in Property V to Mr. Chikkaramaiah under the Sale Deed dated 1.1.1969 (Document No. 5).
7. Mr. Moogappa, Mr. Annaiah, Mr. Chikkataatha and Mr. Kaveriappa also conveyed an extent of 12¾ Guntas in Property V to Mr. Chikkaramaiah under Sale Deed dated 1.1.1969 (Document No. 6).
8. Also, Mr. Kaveriappa, Mr. Papaiah, Mr. Munellappa and Mr. Dodda Kaveriappa conveyed an extent of 1 Acre 1 Gunta in favour of Mr. Dodda Hanumappa by executing the Sale Deed dated 29.05.1970 (Document No. 6A).
9. Further, Mr. Shambuga, Mr. Kaveriappa, Mr. Papaiah, Mr. Munellappa and Mr. Dodda Kaverappa conveyed an extent of 22 Guntas in Property V to Mr. Dodda Abbaiah Reddy by executing the Sale Deed dated 29.5.1970 (Document No. 7).
10. Pursuant to execution of the Sale Deed dated 29.5.1970, Mr. Dodda Abbaiah Reddy conveyed only an extent of 12 Guntas (out of 22 Guntas) in Property V to Mr. M.R. Gurumurthy Reddy under the Sale Deed dated 27.7.1972 (Document No. 8).
11. In the manner stated herein above, Mr. M. R. Gurumurthy Reddy acquired title to an extent of 1 Acre 22 ½ Guntas in Property V, Mr. Chikkaramaiah Reddy acquired title to an extent of 38 ¼ Guntas in Property V, Mr. Dodda Hanumappa acquired title to an extent of 1 Acre 1 Gunta and Mr. Dodda Abbaiah Reddy acquired title to an extent of 10 Guntas in Property V.
12. Subsequently on the Karnataka Villages Offices Abolition Act, 1961 coming into force, the occupants of the land bearing Survey No. 154 i.e., Mr. K Maddurappa & Others made an application to the Tahsildar, Bangalore South Taluk seeking occupancy rights in respect of their respective holdings in the land bearing Survey No. 154. Under the said application Mr. M.R. Gurumurthy Reddy, Mr. Hanumappa Reddy and Mr. Chikkaramaiah Reddy were impleaded as the respondents.
13. In furtherance of the aforesaid application, the Tahsildar, Bangalore South Taluk vide the Order dated 15.1.1983 in Case No. HOA.CR.31/82-83, dropped the proceedings initiated by Mr. K Maddurappa & Others and further ordering for transfer of all revenue records in respect of the land bearing Survey No. 154 to the names of Mr. M.R. Gurumurthy Reddy, Mr. Hanumappa Reddy and Mr. Chikkaramaiah Reddy (Document No. 9). The extract of the Index of Lands in respect of the land bearing Survey No. 154 reflects Mr. Gurumurthy Reddy, Mr. Hanumappa Reddy and Mr. Chikkaramaiah Reddy and the holders thereof and the said Order dated 15.1.1983 (Document No.10).

14. Later, the applicants i.e., Mr. K Maddurappa & Others in Case No. HOA.CR.31/82-83 preferred an appeal against the aforesaid Order of the Tahsildar, Bangalore South Taluk in M.A.No.10/2003 in the Court of Principal District Judge, Bangalore Rural District, Bangalore. In the said appeal the Tahsildar, Bangalore East Taluk, Mr. M.R. Gurumurthy Reddy, Mr. Hanumappa Reddy, Mr. Chikkaramaiah Reddy, Mr. Thimmah Reddy and Mr. Rajagopal Reddy have been impleaded as respondents.
15. Further, on 7.8.2003 the appellants in M.A.No.10/2003 filed a memo in the said appeal seeking dismissal thereof as withdrawn and as not pressed upon by the appellants (Document No. 11). The Court of the Principal District Judge on August 7, 2003 dismissed the said appeal as withdrawn in terms of the said memo filed by the appellants (Document No. 12).
16. It appears that in the meantime, Mr. Dodda Hanumappa (also known as Mr. Hanumappa Reddy) had passed away on 17.11.1988. Entry No MR 17 of 1997-98 made in the Mutation Register records the demise of Mr. Hanumappa Reddy on 17.11.1988 survived by his wife Mrs. Savithamma and four children Mr. Ramakrishna Reddy, Mr. Shivaram Reddy, Ms. Leelavathi and Mr. H. Rajashekar Reddy and also recording the grant of permission for the change of Khata in respect of an extent of 1 Acre 1 Gunta in Property V to name of Mrs. Savithamma (Document No. 13).
17. We have been provided with the Genealogical Tree of Mr. Hanumappa Reddy reflecting the names of his wife viz., Mrs. Savithamma and his children viz., Late Mr. Ramakrishna Reddy, Mr. Shivaram Reddy, Ms. Leelavathi and Mr. H. Rajashekar Reddy, wife and children of Late Mr. Ramakrishna Reddy viz., Mrs. Meenamma and Mr. Gajendra, Mr. Sudarshan & Ms. Mamata, children of Mr. Shivaram Reddy viz., Mr. Arvind, Mr. Anil and Ms. Ashwini and the son of Mr. Rajashekar Reddy viz., Master Akhil (Document No. 14).
18. It also appears that Mr. Chikkaramaiah Reddy also passed away. The Genealogical Tree of Mr. Chikkaramaiah Reddy reflect the names of his children viz., Mr. M. R. Gurumurthy Reddy, Mrs. Varalakshmi and Mr. M.R. Rajagopal Reddy, children of Mr. M. R. Gurumurthy Reddy viz., Mr. Chandrasekhar, Ms. Vanajakshi, Mr. G. Jayaram and Mr. G. Srinivas and the children of Mr. M.R. Rajagopal Reddy viz., Mr. R. Pradeep, Ms. R. Mamata and Master R. Dilip (Document No. 15).
19. It appears (from the RTCs) that the Khata in respect of an extent of 38 ½ Guntas (earlier held by Mr. Chikkaramaiah Reddy) in land bearing Survey No. 154 appears to have been transferred to the name of Mr. M R Rajagopal Reddy.
20. RTCs issued in respect of the land bearing Survey No. 154 for the years 1982-83 to 1996-97 reflect Mr. M R Gurumurthy, Mr. M R Rajagopal Reddy and Mr. Dodda Hanumappa Reddy as the respective holders and cultivators of the extents 1 Acre 22 ½ Guntas, 38 ½ Guntas and 1 Acre 11 Guntas therein.

21. The aforesaid RTCs were modified to reflect the aforesaid land holding by Mr. M R Gurumurthy, Mr. M R Rajagopal Reddy and Mr. Dodda Hanumappa Reddy pursuant to the order of the Tahsildar dated 15.1.1983.
22. On an application made by Mr. M.R. Gurumurthy Reddy, Mr. M.R. Rajagopal Reddy and Mrs. Savithamma, the Official Memorandum bearing No. BDis:ALN(E)VB:SR: 7 of 2003-04 was issued by the Deputy Commissioner, Bangalore granting permission for the conversion of the land use in respect of an extent of 3 Acres 25 Guntas in Property V from agricultural to non-agricultural residential purposes and for conversion of the land use in respect of the remaining extent of 8 Guntas in Property V was converted from agricultural to non-agricultural commercial purposes (**Document Nos.16 to 18**). We note that 3 Guntas of B kharab in Property V has not been converted. The aforesaid conversion of land use in respect of Property V is reflected in Entry No. MR 52 of 2003-04 made in the Mutation Register (**Document No. 19**).
23. Thereafter, Mr. M.R. Gurumurthy Reddy, Mr. G. Chandrashekar, Mr. G. Jayaram, Mr. G. Srinivas, Mr. M. R. Rajagopala Reddy, Mr. R. Pradeep, Mr. R. Dilip, Mrs. Savithamma, Ms. K. Meena, Mr. Gajendra, Mr. Sundarshan, Mr. Shivarama, Mr. Rajashekar Reddy, Mr. V. Thimma Reddy, Mr. T. Ravi, Mr. V. Nagaraj, Mr. N. Anil Kumar and Mr. N. Sunil Kumar as the Vendors and Mrs. R Mamata (daughter of Mr. Rajagopal Reddy), H Leelavathi (daughter of Late Mr. Dodda Hanumappa) and Mr. T Shobha (daughter of Mr. V Thimma Reddy), Ms. Mamta (daughter of Late Mr. Ramakrishna Reddy), Ms. Vanajakshi (daughter of Mr. M R Gurumurthy) and others as the witness thereto, executed the Agreement to Sell 7.3.2003 agreeing to convey Property V in favour of Mr. Errol Fernandes (**Document No. 20**).
24. M. R.Gurumurthy Reddy, G. Chandrashekar, G. Jayaram, G. Srinivas, M.R. Rajagopala Reddy, R. Pradeep, R. Dilip, Savithamma, K. Meena, Gajendra, Sudarshan, Shivarama Reddy, Rajashekar Reddy, V. Thimma Reddy, T. Ravi, V. Nagaraj, N. Anil Kumar and N. Sunil Kumar also executed the General Power of Attorney dated 7.3.2003 appointing Mr. Austin Roach and Mr. R. Nagaraj as their attorneys authorizing them inter alia, to convey Property V (**Document No.20**).
25. It may be noted that the aforesaid Mr. V. Thimma Reddy and Mr. V. Nagaraj were sons of one Mr. Venkatappa Reddy who is said to be the brother of Late Mrs. Thimmakka (wife of Late Mr. Chikkaramaiah Reddy and mother Mr. M R Gurumurthy, Mr. M R Rajagopal Reddy) Mr. T. Ravi, Mr. Anil Kumar and Mr. N. Sunil Kumar are the children of Mr. V. Thimma Reddy and Mr. V. Nagaraj. However, we have not seen the death certificates of Late Mr. Chikkaramaiah Reddy and his wife Late Mrs. Thimmakka and the genealogical tree of Late Mr. Chikkaramaiah Reddy. We have been informed that the same are not available.
26. The joint family properties of Late Mr. Chikkaramaiah Reddy were partitioned between his sons Mr. M R Gurumurthy, Mr. M R Rajagopal Reddy and the children of Mr. Venkatappa Reddy viz., Mr. V. Thimma Reddy and Mr. V. Nagaraj and the same was recorded in the Memorandum of Partition dated 8.9.1986 executed by Mr. M R Gurumurthy, Mr. M R Rajagopal Reddy, Mr. V. Thimma Reddy and Mr. V. Nagaraj (**Document No. 20A**).

27. Under the aforesaid partition and as recorded in the said Memorandum of Partition dated 8.9.1986 an extent of:
- (i) 26 Guntas in the land bearing Survey No. 154 was allotted to the share of Mr. M R Gurumurthy as recorded under Schedule A of the Memorandum of Partition;
 - (ii) 25 Guntas in the land bearing Survey No. 154 was allotted to the share of Mr. M R Rajagopal Reddy as recorded under Schedule B of the Memorandum of Partition;
 - (iii) 25 Guntas in the land bearing Survey No. 154 was allotted to the share of Mr. V Thimma Reddy as recorded under Schedule C of the Memorandum of Partition; and
 - (iv) 25 Guntas in the land bearing Survey No. 154 was allotted to the share of Mr. V Nagaraj as recorded under Schedule D of the Memorandum of Partition.
28. Pursuant thereto, Mr. M.R. Gurumurthy Reddy, Mr. G. Chandrashekar, Mr. G. Jayaram, Mr. G. Srinivas, Mr. M. R. Rajagopala Reddy, Mr. R. Pradeep, Mr. R. Dilip, Mrs. Savithramma, Ms. K. Meena, Mr. Gajendra, Mr. Sundarshan, Mr. Shivarama, Mr. Rajashekar Reddy, Mr. V. Thimma Reddy, Mr. T. Ravi, Mr. V. Nagaraj, Mr. N. Anil Kumar and Mr. N. Sunil Kumar (all represented by their attorney Mr. R Nagaraj) executed the Sale Deed dated 1.1.2004 conveying Property V in favour of Ferns Builders and Developers (represented by its partner Mr. Errol Fernandes) (**Document No. 21**). The recitals of the aforesaid Sale Deed dated 1.1.2004 state that Property V was conveyed to fulfill certain legal necessities of the family of the Vendors.
29. Property V was assigned the Khata No. 80/78/154/43 as per that Khata Certificate issued by BBMP reflecting the same to be standing in the name of Ferns Builders and Developers. We also note the extract of the Vacant Land and Houses Register for the year 2007-08 issued by BBMP reflecting Ferns Builders and Developers as the owner of Property V (**Document Nos. 22& 23**). We note the receipt dated 28.5.2009 for payment of property tax levied on Property V for the year 2008-09 (**Document No. 24**).
30. Thereafter, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes executed the Lease Agreement dated 6.12.2008 with DIPPL in respect of certain properties including Property V (**Document No. 24A**). Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL executed the Deed of Surrender of Lease dated 23.6.2010, thereby DIPPL surrendering the leasehold rights inter alia in respect of Property V earlier granted in its favour under the aforesaid Lease Agreement dated 6.12.2008 (**Document No. 24B**).
31. M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into a Development Agreement dated 1.7.2010 with DIPPL for the development of certain properties including Property V (**Document No. 24C**). Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL have cancelled the said Joint

Development Agreement under the Cancellation Deed dated 30.9.2010 (Document No. 24D).

32. Thereafter, Mr. R. Nagaraj, one of the partners of Ferns Builders and Developers retired from the said partnership firm and the terms of Mr. R. Nagaraj's retirement from the Ferns Builders and Developers have been captured in the Retirement Deed dated 1.10.2010 (Document No. 25). We note that under the terms of the retirement, Property V has been allotted to Mr. R. Nagaraj.
33. We note the Khata Certificate dated 21.12.2010 issued by the BBMP reflecting Property V to be standing in the name of Mr. R. Nagaraj. We also note an extract of House & Vacant Land Register for the year 2010-11 issued by the BBMP reflecting Mr. R. Nagaraj as the owner of Property V (Document Nos. 25A & 25B).
34. Pursuant thereto, Mr. R. Nagaraj has entered into a Joint Development Agreement dated 31.3.2011 with DIPPL (Document No. 25C). Under the said Joint Development Agreement, Mr. R. Nagaraj has granted DIPPL the right for mixed use development (commercial and residential) for the following properties owned by him:
- (i) an extent of 12 Acres 18 Guntas comprising of Property V and certain other Survey Nos. 156 measuring 9.25 Guntas, 155/2A measuring 19 Guntas, 156 measuring 6.75 Guntas, 150/4 measuring 18.5 Guntas, 151/3 measuring 30 Guntas, 155/1 measuring 10 Guntas, 155/2A measuring 8 Guntas, 135/2 measuring 22.5 Guntas, 149/3B measuring 14 Guntas, 150/2 measuring 1 Acre 1 Gunta, 150/5A measuring 11 Guntas, 155/2B measuring 20 Guntas, 156 measuring 10 Guntas, 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas; and
 - (ii) 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.

And in consideration for contributing the aforementioned lands for Joint Development, Mr. Nagaraj is entitled to receive 4,40,000 square feet of built up area in the commercial development being developed by DIPPL and proportionate undivided share in land (referred to in item (ii) of this paragraph).

35. Mr. R. Nagaraj has also executed the Power of Attorney dated 31.3.2011 authorizing and appointing DIPPL as their attorney to do all such acts and deeds as specified therein, in terms of the Joint Development Agreement dated 31.3.2011 (Document No. 25D).
36. Thereafter, DIPPL and Mr. R. Nagaraj along with certain other land owners of the adjoining properties have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas ("**Amalgamated Property**") owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the BBMP (Document No. 25E).

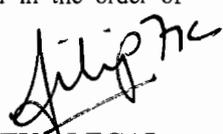
37. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 25F**). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
38. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register for the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as the joint khatadars thereof (**Document Nos. 25G & 25H**). We also note the receipt dated 29.8.2011 evidencing payment of tax levied on the Amalgamated Property for the year 2011-12 (**Document No. 25I**).
39. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) ("**Project Lands**"), has been approved by the Bangalore Development Authority ("**BDA**") as per JDTP(N) LP No. 64 of 2010-11 ("**Proposed Project**") (**Document No. 25J**).
40. DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 25K**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further relinquished an area of (i) 2907.73 square meters and (ii) 2745.48 square meters in favor of BDA in relation to the Project Lands (**Document No. 25L**).
41. We have been provided with the Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that properties listed therein including Property V have not been the subject matter of proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (**Document No.26**).
42. We also note the Endorsement bearing NO.LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property V (**Document No.27**). We have also been provided with the Endorsement bearing NO.LRF:CR.95:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property V (**Document No.28**).
43. Revision Settlement Akarbandh issued in respect of the land bearing Survey No.154 reflects the total extent therein as 3 Acres 36 Guntas including 3 Guntas of B Kharab comprised therein (**Document No.29**).

44. Tippani issued in respect of Property V reflects the shape thereof (Document No. 30).
45. We have been provided with a copy of the village map of Ammani Bellandur Khane indicating the location of the land bearing Survey No.154 (Document No.31). The said village map also indicates the existence of Yamalur-Munnekolalu road passing through Property V.
46. Encumbrance Certificates in respect of Property V for the period 15.2.1957 to 31.3.1974, 1.4.1960 to 31.3.1970, 1.4.1965 to 31.3.1990, 1.4.1970 to 28.3.2003, 1.4.1988 to 7.4.2003, 28.3.2003 to 31.3.2004 and 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 12.11.2009, 1.4.2009 to 28.10.2010 reflect execution of the aforesaid Sale Deed dated 8.9.1967, Sale Deed dated 8.9.1967, Sale Deeds dated 3.1.1969, registered as Document Nos. 4759 of 1968-69, 4760 of 1968-69 and 4763 of 1968-69, Sale Deeds dated 29.5.1970, registered as Document Nos. 1113 of 1970-71 & 1114 of 1970-71, Sale Deed dated 27.7.1972, Agreement to Sell dated 11.3.2003, Sale Deed dated 1.1.2004, Surrender of Lease Agreement dated 23.6.2010 and Deed of Cancellation of Development Agreement dated 30.9.2010 (Document No. 32). Encumbrance Certificate issued for the said period do not reflect execution of the aforesaid Lease Agreement dated 6.12.2008, Development Agreement dated 1.7.2010 and Retirement Deed dated 1.10.2010. It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period. We have not seen the Encumbrance Certificate issued in respect of the land bearing Survey No. 154 for the period 29.10.2010 till date.
47. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property V has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
48. We have been informed that there are no litigations, currently pending or disposed off in respect of Property V.
49. We have also been informed that no charges and/or mortgages have been created in respect of Property V, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. R. Nagaraj is the Owner of Property V subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 31.3.2011 and Power of Attorney dated 31.3.2011 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. An extent of 3 Acres 25 Guntas in Property V is capable of being used for residential purposes and an extent of 8 Guntas in Property V is capable of being used for commercial purposes, subject to the terms and conditions prescribed in the order of conversion referred to above;


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**LANDS BEARING SURVEY NOS. 153/3 (1 ACRE 4 GUNTAS), 153/4 (7 GUNTAS),
155/1 (10 GUNTAS) AND 155/2A (8 GUNTAS)**

A. DESCRIPTION OF THE PROPERTY

Lands bearing Survey Nos. 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and comprising of the land parcels:

Land bearing Survey No.153/3 measuring 1 Acre 4 Guntas, bounded on its:

East by : Lands bearing Survey Nos.151/1 & 153/4;
West by : Lands bearing Survey Nos.153/1 & 153/2;
North by : Lands bearing Survey No.154/3; and
South by : Land bearing Survey No.152

hereinafter referred to as “**Property VIA**”;

Land bearing Survey No.153/4 measuring 7 Guntas, bounded on its:

East by : Land bearing Survey No.156;
West by : Land bearing Survey No.153/3;
North by : Land bearing Survey No.154/3; and
South by : Land bearing Survey No.153/3

hereinafter referred to as “**Property VIB**”;

Land bearing Survey No.155/1 measuring 10 Guntas, bounded on its:

East by : Land bearing Survey No.155/2A;
West by : Land bearing Survey No.154/3;
North by : Land bearing Survey No.155/2A; and
South by : Land bearing Survey No.156

hereinafter referred to as “**Property VIC**”; and

Land bearing Survey No.155/2A, bounded on its:

East by : Land bearing Survey No.1552B;
West by : Land bearing Survey No.155/1;
North by : Land bearing Survey No.155/2B; and
South by : Land bearing Survey No.156.

hereinafter referred to as “**Property VID**”;

Property VIA, Property VIB, Property VIC and Property VIB are hereinafter collectively referred to as “**Property VI**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 153/4 measuring 7 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
2.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 155/1 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
3.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 155/2A measuring 28 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
4.	Record of Rights Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 153/3 measuring 1 Acre 4 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
5.	Certificate of Grant in Form 10 bearing No. LRF 5389/74-75 issued by the Special Tahsildar, Bangalore South Taluk in respect of the lands bearing Survey Nos. 153/3, 153/4, 155/1 and 155/2A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk;
6.	Extract of Entry No. MR 25 of 1979-80 made in the Mutation Register issued in respect of the lands bearing Survey Nos. 153/3, 153/4, 155/1 and 155/2A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk;
7.	Genealogical Tree of Mr. Dodda Muniyappa reflecting the names of his family members;
8.	Sale Deed dated 5.5.2003 executed by Mr. Venkatashami Reddy and Mr. V. Kodanda in favor of Mr. Austin Roach conveying the lands bearing Survey Nos. 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk,

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	registered as Document No. 4036 of 2003-04 in Book I (stored in C. D. No. 109) in the Office of the Sub-Registrar, Bangalore South Taluk,;
9.	Extract of Entry No. MR 48 of 2003-04 made in the Mutation Register issued in respect of the lands bearing Survey Nos. 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk,;
10.	Official Memorandum bearing No. BDis.ALN(E)VB: SR:382/03-04 dated 19.12.2003 granting permission for the conversion of the land use in respect of the lands bearing Survey Nos. 129 measuring 7 Guntas, 130/2 measuring 9 Guntas, 127 measuring 37 Guntas, 151/2 measuring 33 Guntas, 153/3 measuring 1 Acre, 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas from agricultural to non-agricultural residential uses;
11.	Extract of Entry No. MR 26 of 2004-05 made in the Mutation Register in respect of the lands bearing Survey Nos. 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
12.	Extract of House and Vacant Land Tax Assessment List for the year 2004-05 in respect of the lands bearing Survey Nos.129, 130/2B, 155/2A, 155/1, 153/4, 153/3, 151/2 and 127 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13.	Extract of the Demand Register for the year 2004-05 in respect of the lands bearing Survey Nos.129, 130/2B, 155/2A, 155/1, 153/4, 153/3, 151/2 and 127 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
14.	Receipt for payment of tax levied on the land bearing Survey No.129, 130/2B, 155/2A, 155/1, 153/4, 153/3, 151/2 and 127 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2004-05;
14A.	Exchange Deed dated 28.10.2010 executed by and between Mr. Austin Roach and Mr. R. Nagaraj in respect of the land bearing Survey Nos. 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-04768-2010-11 (stored in CD No. VRTD85) in the office of the Sub Registrar, Varthur;
15.	Rectification Deed dated 18.11.2010 executed by and between Mr. Austin Roach and Mr. R. Nagaraj in respect of the land bearing Survey Nos.

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	153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-05216-2010-11 (stored in CD No. VRTD86) in the office of the Sub Registrar, Varthur;
16.	Khata Certificate issued by BBMP in respect of the lands bearing Survey Nos. 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16A	Extract of Vacant Land and Houses Register issued in respect of the lands bearing Survey Nos. 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16B	Receipt dated 25.11.2010 for payment of tax levied on the lands bearing Survey Nos. 155/2A and 155/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2010-11;
16C	Exchange Deed dated 18.3.2011 executed by and amongst Mr. R. Nagaraj and Divyasree Infrastructure Projects Private Limited (DIPPL) in respect of the lands bearing Survey Nos. 153/3 measuring 1 Acre 4 Guntas and 153/4 measuring 7 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08340-2010-11 (stored in CD No. 103) in the office of the Sub Registrar, Varthur;
16D	Joint Development Agreement dated 31.3.2011 executed by and amongst Mr. R. Nagaraj and DIPPL in respect of the lands bearing Survey Nos. 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08779-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
16E	Power of Attorney dated 31.3.2011 executed by Mr. R. Nagaraj authorizing and appointing DIPPL as his attorney to deal with the lands bearing Survey Nos. 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk registered as VRT-4-00650-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
16F	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr.

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	N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
16G	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16H	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
16I	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
16J	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
16K	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority ("BDA");
16L	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
16M	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
17.	Endorsement bearing No. KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that no proceedings have been filed under provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 in respect of the lands bearing Survey Nos. 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18.	Endorsement bearing No. LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings have been filed in respect of the lands bearing Survey Nos. 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under Section 79A and 79B of the Karnataka Land Reforms Act, 1961;
19.	Endorsement bearing No. LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk stating that no applications

	have been filed in respect of the lands bearing Survey Nos. 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under Section 48A of the Karnataka Land Reforms Act, 1961;
20.	Revision Settlement Akarbandh issued in respect of the lands bearing Survey Nos. 153/1, 153/2, 153/3, 154, 155/1, 155/2A, 155/2B, 156, 158, 159/1A, 159/1B, 159/2, 157/1, 157/2, 157/3A and 157/3B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
21.	Tippani issued in respect of the land bearing Survey No. 153 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
22.	Hissa Tippani issued in respect of the land bearing Survey Nos. 153/1, 2 & 3 and Survey No. 155/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
23.	Tippani issued in respect of the lands bearing Survey Nos. 155 and 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
24.	Map of Ammani Bellandur Khane Village;
25.	Encumbrance Certificate in respect of land bearing Survey No. 153/3 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1970 to 28.3.2003, 28.3.2003 to 3.11.2003, 28.3.2003 to 26.8.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 11.11.2009, 1.4.2009 to 28.10.2010, 1.4.2004 to 23.2.2011;
26.	Encumbrance Certificate in respect of land bearing Survey No. 153/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1970 to 28.3.2003, 28.3.2003 to 3.11.2003, 28.2.2003 to 26.11.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 11.11.2009, 1.4.2009 to 28.10.2010 and 1.4.2004 to 23.2.2011;
27.	Encumbrance Certificate in respect of land bearing Survey No. 155/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1970 to 28.3.2003, 28.3.2003 to 23.8.2004 and 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 11.11.2009, 1.4.2009 to 28.10.2010 and 1.4.2004 to 23.2.2011; and
28.	Encumbrance Certificate in respect of land bearing Survey No. 155/2A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1970 to 31.3.1989, 1.4.1989 to 4.11.2003,

4.11.2002 to 23.8.2004 and 1.4.2004 to 26.11. 2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 11.11.2009, 1.4.2009 to 28.10.2010 and 1.4.2004 to 23.2.2011.
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C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. Property VI comprises of the lands bearing Survey Nos.153/3 measuring 1 Acre 6 Guntas (including 2 Guntas Kharab land), 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas (including 1 Gunta Kharab land).
2. On an examination of the documents furnished to us, it appears that Property VI was initially owned by Mrs. Kausalyamma.
3. RTCs issued in respect of the lands bearing Survey Nos. 153/4, 155/1 and 155/2A reflect Mrs. Kausalyamma as the holder thereof for the years 1967-68 to 1971-72 (**Document No. 1 to 3**).
4. RTCs issued in respect of the land bearing Survey No. 153/3 for the years 1967-68 to 1976-77 (**Document No. 4**) and RTCs issued in respect of the lands bearing Survey Nos. 153/4, 155/1 and 155/2A for the years 1972-73 to 1976-77 reflect Mr. Venkatasami Reddy as the cultivator thereof for the aforesaid years.
5. It appears (*from the RTCs*) that although Mrs. Kausalyamma was the holder of Property VI, Mr. Venkatasami Reddy was cultivating the same as the tenant of Property VI.
6. It appears that Mr. Venkatasami Reddy made an application under Section 48A of the Karnataka Land Reforms Act, 1961 ("***Land Reforms Act***") seeking the grant of occupancy rights in respect of Property VI under Section 55 of the Karnataka Land Reforms Act, 1961.
7. We have been provided with a copy of a Certificate of Grant in Form 10 bearing No. LRF 5389/74-75 dated 2.3.1980 issued by the Special Tahsildar, Bangalore South Taluk under which the Mr. Venkatasami Reddy was registered as the occupant of Property VI (**Document No. 5**).
8. Pursuant thereto, the revenue assessment records and the Khata in respect of Property VI was changed to the name of Mr. Venkatasami Reddy vide the Entry No. MR 25 of 1979-80 made in the Mutation Register (**Document No. 6**).
9. RTCs issued in respect of the lands bearing Survey Nos. 153/3, 153/4, 155/1 and 155/2A for the period 1977-78 to 2002-03 reflect the name of Mr. Venkatasami Reddy as the holder and cultivator thereof.
10. We have been provided with the Genealogical Tree of Mr. Dodda Muniyappa (father of Venkatasami Reddy) (**Document No. 7**). The said genealogical tree of Mr. Dodda Muniyappa reflects the names of his sons viz., Mr. Venkatasami Reddy, Mr. Narayana Reddy and Mr. Krishna Reddy and the same also reflects the names of the

family members of Mr. Venkatasami Reddy viz., his wife viz., Mrs. Hanumakka, his son Mr. V. Kodanda and his daughters, Mrs. Lakshamma, Mrs. V. Gowamma and Ms. Komala.

11. Later, Mr. Venkatasami Reddy and his son Mr. V. Kodanda as the Vendors and Mrs. Lakshamma, Mrs. V. Gowamma and Ms. Komala (daughters of Mr. Venkatasami Reddy) as the witnesses executed the Sale Deed dated 05.05.2003 conveying Property VI in favour of Mr. Austin Roach. (**Document No.8**).
12. Entry No. MR 48 of 2003-04 made in the Mutation Register reflects execution of the aforesaid Sale Deed dated 05.05.2003 and the grant of permission for the change of Khata in respect of Property VI to the name of Mr. Austin Roach (**Document No.9**).
13. On an application made by Mr. Austin Roach the Official Memorandum bearing No.BDis:ALN(E)VB:SR:382/2003-04 dated 19.12.2003 was issued by the Special Deputy Commissioner, Bangalore District for conversion of land use in respect of Property VI from agricultural to non-agricultural residential (**Document No.10**). The aforesaid conversion of land use in respect of Property VI is reflected in Entry No. MR 26 of 2004-05 made in the Mutation Register (**Document No. 11**).
14. Pursuant thereto, Mr. Austin Roach secured transfer of assessment records in respect of Property VI along with some other properties in his name in the books of the Sorahunasi Village Panchayat and the same was assigned with the assessment No. 99/64.
15. Extracts of the House/Land Tax Assessment List and Demand Register for the year 2004-05 reflect the name of Mr. Austin Roach as the occupier of Property VI (**Document Nos. 12 & 13**). We note the receipt for payment of tax levied on Property VI for the year 2004-05 (**Document No. 14**).
16. Thereafter, Mr. Austin Roach by executing the Exchange Deed dated 28.10.2010 exchanged Property VI with Mr. R. Nagaraj in lieu of certain other properties owned by Mr. R. Nagaraj (**Document No. 14A**). Under the said Exchange Deed, khata numbers were erroneously omitted and therefore the parties to the Exchange Deed have executed the Rectification Deed dated 18.11.2010 rectifying the said error (**Document No. 15**).
17. We note the Khata Certificate issued by BBMP in respect of Property VI reflecting the same to be standing in the name of Mr. R. Nagaraj (**Document No. 16**). We also note the extract of Vacant Land and Houses Register issued in respect of Property VI for the year 2010-11 reflecting Mr. R Nagaraj as the owner thereof (**Document No. 16A**). We also note the receipt dated 25.11.2010 issued by BBMP for payment of tax levied on the lands bearing Survey Nos. 155/2A and 155/1 for the years 2010-11 (**Document No. 16B**).
18. Subsequently, Mr. R. Nagaraj exchanged Property VI A and Property VI B with DIPPL under the Exchange Deed dated 18.3.2011 (**Document No. 16C**). Under the said Exchange Deed, Mr. R. Nagaraj has conveyed a total extent of 6 Acres 7 Guntas

comprising of *inter alia* Property VIA and Property VIB to DIPPL and DIPPL has conveyed 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.

19. In relation to Property VIC and Property VID, Mr. R. Nagaraj has entered into a Joint Development Agreement dated 31.3.2011 with DIPPL (**Document No. 16D**). Under the said joint development agreement, Mr. R. Nagaraj has granted DIPPL the right for mixed use development (commercial and residential) for the following properties owned by him:

(i) an extent of 12 Acres 18 Guntas comprising of Property VIC and VID and other Survey Nos. 156 measuring 9.25 Guntas, 155/2A measuring 19 Guntas, 156 measuring 6.75Guntas, 150/4 measuring 18.5 Guntas, 151/3 measuring 30 Guntas, 155/1 measuring 10 Guntas, 155/2A measuring 8 Guntas, 135/2 measuring 22.5 Guntas, 149/3B measuring 14 Guntas, 150/2 measuring 1 Acre 1 Gunta, 150/5A measuring 11 Guntas, 154 measuring 3 Acres 33 Guntas, 155/2B measuring 20 Guntas, 156 measuring 10 Guntas, 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas; and

(ii) 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.

And in consideration for contributing the aforementioned lands for Joint Development, Mr. Nagaraj is entitled to receive 4,40,000 square feet of built up area in the commercial development being developed by DIPPL and proportionate undivided share in land (referred to in item (ii) of this paragraph).

20. Mr. R. Nagaraj has executed the Power of Attorney dated 31.3.2011 authorizing and appointing DIPPL as his attorney to do all such acts and deeds as specified therein, in terms of the Joint Development Agreement dated 31.3.2011 (**Document No. 16E**).

21. Thereafter, DIPPL and Mr. R. Nagaraj and along with certain other land owners of the adjoining properties have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas which also includes Property VIC and Property VID ("**Amalgamated Property**") owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the BBMP (**Document Nos. 16F**).

22. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 16G**). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.

23. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as the joint khatadars thereof (Document Nos. 16H & 16I). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (Document No. 16J).
24. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) ("**Project Lands**"), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 ("**Proposed Project**") (Document No. 16K).
25. DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (Document No. 16L). Subsequently, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Project Lands (Document No. 16M).
26. We have been provided with the Endorsement bearing No. KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that properties listed therein including the two portions of Property VI have not been the subject matter of proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (Document No.17).
27. We have also been furnished with the Endorsement bearing No. LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk reflecting that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property VI (Document No.18).
28. We also note the Endorsement bearing No. LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk stating that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property VI (Document No. 19).
29. Revision Settlement Akarbandh issued in respect of the lands bearing Survey Nos. 153/3, 155/1 and 155/2A of Property VI reflecting the total extent in land bearing Survey No. 153/3 as 1 Acre 6 Guntas including 2 Guntas B kharab, the total extent in the land bearing Survey No. 155/1 as 10 Guntas with no kharab and the total extent in the land bearing Survey No. 155/2A as 28 Guntas including 1 Gunta B kharab comprised therein (Document No. 20).

30. Tippani issued in respect of the lands bearing Survey Nos.153/1, 153/2, 153/3, 153/4 & 155/1 and 155 & 156 reflecting the respective shapes thereof (Document Nos. 21, 22 & 23).
31. We have been provided with a copy of the village map of Ammani Bellandur Khane village reflecting the location of lands bearing Survey Nos. 153 and 155 (Document No.24).
32. Encumbrance Certificates issued in respect of the lands bearing Survey Nos.153/3 and 153/4 for the period 1.4.1970 to 28.10.2010 and 1.4.2004 to 23.2.2011 reflect execution of the aforesaid Sale Deed dated 5.5.2003, Exchange Deed dated 28.10.2010, Rectification Deed dated 18.11.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document Nos. 25 & 26). Encumbrance Certificate issued for the said period do not reflect execution of the aforesaid Amalgamation Deed dated 19.1.2011.
33. Encumbrance Certificates issued in respect of the land bearing Survey No. 155/1 for the period 1.4.1970 to 28.10.2010 and 1.4.2004 to 23.2.2011 reflect execution of the Sale Deed dated 5.5.2003, Exchange Deed dated 28.10.2010, Rectification Deed dated 18.11.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No.27). Encumbrance Certificate issued for the said period do not reflect execution of the aforesaid Amalgamation Deed dated 19.1.2011.
34. Encumbrance Certificates issued in respect of the land bearing Survey No.155/2A for the period 1.4.1970 to 28.10.2010 and 1.4.2004 to 23.2.2011 reflect execution of the Sale Deed dated 5.5.2003, Exchange Deed dated 28.10.2010, Rectification Deed dated 18.11.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No.28). Encumbrance Certificate issued for the said period do not reflect execution of the aforesaid Amalgamation Deed dated 19.1.2011.
35. We have not seen Encumbrance Certificate issued in respect of the lands bearing Survey Nos. 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 155/1 measuring 10 Guntas and 155/2A measuring 8 Guntas for the period 24.2.2011 till date. It is advisable to obtain a fresh certificate in respect of Property VI for the period 1.4.2004 till date which would all reflect all transactions entered into during the said period.
36. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property VI has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
37. We have been informed that there are no litigations, currently pending or disposed off in respect of Property VII.
38. We have also been informed that no charges and/or mortgages have been created in respect of Property VII, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of

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Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. R. Nagaraj is the Owner of Property VI subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 31.3.2011 and Power of Attorney dated 31.3.2011 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property VI is capable of being used for residential purposes, subject to the terms and conditions prescribed in the order of conversion referred to above;

TATVA LEGAL



VII. LANDS BEARING SURVEY NO. 151/4 (6 GUNTAS), SURVEY NO. 155/2A (19 GUNTAS) AND SURVEY NO. 156 (9.25 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Lands bearing Survey Nos. 151/4 measuring 6 Guntas, 155/2A measuring 19 Guntas and 156 measuring 9.25 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and comprising of the following land parcels:

Land bearing Survey No. 151/4 measuring 6 Guntas, bounded on its:

East by : Remaining land bearing Survey No. 151/4;
West by : Land bearing Survey No. 152;
North by : Remaining land bearing Survey No. 151/4 & land bearing 152; and
South by : Land bearing Survey No. 140/2;

hereinafter referred to as “**Property VIIA**”

Land bearing Survey No. 155/2A measuring 19 Guntas, bounded on its:

East by : Land bearing Survey No. 155/2B;
West by : Land bearing Survey No. 154;
North by : Marathahalli village boundary; and
South by : Lands bearing Survey Nos. 155/1 & 156;

hereinafter referred to as “**Property VIIB**”

Land bearing Survey No. 156 measuring 9.25 Guntas, bounded on its:

East by : Remaining land bearing Survey No. 156;
West by : Land bearing Survey Nos. 153/4;
North by : Lands bearing Survey Nos. 155/1 & 155/2A; and
South by : Lands bearing Survey Nos. 151/1 & 151/2

hereinafter referred to as “**Property VIIC**”

Property VIIA, Property VIIB and Property VIIC are hereinafter collectively referred to as “**Property VII**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Partition Deed dated 13.1.1952 executed by and amongst Mr. Pillaiiah, Mr. Hanumaiah, Mr. Annaiah, Mr. Doddappaiah and Mr. Chikkappaiah effecting partition of their joint family properties, registered as Document No. 6858 of 1951-52 in Book-I, Volume No. 1258 at Pages 115 to 119, in the office of the Sub-Registrar, Bangalore Taluk;
2.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 151/4 admeasuring 24 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
3.	Endorsement bearing No. RKCR:333/06-07 dated 28.7.2006 issued by the Taluk Shirastedar, Bangalore East Taluk in respect of the lands bearing Survey Nos. 149/3B, 139/3, 140/2 and 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
4.	Endorsement bearing No. RKCR:499/04-05 dated 27.10.2004 issued by the Tahsildar, Bangalore East Taluk;
4A.	Endorsement bearing No. RKCR:587/07-08 dated 13.2.2008 issued by the Taluk Shirastedar, Bangalore East Taluk;
4B.	Extract of Entry No. MR 112 of 1994-95 made in the Mutation Register in respect of the land bearing Survey No. 151/4 measuring 12 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
4C.	Gift Deed dated 2.12.1954 executed by Mrs. Kausalyamma in favour of Mr. Krishna Reddy (son of Mr. Dodda Muniyappa) conveying the lands bearing Survey Nos. 155 and 155/2 measuring 19 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 4183 of 1954-55 in Book-I, Volume No. 1441 at Pages 109-110 in the office of the Sub-Registrar, Bangalore Taluk;
4D.	Sale Deed dated 16.5.1957 executed by Mr. Krishna Reddy in favour of Mr. Paraki Nagappa conveying the lands bearing Survey Nos. 156 measuring 10 Guntas and 155&155/2 measuring 19 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 696 in Book-I, Volume No. 14 at Pages 12 to 14, in the office of the Sub-Registrar, Bangalore South Taluk;
5.	Sale Deed dated 11.8.1959 executed by Mr. Paraki Nagappa in favour of Mr. Krishna Reddy conveying the lands bearing Survey Nos. 156 measuring 10 Guntas and 155 & 155/2 measuring 19 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 2289 of 1959-60 in Book-I, Volume No. 125

	at Pages 196 to 198 in the office of the Sub-Registrar, Bangalore South Taluk;
6.	Sale Deed dated 8.2.1960 executed by Mr. Krishna Reddy in favor of Mr. Papaiah Reddy conveying the land bearing Survey No. 155/2 measuring 19 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 4998 of 1959-60 in Book-I, Volume No. 156 at Pages 196 to 198 in the Office of the Sub-Registrar, Bangalore Taluk;
7.	Record of Rights, Tenancy and Crop Inspection (RTCs) issued in respect of the land bearing Survey No. 155/2A measuring 28 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
8.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 156 measuring 27 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2002-03 and 2004-05 to 2011-12;
8A.	Sale Deed dated 16.8.1951 executed by the sons of Mr. Muniyappa (<i>names of the Vendors not legible</i>) in favour of Mr. M.T. Krishna Reddy conveying the land bearing Survey No. 156 measuring 28 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 3409 of 1951-52 in Book-I, Volume No. 1232 at Pages 56 to 58 in the office of the Sub-Registrar, Bangalore Taluk;
8B.	Sale Deed dated 3.9.1952 executed by Mr. M T Krishna Reddy in favour of Mr. M N Venkobrao conveying the land bearing Survey No. 156 measuring 9 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 3431 of 1952-53 in Book-I, Volume No. 1297 at Pages 13 to 15 in the office of the Sub-Registrar, Bangalore Taluk;
8C.	Sale Deed dated 16.12.1953 executed by Mr. M N Venkobrao in favour of Mr. Chikkaramaiah Reddy (son of Mr. Pillaiiah) conveying the land bearing Survey No. 156 measuring 9 ¼ Guntas, registered as Document No. 6065 of 1953-54 in Book-I, Volume No. (<i>not legible</i>) at Pages 100 to 101 in the office of the Sub-Registrar, Bangalore Taluk;
9.	Sale Deed dated 2.9.1967 executed by Mr. Chikkaramaiah Reddy in favour of Mr. P. Chikka Papaiah conveying the land bearing Survey No. 156 measuring 9.25 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 2646 of 1967-68 in Book-I, Volume No. 667 at Pages 32 to 34 in the Office of the Sub-Registrar, Bangalore South Taluk;

10.	Extract of Entry No. MR 51 of 1994-95 made in the Mutation Register issued in respect of the land bearing Survey No. 156 measuring 9.25 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
11.	Partition Deed dated 19.3.2001 executed by and amongst Mr. P. Pappaiah Reddy, Mr. P. Raja Reddy, Mr. P. Prabhakar Reddy, Mr. P. Shekhar, Mr. P. Krishna Reddy and Mrs. P. Bhagyamma effecting partition of their joint family properties, registered as Document No. 10873 of 2000-01 (<i>other details on registration not legible</i>) in the Office of the Sub-Registrar, Bangalore South Taluk;
12.	Extract of Entry No. MR 82 of 2004-05 made in the Mutation Register in respect of the lands bearing Survey No. 151/4 measuring 6 Guntas, 155/2A measuring 19 Guntas and 156 measuring 9.25 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13.	Sale Deed dated 21.9.2004 executed by Mr. P. Raja Reddy, Master R. Praveen Reddy, Miss R. Archana (both minors, represented by their father Mr. P. Raja Reddy), Mr. P. Prabhakar Reddy, Master P. Pavan and Miss Ankitha (both minors, represented by their father Mr. P. Prabhakar Reddy) in favour of R. Nagaraj conveying the lands bearing Survey Nos. 151/4 measuring 6 Guntas, 155/2A measuring 19 Guntas and 156 measuring 9.25 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. BAS-1-16164-04-05, Book I (stored in C. D. No. BASD97) in the Office of the Sub-Registrar, Bangalore South Taluk;
14.	Extract of Entry No. MR 105 of 2004-05 made in the Mutation Register in respect of the lands bearing Survey Nos. 151/4 measuring 6 Guntas, 155/2A measuring 19 Guntas and 156 measuring 9.25 Guntas, situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
15.	Intimation letter bearing No. ALN(E)VB:SR:438/04-05 dated 18.2.2005 issued by the Special Deputy Commissioner, Bangalore Urban District;
16.	Official Memorandum bearing No. ALN(E)VB:SR:438/04-05 dated 24.2.2005 issued by the Special Deputy Commissioner, Bangalore District for conversion of land use in respect of the lands bearing Survey Nos. 151/4 measuring 6 Guntas, 155/2A measuring 19 Guntas and 156 measuring 9.25 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17.	Khata Certificate issued by Bangalore Mahanagara Palike in respect of property bearing Khata No. 151/4, 155/2A, 156 (old No. 120) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18.	Extract from Register of Houses and Vacant Lands issued by the Bangalore Mahanagara Palike in respect of the property bearing Khata No.

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	151/4, 155/2A, 156 (old No. 120) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2007-08;
18A.	Lease Agreement dated 6.12.2008 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure, registered as Document No. VRT-1-01885-2008-09 (stored in C.D. No. VRTD 31) in the office of the Sub-Registrar, Varthur, Bangalore;
18B.	Surrender of Lease Agreement dated 23.6.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL; registered as Document No. VRT-1-02075-2010-11 (stored in C.D. No. VRTD 75) in the office of the Sub-Registrar, Varthur, Bangalore;
18C.	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
18D.	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
18E.	Retirement Deed dated 1.10.2010 executed by and amongst Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj in respect of the land bearing Survey Nos. 151/4 measuring 6 Guntas, 155/2A measuring 19 Guntas and 156 measuring 9¼ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-05217-2010-11 (stored in CD No. VRTD 86), in the office of the Sub Registrar, Varthur;
19.	Receipts dated 28.5.2009 and 25.11.2010 for payment of tax levied on property bearing Khata No. 151/4, 155/2A, 156 (old No. 120) for the years 2008-09 and 2010-11;
19A	Exchange Deed dated 18.3.2011 executed by and amongst Mr. R. Nagaraj and Divyasree Infrastructure Projects Private Limited (DIPPL) in respect of the land bearing Survey Nos. 151/4 measuring 16 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08340-2010-11 (stored in CD No. 103) in the office of the Sub Registrar, Varthur;
19B	Joint Development Agreement dated 31.3.2011 executed by and amongst Mr. R. Nagaraj and DIPPL in respect of the land bearing Survey Nos.

	155/2A measuring 19 Guntas and 156 measuring 9.25 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08779-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
19C	Power of Attorney dated 31.3.2011 executed by Mr. R. Nagaraj authorizing and appointing DIPPL as their attorney to deal with the land bearing Survey Nos. 155/2A measuring 19 Guntas and 156 measuring 9.25 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk registered as VRT-4-00650-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
19D	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
19E	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
19F	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
19G	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
19H	Receipt dated 29.8.2011 issued by BBMP for payment of tax for the year 2011-12;
19I	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority ("BDA");
19J	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
19K	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;

20.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division the effect that the lands bearing Survey Nos. 151/4, 155/2A and 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk have not been the subject matter of proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978;
21.	Endorsement bearing No. LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the lands bearing Survey Nos. 151/4, 155/2A and 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
22.	Endorsement bearing No. LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the lands bearing Survey Nos. 151/4, 155/2A and 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
22A.	Endorsement bearing No. LRF:CR.495:2007-08 dated 20.02.2008 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
23.	Revision Settlement Akarbandh in respect of the lands bearing Survey Nos. 151/4, 155/2A & 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
24.	Atlas issued in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
25.	Tippani issued in respect of the lands bearing Survey Nos. 151, 155 and 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
26.	Village map of Ammani Bellandur Khane;
27.	Encumbrance Certificates issued in respect of land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.1.1952 to 14.2.1957, 15.2.1957 to 31.3.2003, 1.1.1972 to 29.10.2010, 31.12.2002 to 31.3.2004, 1.1.1972 to 31.12.2002, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 12.11.2009 and 1.4.2009 to 29.10.2010 and 1.4.2004 to 25.2.2011;

28.	Encumbrance Certificates issued in respect of the land bearing Survey No. 155/2A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1970 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 12.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2004 to 25.2.2011; and
29.	Encumbrance Certificates issued in respect of the land bearing Survey No. 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 15.2.1957 to 31.3.1974, 1.4.1974 to 31.3.2005, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 12.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2004 to 25.2.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

Property VIIA:

1. Property VIIA forms part of a larger extent of the land bearing Survey No. 151/4 measuring 24 Guntas ("Land A").
2. On an examination of the aforesaid documents furnished to us, it appears (*from the RTCs*) that Land A was initially in the ownership of Mr. Pillaiah.
3. Thereafter, Mr. Pillaiah along with his sons, viz., Mr. Hanumaiah, Mr. Annaiah, Mr. Dodda Papaiah and Mr. Chikka Papaiah executed a Partition Deed dated 13.1.1952 effecting partition to their joint family properties amongst themselves (Document No. 1).
4. Under the aforesaid partition Mr. Hanumaiah, Mr. Annaiah, Mr. Dodda Papaiah were each allotted an extent of 6 Guntas in Land A (i.e. 18 Guntas) and Mr. Chikka Papaiah was allotted the remaining extent of 6 Guntas in Land A (i.e., Property VIIA).
5. RTCs issued in respect of Land A for the years 1967-68 to 1971-72 continue to reflect Mr. Pillaiah as the holder of Land A for the said years (Document No. 2).
6. RTCs issued in respect of Land A for the years 1972-73 to 1981-82 reflect one Mr. Abbaiah (son of Mr. Muneappa) as the holder of Land A and Mr. Hanumappa and Mr. Chikkapapaiah as the cultivator thereof for the aforesaid years.
7. It appears (*from the RTCs*) that Entry No. MR 46 of 1984-85, Entry No. MR 36 of 1984-85 and Entry No. MR 41 of 1984-85 were made in the Mutation Register pursuant to execution of the Partition Deed dated 13.1.1952.
8. We have not been provided with the extracts of the aforesaid Entries No. MR 46 of 1984-85, MR 36 of 1984-85 and MR 41 of 1984-85 made in the Mutation Register. However, we have been provided with the Endorsements dated 27.10.2004 and dated 28.7.2006 issued by the Tahsildar, Bangalore East Taluk, to the effect that the extracts of the aforesaid Entry No. MR 46 of 1984-85 cannot be issued due to non-

availability of relevant records in his office (**Document Nos. 3 & 4**). We also note the Endorsement dated 13.02.2008 issued by the Taluk Shirastedar, Bangalore East Taluk, to the effect that the extract of the aforesaid Entry No. MR 36 of 1984-85 cannot be issued as the relevant documents are not available in his office (**Document No. 4A**).

9. RTCs issued in respect of Land A for the years 1982-83 to 2003-04 reflect Mr. Chikka Pappaiah @ Chikka Pappaiah Reddy as the holder of an extent of 6 Guntas in Land A (i.e., Property VIIA).
10. RTCs issued in respect of Land A for the years 1991-92 to 1999-2000 reflect Entry No. MR 112 of 1994-95 made in the Mutation Register against the name of Mr. Chikka Papaiah.
11. Entry No. MR 112 of 1994-95 made in the Mutation Register reflects the execution of the aforesaid Partition Deed dated 13.1.1952 and the allotment of an extent of 6 Guntas in Land A to the share of Mr. Annaiah and Property VIIA to the share of Mr. Chikka Papaiah (**Document No. 4B**).

Property VIIB:

12. Property VIIB forms part of a larger extent of the land bearing Survey No. 155/2A measuring 27 Guntas (and 1 Gunta Kharab) ("**Land B**").
13. It appears that Property VIIB was initially held by Mrs. Kausalyamma.
14. Later, Mrs. Kausalyamma conveyed the lands bearing Survey Nos. 155 and 155/2 measuring 19 Guntas to Krishnappa alias Mr. Krishna Reddy (son of Mr. Dodda Muniyappa) under the Gift Deed dated 2.12.1954 (**Document No. 4C**). In the said Gift Deed, Mrs. Kausalyamma claims that she acquired title to the said property under the Sale Deed dated 31.7.1951, registered as Document No. 3084 in Book I, Volume 1226 at Pages 216 & 217. We have not seen the said Sale Deed.
15. Mr. Krishna Reddy further conveyed the aforesaid lands bearing Survey Nos. 155 and 155/2 measuring 19 Guntas in favour of Mr. Paraki Nagappa under Sale Deed dated 16.5.1957 (**Document No. 4D**).
16. Further, Mr. Paraki Nagappa re-conveyed the aforesaid lands bearing Survey Nos. 155 and 155/2 measuring 19 Guntas in favour of Mr. Krishna Reddy under the Sale Deed dated 11.8.1959 (**Document No. 5**).
17. Thereafter, Mr. Krishna Reddy conveyed an extent of 19 Guntas in the land bearing Survey No. 155/2 to Mr. Pappaiah Reddy (son of Mr. Pillaiiah) under the Sale Deed dated 8.2.1960 (**Document No. 6**).
18. Later it appears that the larger extent in the land bearing Survey No. 155/2 measuring 1 Acre 7 Guntas was sub divided and an extent of 27 Guntas therein (including Property VIIB i.e., 19 Guntas held by Mr. Pappaiah Reddy) was assigned a new Survey No. 155/2A (i.e., Land B). We have not seen any documents in respect of the

said sub division. We have been informed that there are no documents evidencing the said sub-division.

19. RTCs issued in respect of Land B for the years 1967-68 to 1971-72 reflect Mrs. Kausalyamma as the holder of Land B during the said years (Document No. 7). RTCs issued in respect of Land B for the years 1972-73 to 2003-04 reflect Mr. Pappaiah Reddy as the holder of Property VII B during the said years. The said RTCs also reflect Entry No. MR 63 of 1959-60 made in the Mutation Register pursuant to the purchase of Property VII B by Mr. Pappaiah Reddy. We have not seen an extract of the said Entry No. MR 63 of 1959-60. We have been informed that the same is not available.

Property VII C:

20. Property VII C forms part of a larger extent of the land bearing Survey No. 156 measuring 27 Guntas (including 1 Gunta kharab) ("**Land C**").
21. Initially Land C appears to have been owned by one Mrs. Rojamma as reflected in RTCs issued for the years 1967-68 to 1971-72 and RTCs issued in respect of Land C for the years 1977-78 to 1991-92 reflect Mrs. Rojamma and Mr. Krishna Reddy as the holders thereof during the said years (Document No. 8).
22. The sons of one Mr. Doddamuniyappa (*names of the Vendors not legible*) conveyed the aforesaid extent of 28 Guntas in the land bearing Survey No. 156 in favour of Mr. M T Krishna Reddy under the Sale Deed dated 16.8.1951 (Document No. 8A).
23. It appears (*from the Sale Deed dated 16.8.1951*) that the sons of Mr. Doddamuniyappa acquired title to land bearing Survey No. 156 measuring about 28 Guntas. We have not seen the deeds and documents that evidence the mode and manner by which the sons of Mr. Doddamuniyappa acquired title to the land bearing Survey No. 156 from Mrs. Rojamma.
24. Thereafter, Mr. M T Krishna Reddy conveyed an extent of 9 Guntas in Land C in favour of Mr. M N Venkobrao under the Sale Deed dated 3.9.1952 (Document No. 8B).
25. Pursuant thereto, Mr. M N Venkobrao conveyed the said extent of 9 ¼ Guntas to Mr. Chikkaramaiah Reddy (son of Mr. Pillaiiah) under the Sale Deed dated 16.12.1953 (Document No. 8C). We have not seen any documents evidencing the mode and manner by which Mr. M V Venkobrao acquired title to an additional extent of ¼ Guntas in the land bearing Survey No. 156 in addition to the said 9 Guntas (*acquired under the Sale Deed dated 3.9.1952*). We have been informed that no documents are available.
26. Further, under the Sale Deed dated 2.9.1967 executed by Mr. Chikka Ramaiah Reddy the said extent of 9.25 Guntas in Land C (i.e., Property VII C) was conveyed to Mr. Chikka Pappaiah Reddy (Document No. 9).

27. RTCs issued in respect of the land bearing Survey No. 156 for the years 1967-68 to 1976-77 continue to reflect Mrs. Rojamma as the holder and Mr. Chikka Ramaiah and Mr. Krishna Reddy as the cultivators thereof.
28. Entry No. MR 51 of 1994-95 made in the Mutation Register records the grant of permission for the change of Khata in respect of Property VII C to the name of Chikka Papaiah Reddy pursuant to execution of the aforesaid Sale Deed dated 2.9.1967 (Document No. 10).
29. RTCs in respect of Land C for the years 1992-93 to 2002-03 reflect Mr. Chikka Papaiah Reddy to be the owner of Property VII C during the said years.

In respect of Property VIIA, Property VIIB and Property VII C:

30. Later, Mr. Chikka Papaiah Reddy and his sons viz., Mr. P. Raja Reddy, Mr. P. Prabhakar Reddy, Mr. P. Shekar, Mr. P. Krishna Reddy and his daughter Mrs. P. Bhagyamma executed Partition Deed dated 19.3.2001 effecting partition of their joint family properties amongst themselves (Document No. 11). Under the said partition, the three constituents of Property VII viz., Property VIIA, Property VIIB and Property VII C were allotted to the respective shares of Mr. P. Raja Reddy and Mr. P. Prabhakar in equal proportions. We have not seen the genealogical tree of Mr. Chikka Papaiah Reddy. We have been informed that the same is not available.
31. Pursuant to the said partition, Mr. P. Raja and Mr. P. Prabhakar secured the revenue assessment records and Khata in respect Property VII to their names vide the Entry No. MR 82 of 2004-05 made in the Mutation Register (Document No. 12).
32. Subsequently, Mr. P. Raja Reddy and Mr. P. Prabhakar Reddy along with their children executed the Sale Deed dated 21.9.2004 conveying Property VII in favour of R. Nagaraj (Document No. 13).
33. Entry No. MR 105 of 2004-05 made in the Mutation Register reflects execution of the said Sale Deed dated 21.9.2004 and the grant of permission for the change of Khata in respect of Property VII to the name of Mr. R Nagaraj (Document No. 14).
34. On an application made by Mr. R. Nagaraj the Official Memorandum dated 24.2.2005 was issued by the Special Deputy Commissioner, Bangalore District granting permission for the conversion of land use in respect of Property VII from agricultural to non-agricultural residential use (Document Nos. 15 and 16).
35. Post conversion, RTCs issued in respect of the Land A, Land B and Land C for the years 2004-05 to 2011-12 continues to reflect Mr. R. Nagaraj as the holder and cultivator of Property VIIA, Property VIIB and Property VIIC therein. The aforesaid RTCs also reflect the conversion of the land use in respect of Property VIIA, Property VIIB and Property VIIC and also the said Entry No. MR 105 of 2004-05.
36. Property VII appears to have been assigned the Khata No. 151/4, 155/2A, 156 (old No. 120). We note the Khata Certificate issued by erstwhile Bangalore Mahanagara Palike in respect of property bearing Khata No. 151/4, 155/2A, 156 (Old No. 120) reflecting the same to be standing in the name of Mr. R. Nagaraj (Document No. 17).

We also note the extract of the Houses and Vacant Lands Register issued by Bangalore Mahanagara Palike for the year 2007-08 in respect of Property VII reflecting Mr. R Nagaraj as the owner thereof (Document No. 18).

37. Subsequently, it appears that Mr. R Nagaraj, being one of the partners of the partnership firm, M/s. Ferns Builders & Developers, contributed Property VII as his contribution towards the stock of the said partnership firm.
38. Further, Mr. R. Nagaraj along with M/s. Ferns Builders & Developers, Mr. Austin Roach and Mr. Errol Fernandes executed the Lease Agreement dated 6.12.2008 with DIPPL in respect of certain properties including Property VII B & Property VII C (Document No. 18A).
39. Subsequently, M/s. Ferns Builders & Developers along with Mr. R. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL executed the Surrender of Lease dated 23.6.2010 thereby DIPPL surrendering the leasehold rights *inter alia* in respect of Property VII B & Property VII C granted in its favour under the above referred Lease Agreement dated 6.12.2008 (Document No. 18B).
40. Later, M/s. Ferns Builders & Developers along with Mr. R. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property VII (Document No. 18C).
41. Subsequently M/s. Ferns Builders & Developers, along with Mr. R. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL have entered into the Cancellation Deed dated 30.9.2010, thereby cancelling the aforesaid Development Agreement dated 1.7.2010 (Document No. 18D).
42. Thereafter, Mr. R. Nagaraj, a partner of Ferns Builders and Developers has retired from the said partnership firm and the terms of Mr. R. Nagaraj's retirement from the Ferns Builders and Developers have been captured in the Retirement Deed dated 1.10.2010 (Document No. 18E). In terms of the said retirement, Property VII has been allotted to Mr. R. Nagaraj.
43. We note the receipts dated 28.5.2009 and 25.11.2010 for payment of tax levied on Property VII for the years 2008-09 and 2010-11 (Document No. 19).
44. Subsequently, Mr. R. Nagaraj and DIPPL have exchanged certain properties under the Exchange Deed dated 18.3.2011 (Document No. 19A). Under the said Exchange Deed, Mr. R. Nagaraj has conveyed a total extent of 6 Acres 7 Guntas comprising of Property VIIA and the following Survey Nos. 153/1 measuring 12.5 Guntas, 151/2 measuring 33 Guntas, 151/5 measuring 6 Guntas, 152(part) measuring 1 Acre 9 Guntas, 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 151/1 measuring 10 Guntas, 151/6 measuring 11 Guntas, 151/7 measuring 16 Guntas, 151/4 measuring 12 Guntas, 153/1 measuring 12.5 Guntas and 153/2 measuring 28 Guntas to DIPPL and DIPPL has conveyed 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3,

133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.

45. Further, Mr. R. Nagaraj has entered into a Joint Development Agreement dated 31.3.2011 with DIPPL in respect of Property VIIB and Property VIIC (Document No. 19B). Under the said Joint Development Agreement, Mr. R. Nagaraj has granted DIPPL the right for mixed use development (commercial and residential) for the following properties owned by him:
- (i) an extent of 12 Acres 18 Guntas comprising of Property VIIB and Property VIIC and the following Survey Nos. 156 measuring 9.25 Guntas, 156 measuring 6.75Guntas, 150/4 measuring 18.5 Guntas, 151/3 measuring 30 Guntas, 155/1 measuring 10 Guntas, 155/2A measuring 8 Guntas, 135/2 measuring 22.5 Guntas, 149/3B measuring 14 Guntas, 150/2 measuring 1 Acre 1 Gunta, 150/5A measuring 11 Guntas, 154 measuring 3 Acres 33 Guntas, 155/2B measuring 20 Guntas, 156 measuring 10 Guntas, 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas; and
 - (ii) 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/4, 131/5A, 131/2B, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.

And in consideration for contributing the aforementioned lands for Joint Development, Mr. Nagaraj is entitled to receive 4,40,000 square feet of built up area in the commercial development being developed by DIPPL and proportionate undivided share in land (referred to in item (ii) of this paragraph).

46. Mr. R. Nagaraj has executed Power of Attorney dated 31.3.2011 authorizing and appointing DIPPL as his attorney to do all such acts and deeds as specified therein in respect of Property VIIB and Property VIIC, in terms of the Joint Development Agreement dated 31.3.2011 (Document No. 19C).
47. Thereafter, DIPPL, Mr. R. Nagaraj and certain other owners of the adjoining properties have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas ("**Amalgamated Property**") owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the BBMP (Document No. 19D).
48. Pursuant to the said amalgamation deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (Document No. 19E). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
49. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11

- reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as the joint khatadars thereof (Document Nos. 19F & 19G). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (Document No. 19H).
50. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the Bangalore Development Authority (“**BDA**”) as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (Document No. 19I).
51. DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (Document No. 19J). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Project Lands (Document No. 19K).
52. We have been provided with the Endorsement dated 27.12.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that properties listed therein including Property VII have not been the subject matter of proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Document No. 20).
53. We also note the Endorsement dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property VII (Document No. 21).
54. We have also been provided with the Endorsement dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property VII (Document No. 22). We also note the Endorsement dated 20.2.2008 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 151/4 (Document No. 22A).
55. Revision Settlement Akarbandh in respect of land bearing Survey No. 151/4, 155/2A and 156 reflect that the total extent in said survey numbers being 24 Guntas (no Kharab), 28 Guntas (including 1 Gunta ‘B’ Kharab) and 27 Guntas (including 1 Gunta ‘B’ Kharab) respectively (Document No. 23).

56. We have also been provided with the Atlas in respect of lands bearing Survey No. 151/4 and the Tippani in respect of the lands bearing Survey Nos. 151, 155 and 156 indicating the respective shape thereof (Document Nos. 24 & 25).
57. We have been provided with a copy of the village map of Ammani Bellandur Khane village indicating the location of the lands comprised therein including lands bearing Survey Nos. 151, 155 and 156 (Document No. 26).
58. Encumbrance Certificates issued in respect of Property VIIA for the period 1.1.1952 to 14.2.1957, 15.2.1957 to 31.3.2003, 1.1.1972 to 29.10.2010, 31.12.2002 to 31.3.2004 and 1.4.2004 to 25.2.2011 reflects execution of the aforesaid Partition Deed dated 13.1.1952, Sale Deed dated 21.9.2004, Development Agreement dated 1.7.2010, Deed of Cancellation of Development Agreement dated 30.9.2010 and Retirement Deed dated 1.10.2010, Amalgamation Deed dated 19.1.2011, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 27). Encumbrance Certificates for the aforesaid period do not reflect execution of the aforesaid Partition Deed dated 19.3.2001.
59. Encumbrance Certificates in respect of Property VIIB for the period 1.4.1970 to 28.10.2010 and 1.4.2004 to 25.2.2011 reflect execution of the aforesaid Sale Deed dated 21.9.2004, Lease Agreement dated 6.12.2008, Surrender of Lease Agreement dated 23.6.2010 and Development Agreement dated 1.7.2010 (Document No. 28). Encumbrance Certificates for the aforesaid period do not reflect execution of the aforesaid Partition Deed dated 19.3.2001, Deed of Cancellation of Development Agreement dated 30.9.2010, Retirement Deed dated 1.10.2010, Amalgamation Deed dated 19.1.2011, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010.
60. We also note the encumbrance certificates in respect of Property VII C for the period 15.2.1957 to 31.3.1974, 1.4.1974 to 29.10.2010 and 1.4.2004 to 25.2.2011 reflect execution of the aforesaid Sale Deed dated 2.9.1967, Sale Deed dated 21.9.2004, Lease Agreement dated 6.12.2008, Surrender of Lease Agreement dated 23.6.2010, Development Agreement dated 1.7.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 29). Encumbrance Certificates for the aforesaid period do not reflect execution of the aforesaid Partition Deed dated 19.3.2001, Deed of Cancellation of Development Agreement dated 30.9.2010, Retirement Deed dated 1.10.2010 and Amalgamation Deed dated 19.1.2011.
61. We have not seen Encumbrance Certificate issued in respect of Property VII for the period 25.2.2011 till date. It is advisable to obtain a fresh certificate in respect of Property VII for the period 1.4.2004 till date which would all reflect all transactions entered into during the said period.
62. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property VII has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.

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63. We have been informed that there are no litigations, currently pending or disposed off in respect of Property VII.
64. We have also been informed that no charges and/or mortgages have been created in respect of Property VII, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. R. Nagaraj is the Owner of Property VII subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 31.3.2011 and Power of Attorney dated 31.3.2011 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property VII is capable of being used for residential purposes, subject to the terms and conditions prescribed in the order of conversion referred to above;

TATVA LEGAL



VIII. LANDS BEARING SURVEY NO. 155/2B (20 GUNTAS) & SURVEY NO.156 (10 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Lands bearing Survey No. 155/2B measuring 20 Guntas & Survey No.156 measuring 10 Guntas, situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk bounded as under:

Land bearing Survey No. 155/2B 2B measuring 20 Guntas, bounded on its:

East by : Land bearing Survey No.155/1;
West by : Land bearing Survey No.155/2;
North by : Marathahalli Village boundary; and
South by : Land bearing Survey No.156.

Land bearing Survey No. 156 measuring 10 Guntas, bounded on its:

East by : Land bearing Survey No.157/2;
West by : Remaining portion of land bearing Survey No.156;
North by : Lands bearing Survey Nos. 155/2 and 155/2B; and
South by : Land bearing Survey No.151.

The aforesaid properties are hereinafter collectively referred to as “**Property VIII**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Sale Deed dated 16.8.1951 executed by the sons of Mr. Muniyappa (<i>names of the Vendors not legible</i>) in favour of Mr. M.T. Krishna Reddy conveying the land bearing Survey No. 156 measuring 28 Guntas, registered as Document No. 3409 of 1951-52 in Book-I, Volume No. 1232 at Pages 56 to 58 in the office of the Sub-Registrar, Bangalore Taluk;
1A.	Sale Deed dated 3.9.1952 executed by Mr. M.T. Krishna Reddy in favor of Mr. Krishna Reddy (son of Mr. Dodda Muniyappa) conveying the land bearing Survey No. 156 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk registered as Document No. 3433 of 1952-53 in Book-I, Volume No. 1299 at Pages 4 to 5 in the office of the Sub-Registrar, Bangalore Taluk;
2.	Sale Deed dated 16.5.1957 executed by Mr. Krishna Reddy in favour of Mr. Paraki Nagappa conveying the lands bearing Survey Nos. 156

	measuring 10 Guntas and 155/2 measuring 19 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 696 in Book-I, Volume No. 14 at Pages 12 to 14, in the office of the Sub-Registrar, Bangalore South Taluk;
2A.	Sale Deed dated 11.8.1959 executed by Mr. Paraki Nagappa in favour of Mr. Krishna Reddy conveying the lands bearing Survey Nos. 156 measuring 10 Guntas and 155/2 measuring 19 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 2289 of 1959-60 in Book-I Volume No. 125 at Pages 196 to 198 in the office of the Sub-Registrar, Bangalore South Taluk;
3.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 155/2B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2002-03 and 2004-05 to 2011-12;
4.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2002-03 and 2004-05 to 2011-12;
5.	Endorsement bearing No. RKCR/499/04-05 dated 27.10.2004 issued by the Tahsildar, Bangalore East Taluk;
6.	Genealogical Tree of M. Krishna Reddy reflecting the names of his family members;
7.	Agreement to sell dated 29.11.2003 executed by Mr. M. Krishna Reddy, Mrs. Thayamma, Mrs. Sunandamma, Mrs. Vanaja, Mr. K. Srinivasa Reddy, Mr. K. Prasad and Mr. K. Sashikumar in favor of Mr. Austin Roach and Mr. R. Nagaraj in respect of lands bearing Survey No. 155/2B measuring 20 Guntas, and Survey No.156 measuring 10 Guntas;
8.	Notarized General Power of Attorney dated 29.11.2003 executed by Mr. M. Krishna Reddy, Mrs. Thayamma, Mrs. Sunandamma, Mrs. Vanaja, Mr. K. Srinivasa Reddy, Mr. K. Prasad and Mr. K. Sashikumar in favor of Mr. Austin Roach and Mr. R. Nagaraj;
9.	Affidavit dated 29.11.2003 executed by Mr. M. Krishna Reddy, Mrs. Thayamma, Mrs. Sunandamma, Mrs. Vanaja, Mr. K. Srinivasa Reddy, Mr. K. Prasad and Mr. K. Sashikumar;
10.	Intimation letter bearing No.ALN(E)VB:SR:432/03-04 dated 16.1.2004 issued by the Special Deputy Commissioner, Bangalore Urban District;
11.	Receipt for having paid conversion fine and sub division fee in respect of the lands bearing Survey Nos.155/2B and 156 situated at Ammani

	Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
12.	Official Memorandum bearing No. BDis.ALN(E)VB:SR:432/03-04 dated 30.1.2004 issued by the Special Deputy Commissioner, Bangalore granting permission for the conversion of land use in respect of lands bearing Survey No.156 measuring 10 Guntas and Survey No. 155/2B measuring 20 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13.	Extract of Entry No. MR 258 of 2003-04 made in the Mutation Register in respect of lands bearing Survey No.156 measuring 10 Guntas and Survey No. 155/2B measuring 20 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
14.	Sale Deed dated 24.3.2004 executed by Mr. M. Krishna Reddy, Mrs. Thayamma, Mrs. Sunandamma, Mrs. Vanaja, Mr. K. Srinivasa Reddy, Mr. K. Prasad and Mr. K. Sashikumar (all represented therein by their attorney, Mr. R. Nagaraj) in favour of M/s. Ferns Builders and Developers conveying the lands bearing Survey No. 155/2B measuring 20 Guntas, and Survey No.156 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. BAS-1-26743-2003-04, Book I, stored in CD No. BASD36, in the Office of the Sub-Registrar, Bangalore South Taluk;
15.	Khata Certificate issued in respect of property bearing Khata No. 156,155/2B,53 by Bruhat Bangalore Mahanagara Palike (“ BBMP ”);
16.	Extract of Register of Houses and Vacant Lands, issued by BBMP in respect of land bearing Survey Nos. 155/2B and 156 for the year 2007-08;
16A	Lease Agreement dated 6.12.2008 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure, registered as Document No. VRT-1-01885-2008-09 (stored in C.D. No. VRTD 31) in the office of the Sub-Registrar, Varthur, Bangalore;
16B	Surrender of Lease Agreement dated 23.6.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Projects Private Limited (DIPPL), registered as Document No. VRT-1-02075-2010-11 (stored in C.D. No. VRTD 75) in the office of the Sub-Registrar, Varthur, Bangalore;
16C	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;

16D	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
17.	Deed of Retirement of Mr. Nagaraj dated 1.10.2010 executed by and amongst Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj, registered as Document No. VRT-1-5217-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
18.	Endorsement dated 21.10.2010 issued by BBMP;
19.	Khata Certificate issued in respect of property bearing Khata No. 156,155/2B,53 by BBMP;
20.	Extract of Register of Houses and Vacant Lands, issued by BBMP in respect of land bearing Survey No. 155/2B and 156 for the year 2010-11;
21.	Receipts dated 28.5.2009 and 25.11.2010 for payment of tax in respect of property bearing khata No. 156,155/2B, 53;
21A	Joint Development Agreement dated 31.3.2011 executed by and amongst Mr. R. Nagaraj and Divyasree Infrastructure Private Limited ("DIPPL"), registered as Document No. VRT-1-08779-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
21B	Power of Attorney dated 31.3.2011 executed by Mr. R. Nagaraj authorizing and appointing DIPPL as their attorney, registered as VRT-4-00650-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
21C	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
21D	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
21E	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed

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	dated 19.1.2011;
21F	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
21G	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
21H	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
21I	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRD66) in the office of the Sub Registrar, Varthur;
21J	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRD77) in the office of the Sub Registrar, Varthur;
22.	Endorsement bearing No. LRF:CR.153:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that properties listed therein including the lands bearing Survey Nos. 155/2B and 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk have not been the subject matter of proceedings under the Karnataka Scheduled Caste Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978;
23.	Endorsement bearing No. LRF:79A&79B:119/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the lands bearing Survey Nos. 155/2B and 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
24.	Endorsement bearing No. LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the lands bearing Survey Nos. 155/2B and 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
25.	Endorsement bearing No. LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk stating that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the lands bearing Survey Nos. 155/2B and 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;

26.	Revision Settlement Akarbandh issued in respect of the lands bearing Survey Nos. 155/2B and 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
27.	Atlas issued in respect of the lands bearing Survey Nos. 155/2A and 155/2B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
28.	Tippani issued in respect of the land bearing Survey No. 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
29.	Tippani issued in respect of the lands bearing Survey Nos. 155 and 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
30.	Map of Ammani Bellandur Khane Village;
31.	Encumbrance Certificate in respect of land bearing Survey No. 155/2B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 15.2.1957 to 31.3.1989, 1.4.1989 to 26.12.2003, 26.12.2003 to 24.8.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 11.11.2009; and
31A.	Encumbrance Certificate issued in respect of the land bearing Survey No. 155/2B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.04.2004 to 25.2.2011;
32.	Encumbrance Certificate in respect of land bearing Survey No. 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 15.2.1957 to 31.3.1989, 1.4.1989 to 26.12.2003, 26.12.2003 to 27.8.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 17.4.2007, 1.4.2007 to 11.11.2009 and 1.4.2009 to 29.10.2010; and
33.	Encumbrance Certificate issued in respect of the land bearing Survey No. 156 measuring 10 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.04.2004 to 25.2.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. Property VIII comprises of the lands bearing Survey Nos. 155/2B measuring 20 Guntas and 156 measuring 10 Guntas.
2. Initially (*it appears from the RTCs*), Mrs. Rojamma was holding the land bearing Survey No. 156 measuring 26 Guntas, as reflected in RTCs issued for the years 1967-68 to 1971-72.

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3. The sons of one Mr. Doddamuniyappa (*names of the Vendors not legible*) conveyed the aforesaid extent of 28 Guntas in the land bearing Survey No. 156 in favour of Mr. M T Krishna Reddy under the Sale Deed dated 16.8.1951 (**Document No. 1**).
4. It appears (*from the Sale Deed dated 16.8.1951*) that the sons of Mr. Doddamuniyappa acquired title to land bearing Survey No. 156 measuring about 28 Guntas. We have not seen the deeds and documents that evidence the mode and manner by which the sons of Mr. Doddamuniyappa acquired title to the land bearing Survey No. 156 from Mrs. Rojamma.
5. Mr. M.T. Krishna Reddy conveyed an extent of 10 Guntas in the land bearing Survey No. 156 to Mr. Krishna Reddy (son of Mr. Dodda Muniyappa) under the Sale Deed dated 3.9.1952 (**Document No. 1A**).
6. Mr. Krishna Reddy conveyed the aforesaid extent in the land bearing Survey No. 156 measuring 10 Guntas in favour of Mr. Paraki Nagappa under Sale Deed dated 16.5.1957 (**Document No. 2**).
7. Further, Mr. Paraki Nagappa re-conveyed the aforesaid extent in the land bearing Survey No. 156 measuring 10 Guntas in favour of Mr. Krishna Reddy under the Sale Deed dated 11.8.1959 (**Document No. 2A**).
8. It appears (*from the RTCs*) that Mr. Krishna Reddy also held an extent of 20 Guntas in the land bearing Survey No. 155/2B. We have not been provided with any title deeds to show the mode and manner by which Mr. Krishna Reddy acquired Survey No. 155/2B.
9. RTCs issued in respect of the land bearing Survey No. 155/2B for the years 1967-68 to 2002-03 reflect Mr. Krishna Reddy as the holder of the said land during the said years (**Document No. 3**).
10. RTCs issued in respect of the land bearing Survey No. 156 for the years 1967-68 to 1976-77 reflect Mrs. Rojamma as the holder and Mr. Chikka Ramaiah and Mr. Krishna Reddy as the cultivators thereof. (**Document No. 4**).
11. It appears (*from the RTCs*) that Entry No. MR 96 of 1959-60 was made in the Mutation Register for the change of Khata in respect of Property VIII to the name of Mr. Krishna Reddy. We have been provided with the Endorsement dated 27.10.2004 to the effect that the extracts of the aforesaid Entry No. MR 96 of 1959-60 cannot be issued as the relevant records are not available in his office (**Document No.5**).
12. RTCs in respect of Survey No. 156 for the years 1977-78 to 2002-03 reflect Mr. Krishna Reddy as the holder and cultivator of an extent of 10 Guntas therein for the said years.
13. We have been provided with the Genealogical Tree of Mr. Krishna Reddy reflecting the names of his family members viz., his wife, Mrs. Thayamma and his children, Mrs. Sunandamma, Mrs. Vanaja, Mrs. K. Srinivasa Reddy, Mrs. K. Prasad and Mr. K. Sashikumar (**Document No. 6**).

14. Thereafter, Mr. Krishna Reddy, Mrs. Thayamma and their children Mrs. Sunandamma, Mrs. Vanaja, Mrs. K. Srinivasa Reddy, Mrs. K. Prasad and Mr. K. Sashikumar executed an Agreement To Sell dated 29.11.2003 agreeing to convey Property VIII in favour of Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj (**Document No. 7**).
15. Mr. Krishna Reddy, Mrs. Thayamma and their children Mrs. Sunandamma, Mrs. Vanaja, Mrs. K. Srinivasa Reddy, Mrs. K. Prasad and Mr. K. Sashikumar also executed the General Power of Attorney dated 29.11.2003 appointing Mr. Austin Roach and Mr. R. Nagaraj as their attorneys and authorizing them to *inter alia*, jointly or severally to convey Property VIII or portions thereof in favour of third parties (**Document No. 8**).
16. We note the Affidavit dated 29.11.2003 executed by Mr. Krishna Reddy, Mrs. Thayamma and their children Mrs. Sunandamma, Mrs. Sunandamma, Mrs. Vanaja, Mrs. K. Srinivasa Reddy, Mrs. K. Prasad and Mr. K. Sashikumar confirming the execution of the aforesaid Agreement to sell and Power of Attorney (**Document No.9**).
17. On an application made by Mr. Krishna Reddy the Official Memorandum dated 30.1.2004 was issued by the Special Deputy Commissioner, Bangalore District granting permission for the conversion of the land use in respect of Property VIII from agricultural to non-agricultural residential use (**Document Nos.10 to 12**). The aforesaid conversion of land use in respect of Property VIII is reflected in Entry No. MR 258 of 2003-04 (**Document No. 13**).
18. Pursuant thereto, Mr. Krishna Reddy, Mrs. Thayamma and their children Mrs. Sunandamma, Mrs. Vanaja, Mrs. K. Srinivasa Reddy, Mrs. K. Prasad and Mr. K. Sashikumar executed the Sale Deed dated 24.3.2004 conveying Property VIII in favour of Ferns Builders and Developers (**Document No. 14**).
19. Property VIII appears to have been assigned the Khata No. 156,155/2B, 53 (Old No. 88). We note the Khata Certificate issued by erstwhile Bangalore Mahanagara Palike in respect of property bearing khata No. 156,155/2B, 53 reflecting the same to be standing in the name of Ferns Builders and Developers (**Document No. 15**). We also note the extract of Register of Houses and Vacant Lands, issued by BBMP for the year 2007-08 in respect of Property VIII reflecting Ferns Builders and Developers as the owner thereof (**Document No. 16**).
20. M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes executed a Lease Agreement dated 6.12.2008 with M/s. Divyasree Infrastructure in respect of certain properties including Property VIII (**Document No. 16A**).
21. Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL (former M/s. Divyasree Infrastructure) executed the Surrender of Lease dated 23.6.2010, thereby DIPPL surrendering the

leasehold rights *inter alia* in respect of Property VIII granted in its favour under the said Lease Agreement dated 6.12.2008 (Document No. 16B).

22. M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property VIII (Document No. 16C).
23. Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL have executed the Cancellation Deed dated 30.9.2010, thereby cancelling the above referred Development Agreement dated 1.7.2010 (Document No. 16D).
24. Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes executed the Deed of Retirement of Mr. Nagaraj from the firm, M/s. Ferns Builders and Developers, whereunder Mr. Nagaraj retired from the said firm (Document No. 17). In terms of the said Deed, Property VIII was allotted to Mr. Nagaraj.
25. We have been provided with the Endorsement dated 21.12.2010 to the effect that khata in respect of Property VIII has been transferred from Ferns Builders and Developers to the name of Mr. R. Nagaraj (Document No. 18). We note the Khata Certificate issued by BBMP in respect of Property VIII reflecting the same to be standing in the name of Mr. R. Nagaraj (Document No. 19). We also note the extract of Register of Houses and Vacant Lands, issued by BBMP in respect of Property VIII for the year 2010-11 (Document No. 20).
26. We note the receipts dated 28.5.2009 and 25.11.2010 which evidence the payment of tax on Property VIII for the years 2009-10 & 2010-11 (Document No. 21).
27. Pursuant thereto, Mr. R. Nagaraj has entered into a Joint Development Agreement dated 31.3.2011 with DIPPL (Document No. 21A). Under the said joint development agreement, Mr. R. Nagaraj has granted DIPPL the right for mixed use development (commercial and residential) for the following properties owned by him:
 - i. an extent of 12 Acres 18 Guntas comprising of Property VIII and the following Survey Nos. 156 measuring 9.25 Guntas, 155/2A measuring 19 Guntas, 156 measuring 6.75 Guntas, 150/4 measuring 18.5 Guntas, 151/3 measuring 30 Guntas, 155/1 measuring 10 Guntas, 155/2A measuring 8 Guntas, 135/2 measuring 22.5 Guntas, 149/3B measuring 14 Guntas, 150/2 measuring 1 Acre 1 Gunta, 150/5A measuring 11 Guntas, 154 measuring 3 Acres 33 Guntas, 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas; and
 - ii. 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.

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And in consideration for contributing the aforementioned lands for Joint Development, Mr. Nagaraj is entitled to receive 4,40,000 square feet of built up area in the commercial development being developed by DIPPL and proportionate undivided share in land (referred to in item (ii) of this paragraph).

28. Mr. R. Nagaraj has executed Power of Attorney dated 31.3.2011 authorizing and appointing DIPPL as his attorney to do all such acts and deeds as specified therein in respect of Property VIII, in terms of the Joint Development Agreement dated 31.3.2011 (**Document No. 21B**).
29. Thereafter, DIPPL and Mr. R. Nagaraj along with certain other owners of the adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 ("**Amalgamated Property**") Guntas owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike ("**BBMP**") (**Document No. 21C**).
30. Pursuant to the said amalgamation deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 21D**).
31. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as the joint khatadars thereof (**Document Nos. 21E & F**). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 21G**).
32. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) ("**Project Lands**"), has been approved by the Bangalore Development Authority ("**BDA**") as per JDTP(N) LP No. 64 of 2010-11 ("**Proposed Project**") (**Document No. 21H**).
33. DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 21I**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further relinquished an area of (i) 2907.73 square meters and (ii) 2745.48 square meters in favor of BDA in relation to the Project Lands (**Document No. 21J**).
34. We have been furnished with the Endorsement dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that properties listed therein including the two portions in Property VIII have not been the subject

matter of proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (Document No. 22).

35. We also note the Endorsements dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property VIII (Document Nos. 23 & 24).
36. We have also been provided with the Endorsement dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk stating that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property VIII (Document No. 25).
37. Revision Settlement Akarbandh issued in respect of the lands in Survey Nos. 155/2B and 156 reflects the total extent therein as 20 Guntas and 27 Guntas including 1 Gunta 'B' kharab (Document No. 26).
38. Atlas and Tippani issued in respect of lands bearing Survey No.155/2B and 156 reflects the shapes thereof (Document Nos. 27 to 29).
39. We have been provided with a copy of the village map of Ammani Bellandur Khane indicating the location of lands bearing Survey Nos. 155 and 156 (Document No. 30).
40. Encumbrance Certificates issued in respect of the land bearing Survey No. 155/2B for the period 15.2.1957 to 11.11.2009 reflect execution of the aforesaid Sale Deed dated 24.3.2004 (Document No. 31).
41. Encumbrance Certificate issued in respect of the land bearing Survey No. 155/2B for the period 1.04.2004 to 25.2.2011 reflects the aforesaid Lease Agreement dated 6.12.2008, Surrender of Lease Agreement dated 23.6.2010, Development Agreement dated 1.7.2010, Deed of Cancellation of Development Agreement dated 30.9.2010, Deed of Retirement of Mr. Nagaraj dated 1.10.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 31A). Encumbrance Certificate issued for the said period does not reflect execution of the aforesaid Amalgamation Deed dated 19.1.2011
42. We have been provided with copies of encumbrance certificates in respect of land bearing Survey No. 156 Property VIII for the period 15.2.1957 to 29.10.2010 reflect execution of the aforesaid Sale Deed dated 24.3.2004 (Document No. 32). The said Encumbrance Certificates do not reflect execution of the aforesaid Sale Deed dated 16.5.1957 and the Sale Deed dated 11.8.1959.
43. Encumbrance Certificate issued in respect of the land bearing Survey No. 156 for the period 1.4.2004 to 25.2.2011 reflect execution of the aforesaid Lease Agreement dated 6.12.2008, Surrender of Lease Agreement dated 23.6.2010, Development Agreement dated 1.7.2010, Deed of Retirement of Mr. Nagaraj dated 1.10.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 33). Encumbrance Certificate issued in respect of the said does not

reflect execution of the aforesaid Deed of Cancellation of Development Agreement dated 30.9.2010, Amalgamation Deed dated 19.1.2011.

44. We have not seen Encumbrance Certificate issued in respect of Survey No. 155/2B measuring 20 Guntas for the period 26.2.2011 till date. We have not seen Encumbrance Certificate issued in respect of Survey No. 156 measuring 10 Guntas for the period 26.2.2011 till date. It is advisable to obtain a fresh certificate in respect of Property VIII for the period 1.4.2004 till date which would all reflect all transactions entered into during the said period.
45. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property VIII has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
46. We have been informed that there are no litigations, currently pending or disposed off in respect of Property VIII.
36. We have also been informed that no charges and/or mortgages have been created in respect of Property VIII, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. R. Nagaraj is the Owner of Property VIII subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 31.3.2011 and Power of Attorney dated 31.3.2011 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property VIII is capable of being used for residential purposes, subject to the terms and conditions prescribed in the order of conversion referred to above;

TATVA LEGAL



IX. SURVEY NO. 156 MEASURING 6 ¾ GUNTAS

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 156 measuring 6 ¾ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, Bangalore District and bounded on the:

East by : Remaining portion of land bearing Survey No. 156 and land bearing Survey No. 157;
West by : Land bearing Survey No. 153;
North by : Remaining portion of land bearing Survey No. 156 and land bearing Survey No. 155; and
South by : Land bearing Survey No. 151.

hereinafter referred to as “Property IX”.

B. DOCUMENTS EXAMINED

In connection with the above we have been provided with and have examined photocopies of the following documents:

Sl. No.	Particulars
1.	Sale Deed dated 23.6.1948 executed by Mr. Venkatashami, Mr. Narayana and Master Krishnappa (being minor, represented therein by Mr. Venkatashami) (all sons of Mr. Doddamuniyappa) in favour of Mrs. Rojamma (wife of Mr. Shamanna) conveying the land bearing Survey No. 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk registered as Document No. 6690 in Book-I, Volume No. 995 at Pages 167 to 169 in the office of the Sub-Registrar, Bangalore;
1A.	Sale Deed dated 21.3.1949 executed by Mr. Hanuma Reddy in favour of Mrs. Rojamma (wife of Mr. Shamanna) conveying the land bearing Survey No. 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 5643 in Book-I, Volume No. 1051 at Pages 112 to 113 in the office of the Sub-Registrar, Bangalore;
2.	Endorsement bearing No. RKCR 16 of 2005-06 dated 6.4.2005 issued by the Tahsildar, Bangalore East Taluk, Krishnarajapuram stating that an extract of Entry No. MR 67 of 1947-48 cannot be furnished as the said extract is not available in their office;
2A.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 156 measuring 27 Guntas (including 1 Gunta

	of kharab) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
3.	Notarized General Power of Attorney dated 23.6.2004 executed by Mrs. Rojamma appointing Mr. Austin Roach and Mr. R Nagaraj as her attorneys to <i>inter-alia</i> either jointly or severally convey the land bearing Survey No. 156 measuring 6 ¾ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
4.	Sale Deed dated 17.9.2007 executed by Mrs. Rojamma (represented therein by her attorney holder Mr. Austin Roach) in favour of Mr. Errol Fernandes conveying the land bearing Survey No. 156 measuring 6 ¾ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-03190 of 2007-08 (stored in C. D. No. VRTD11) in the office of the Sub-Registrar, Varthur;
5.	Extract of Entry No. MR 1 of 2008-09 made in the Mutation Register recording execution of the Sale Deed in respect of the land bearing Survey No. 156 measuring 6 ¾ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and grant of permission to change khata in respect thereof to the name Mr. Errol Fernandes;
5A.	Order bearing No. RRT(1)CR 280/2008-09 dated 10.6.2008 passed by the Tahsildar, Bangalore East Taluk r for inclusion of the extent 6 ¾ Guntas in Column No. 9 of the RTCs in respect of the land bearing Survey No. 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
6.	Official Memorandum bearing No. ALN(EVH)SR:318/2007-08 dated 12.3.2008 issued by the Special Deputy Commissioner, Bangalore District granting permission for the conversion of land use in respect of the land bearing Survey No. 156 measuring 6 ¾ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
7.	Deed of Exchange dated 28.10.2010 executed by and between Mr. Errol Fernandes and Mr. R. Nagaraj, registered as Document No. VRT-1-04730-2010-11 (stored in C.D. No. VRTD 85) in the office of the Sub-Registrar, Varthur, Bangalore;
7A	Khata Certificate issued by BBMP in respect of property bearing khata No. 92 (Old No. 156/153/1/57);
7B	Extract of Register of Houses and Vacant Lands, issued by BBMP for the year 2010-11 in respect of property bearing khata No. 92 (Old No. 156/153/1/57)
7C	Receipt dated 25.11.2010 evidencing payment of tax in respect of property bearing khata No. 92 (Old No. 156/153/1/57);

7D	Joint Development Agreement dated 31.3.2011 executed by and amongst Mr. R. Nagaraj and Divyasree Infrastructure Private Limited (“DIPPL”) in respect of the land bearing Survey No. 156 measuring 6¾ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08779-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
7E	Power of Attorney dated 31.3.2011 executed by Mr. R. Nagaraj authorizing and appointing DIPPL as their attorney to deal with the land bearing Survey No. Survey No. 156 measuring 6¾ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk registered as VRT-4-00650-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
7F	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
7G	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khanè Village, Varthur Hobli, Bangalore East Taluk;
7H	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
7I	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP;
7J	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
7K	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
7L	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
7M	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;

8.	Tippani issued in respect of the land bearing Survey No. 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, Bangalore District;
9.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
10.	Map of Ammani Bellandur Khane Village;
11.	Endorsement bearing No. LRF: 79A and 79B: 121/1999-00 dated 8.10.2001 issued by the Tahsildar, Bangalore South Taluk, Krishnarajapuram stating that no proceedings have been filed in respect of the land bearing Survey No. 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961;
12.	Endorsement bearing No. LRF: CR 94 of 2001-02 dated 25.10.2002 issued by the Tahsildar, Bangalore East Taluk, Krishnarajapuram stating that there are no applications filed in respect of the land bearing Survey No. 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, under Section 48(A) in Form 7 and in Form 7A of the Karnataka Land Reforms Act, 1961; and
13.	Encumbrance Certificates issued in respect of the land bearing Survey No. 156 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk measuring 6 $\frac{3}{4}$ Guntas for the period 1.4.1960 to 31.3.2004 and 1.4.2004 to 25.11.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. An examination of the above documents reveals that the agricultural land bearing Survey No. 156 measuring 6 $\frac{3}{4}$ Guntas was initially part of larger extent of land bearing Survey No. 156 measuring 27 Guntas (including 1 Gunta of kharab) ('Land').
2. Initially the Land appears to have been owned by one Mrs. Rojamma.
3. Mrs. Rojamma acquired title to Land C under two different Sale Deed viz., (i) Sale Deed dated 23.6.1948 and (ii) Sale Deed dated 21.3.1949 (**Document Nos. 1 and 1A**).
4. Pursuant thereto, Entry No. MR 67 of 1947-48 appears to have been made in the Mutation Register recording the grant of permission to change khata in respect of the land bearing Survey No. 156 to the name of Mrs. Rojamma. We been furnished with the Endorsement bearing No. RKCR 16 of 2005-06 dated 6.4.2005 issued by the Tahsildar, Bangalore East Taluk, Krishnarajapuram that an extract of the aforesaid Entry No. MR 67 of 1947-48 cannot be furnished as the said extract is not available

- in their office and also states that the said application is kept pending (Document No. 2).
5. RTCs issued in respect of the land bearing Survey No. 156 reflect Mrs. Rojamma as the holder and Mr. Chikka Ramaiah and Mr. Krishna Reddy as the cultivators thereof for the years 1967-68 to 1976-77 (Document No. 2A).
 6. RTCs issued in respect of the land bearing Survey No. 156 reflect Mrs. Rojamma as one of the holders and cultivators for the years 1977-78 to 2002-03. However, the said RTCs do not reflect the extent held by Mrs. Rojamma.
 7. Subsequently, Mrs. Rojamma executed the General Power of Attorney dated 23.6.2004 appointing Mr. Austin Roach and Mr. Nagaraj as her attorneys to jointly or severally *inter-alia* convey Property IX (Document No. 3).
 8. RTCs issued in respect of the land bearing Survey No. 156 continue to reflect Mrs. Rojamma as one of the holders for the years 2004-05 to 2007-08. However, the said RTCs do not reflect the extent held by Mrs. Rojamma.
 9. Mrs. Rojamma (represented therein by her attorney holder Mr. Austin Roach) conveyed the land bearing Survey No. 156 measuring 6 $\frac{3}{4}$ Guntas (i.e., Property IX) in favour of Mr. Errol Fernandes under the Sale Deed dated 17.9.2007 (Document No. 4).
 10. Entry No. MR 1 of 2008-09 was made in the Mutation Register recording the execution of the Sale Deed dated 17.9.2007 and the grant of permission for change of khata in respect of Property IX to the name of Mr. Errol Fernandes (Document No. 5).
 11. We note the Order bearing No. RRT(1)CR 280/2008-09 dated 10.6.2008 passed by the Tahsildar, Bangalore East Taluk referring to the aforesaid Sale Deed dated 17.9.2007 for conveyance of Property IX by Mrs. Rojamma in favour of Mr. Errol Fernandes and for inclusion of the extent 6 $\frac{3}{4}$ Guntas in Column No. 9 of the RTCs in respect of the land bearing Survey No. 156 (Document No. 5A).
 12. RTCs issued in respect of the land bearing Survey No. 156 for the years 2008-09 reflect Mr. Errol Fernandes as the holder and cultivator thereof for the said years.
 13. On an application made by Mr. Errol Fernandes, the Official Memorandum dated 12.3.2009 was issued by the District Commissioner, Bangalore granting permission for the change of land use in respect of Property IX from agricultural to non-agricultural residential purposes (Document No. 6).
 14. Mr. Errol Fernandes entered into an Exchange Deed dated 28.10.2010 with Mr. R. Nagaraj, whereunder Property IX has been transferred to Mr. R. Nagaraj (Document No. 7).
 15. Property IX appears to have been assigned khata No. 92 (Old No. 156/153/1/57). We note the Khata Certificate issued by Bruhat Bangalore Mahanagara Palike in respect

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of Property IX (Document No. 7A). We also note the extract of Register of Houses and Vacant Lands, issued by Bruhat Bangalore Mahanagara Palike for the year 2010-11 in respect of Property IX (Document No. 7B).

16. We note the receipt dated 25.11.2010 for payment of tax levied on Property IX for the year 2010-11 (Document No. 7C).
17. Pursuant thereto, Mr. R. Nagaraj has entered into a Joint Development Agreement dated 31.3.2011 with DIPPL (Document No. 7D). Under the said joint development agreement, Mr. R. Nagaraj has granted DIPPL the right for mixed use development (commercial and residential) for the following properties owned by him:
 - (i) an extent of 12 Acres 18 Guntas comprising of Property IX and the following Survey Nos. 156 measuring 9.25 Guntas, 155/2A measuring 19 Guntas, 150/4 measuring 18.5 Guntas, 151/3 measuring 30 Guntas, 155/1 measuring 10 Guntas, 155/2A measuring 8 Guntas, 135/2 measuring 22.5 Guntas, 149/3B measuring 14 Guntas, 150/2 measuring 1 Acre 1 Gunta, 150/5A measuring 11 Guntas, 154 measuring 3 Acres 33 Guntas, 155/2B measuring 20 Guntas, 156 measuring 10 Guntas, 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas; and
 - (ii) 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.
- And in consideration for contributing the aforementioned lands for Joint Development, Mr. Nagaraj is entitled to receive 4,40,000 square feet of built up area in the commercial development being developed by DIPPL and proportionate undivided share in land (referred to in item (ii) of this paragraph).
18. Mr. R. Nagaraj has executed Power of Attorney dated 31.3.2011 authorizing and appointing DIPPL as his attorney to do all such acts and deeds as specified therein in respect of Property IX, in terms of the Joint Development Agreement dated 31.3.2011 (Document No. 7E).
19. Thereafter, DIPPL and Mr. R. Nagaraj along with certain other owners of the adjoining lands have under Amalgamation Deed dated 19.1.2011 stated that all the properties measuring 55 Acres 19.5 Guntas (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike (“**BBMP**”) (Document No. 7F).
20. Pursuant to the said amalgamation deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (Document No. 7G).

21. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as the joint khatadars thereof (Document Nos. 7H & 7I). We note that the Amalgamated Property has been assigned No. 248/117 in the books of BBMP. We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (Document No. 7J).
22. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) ("**Project Lands**"), has been approved by the Bangalore Development Authority ("**BDA**") as per JDTP(N) LP No. 64 of 2010-11 ("**Proposed Project**") (Document No. 7K).
23. DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (Document No. 7L). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further relinquished an area of (i) 2907.73 square meters and (ii) 2745.48 square meters in favor of BDA in relation to the Project Lands (Document No. 7M).
24. Tippani issued in respect of the land bearing Survey No. 156 reflects the shape thereof (Document No. 8).
25. Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 156 reflects the total extent therein as 27 Guntas (including 1 Gunta of kharab) (Document No. 9).
26. We have been furnished with village Map of Ammani Bellandur Khane indicating the location of Survey No. 156 (Document No. 10).
27. We note the Endorsement dated 8.10.2001 issued by the Tahsildar, Krishnarajapuram to the effect that no proceedings have been filed in respect of the land bearing Survey No. 156 under Sections 79 A and 79 B of the Karnataka Land Reforms Act, 1961 (Document No. 11).
28. We also note the Endorsement dated 25.10.2002 issued by the Tahsildar, Krishnarajapuram to the effect that there are no applications filed in respect of the land bearing Survey No. 156 under Section 48(A) in Form 7 & and in Form 7A of the Karnataka Land Reforms Act, 1961 (Document No. 12).
29. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property IX has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.

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30. We have not seen an endorsement from the Assistant Commissioner stating that Property IX does not come under the purview of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 and no proceedings have been filed/pending/disposed off there under. We have been informed that the same is not available.
31. Encumbrance Certificates issued in respect of the land bearing Survey No. 156 measuring 6 $\frac{3}{4}$ Guntas for the period 1.4.1960 to 31.3.2004 and 1.4.2004 to 25.2.2011 reflect execution of the said Deed of Exchange dated 28.10.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 13). The aforesaid Encumbrance Certificate for the period 1.4.2004 to 25.2.2011 does not reflect the aforesaid Sale Deed dated 17.9.2007, Amalgamation Deed dated 19.1.2011. We have not seen Encumbrance Certificate issued in respect of Property XVI for the period 26.2.2011 till date. It is necessary to secure the same. It is advisable to obtain a fresh certificate in respect of Property IX for the period 1.4.2004 till date which would all reflect all transactions entered into during the said period.
32. We have been informed that there are no litigations, currently pending or disposed off in respect of Property IX.
33. We have also been informed that no charges and/or mortgages have been created in respect of Property IX, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. R. Nagaraj is the Owner of Property IX subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 31.3.2011 and Power of Attorney dated 31.3.2011 and the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property IX is capable of being used for residential purposes, subject to the terms and conditions prescribed in the order of conversion referred to above;

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X. LANDS BEARING SURVEY NO. 157/2 (1 ACRE 19 GUNTAS), SURVEY NO.157/3A (1 ACRE 19 GUNTAS) AND SURVEY NO.159/1B (7 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Lands bearing Survey Nos. 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk consisting of the following land parcels:

Land bearing Survey No.157/2 measuring 1 Acre 19 Guntas and bounded on its:

East by : Land bearing Survey No.150/4;
West by : Land bearing Survey No.153/2;
North by : Land bearing Survey No.157/2; and
South by : Lands bearing Survey Nos.151/6 & 151/7.

hereinafter referred to as **Property XA**

Land bearing Survey No.157/3A measuring 1 Acre 19 Guntas and bounded on its:

East by : Lands bearing Survey Nos.157/3 & 157/3B;
West by : Land bearing Survey No.157/2;
North by : Land bearing Survey No.158; and
South by : Land bearing Survey No.150/4.

hereinafter referred to as **Property XB**

Land bearing Survey No.159/1B measuring 7 Guntas and bounded on the:

East by : Land bearing Survey No.159/1A;
West by : Land bearing Survey No.157/3A;
North by : Lands bearing Survey No.159/1A; and
South by : Land bearing Survey No.159/2

hereinafter referred to as **Property XC**

Property XA, Property XB and Property XC are hereinafter collectively referred to as "**Property X**".

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

No.	Particulars
1.	Sale Deed dated 16.09.1960 executed by Mr. Shamaiah in favour of Mrs.

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	Parvatamma conveying the land bearing Survey No.157/2 measuring 30 Guntas and Survey No.150/4 measuring 18 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 2780 of 1960-61 in Book-I, Volume No. 206 at Pages 61 to 62 in the Office of the Sub-Registrar, Bangalore South Taluk;
2.	Sale Deed dated 11.09.1961 executed by Mrs. Parvatamma in favour of Mr. Shamanna conveying the land bearing Survey No.157/2 measuring 30 Guntas and Survey No.150/4 measuring 18 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk registered as Document No. 3188 of 1961-62 in Book-I, Volume No. 267 at Pages 87 to 89 in the Office of the Sub-Registrar, Bangalore South Taluk;
2A.	Sale Deed dated 05.6.1961 executed by Mr. Yangaiah Reddy in favour of Mrs. Ammayamma conveying the lands bearing Survey Nos. 157/3 and 159/1 measuring 1 Acre 15 Guntas and 5 Guntas respectively situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 1317 of 1961-62 in Book-I, Volume No. 246 at Pages 78 to 81 in the office of the Sub-Registrar, Bangalore South Taluk;
3.	Sale Deed dated 13.07.1967 executed by Mrs. Ammayamma in favour of Mr. Shamanna conveying the land bearing Survey No.157/3 measuring 1 Acre 15 Guntas and Survey No.159/1 measuring 5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 1619 of 1967-68 in Book-I, Volume No. 623 at Pages 20 to 22 in the Office of the Sub-Registrar, Bangalore South Taluk;
3A.	Extract of Entry No. IHC 21 of 1995-96 made in the Inheritance Register in respect of the lands bearing Survey Nos. 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
4.	Genealogical Tree of Shamanna Reddy reflecting the names of his family members;
5.	Record of Rights, Tenancy and Crop Inspection ("RTC") issued in respect of the land bearing Survey No. 157/2 measuring 1 Acre 21 Guntas (including 2 Guntas of kharab) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, for the years 1967-68 to 1975-76, 1977-78 to 2002-03 and 2004-05 to 2011-12;
6.	RTCs issued in respect of the land bearing Survey No. 157/3A measuring 2 Acres 2 Guntas (including 5 Guntas of kharab), situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1967-68 to 1971-72, 1977-78 to 2002-03 and 2004-05 to 2011-12;
7.	Endorsement bearing No.RK.CR.499/04-05 dated 27.10.2004 issued by the

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	Tahsildar, Bangalore East Taluk to the effect that the extract of Entry No. MR 31 of 1981-82 made in the Mutation Register is not reflected in the revenue records and as such an extract of the same cannot be provided;
8.	Endorsement bearing No.RKCR 796/04-05 dated 31.12.2004 to the effect that RTCs in respect of the lands bearing Survey Nos. 157/3A and 159/1B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk cannot be provided for the year 1976-77 as the relevant records are in a mutilated state in his office;
9.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 159/1 measuring 2 Acres 35 Guntas (including 2 Guntas of kharab), situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 1971-72;
10.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 159/1B measuring 7 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1977-78 to 2001-02 and 2004-05 to 2011-12;
11.	Death Certificate of Mr. Ankappa Reddy recording the date of his demise;
12.	Extract of Entry No. MR 79 of 2002-03 made in the Mutation Register recording the demise of Mr. S. Ankappa Reddy and change of khata in respect of the lands bearing Survey Nos. 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, to the names of Mrs. Suguna and Mr. Venugopal Reddy;
13.	Official Memorandum bearing No. BDis:ALN(E)VB:SR:23:2003-04 dated 9.05.2003 issued by the Special Deputy Commissioner, Bangalore District granting permission for the conversion of land use in respect of the lands bearing Survey Nos. 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas, situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential use ;
14.	Sale Deed dated 24.5.2003 executed by Suguna, A. Venugopala Reddy and Neelamma in favour of Ferns Builders and Developers conveying the lands bearing Survey No.157/2 measuring 1 Acre 19 Guntas, Survey No.157/3A measuring 1 Acre 19 Guntas and Survey No. 159/1B measuring 7 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 3604 of 2003-04 in Book-I (stored in C. D. No. 108) in the Office of the Sub-Registrar, Bangalore South Taluk;
15.	Extract of Entry bearing MR No.146/2002-03 made in the Mutation

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	Register issued in respect of the lands bearing Survey No.157/2 measuring 1 Acre 19 Guntas, Survey No.157/3A measuring 1 Acre 19 Guntas and Survey No. 159/1B measuring 7 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16.	Extract of the House/Land Tax Assessment List in respect of the lands bearing Survey Nos.157/2, 157/3A and 159/1B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17.	Extract of the Demand Register in respect of lands bearing Survey Nos. 157/2, 157/3A and 159/1B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18.	Tax Paid Receipt for the year 2004-05;
18A.	Khata Certificate issued by BBMP reflecting the lands bearing Survey Nos. 157/2, 157/3A and 159/1B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, to be standing in the name of Ferns Builders and Developers;
18B.	Extract of House & Vacant Land Register for the year 2007-08 issued by the BBMP reflecting Ferns Builders and Developers as the owner of the lands bearing Survey Nos. 157/2, 157/3A and 159/1B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18C.	Receipts evidencing payment of tax levied on the lands bearing Survey Nos. 157/2, 157/3A and 159/1B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, for the years 2008-09 to 2010-11;
19.	Lease Agreement dated 6.12.2008 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure, registered as Document No. VRT-1-01885-2008-09 (stored in C.D. No. VRTD 31) in the office of the Sub-Registrar, Varthur, Bangalore;
20.	Surrender of Lease Agreement dated 23.6.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-02075-2010-11 (stored in C.D. No. VRTD 75) in the office of the Sub-Registrar, Varthur, Bangalore;
21.	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;

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22.	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
23.	Deed of Retirement of Mr. Nagaraj dated 1.10.2010 executed by and amongst Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj, registered as Document No. VRT-1-5217-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
23A	Joint Development Agreement dated 31.3.2011 executed by and amongst Mr. R. Nagaraj and Divyasree Infrastructure Private Limited (“DIPPL”) in respect of the land bearing Survey Nos. 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08779-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
23B	Power of Attorney dated 31.3.2011 executed by Mr. R. Nagaraj authorizing and appointing DIPPL as his attorney to deal with the land bearing Survey Nos. 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk registered as VRT-4-00650-2010-11 (stored in CD No. VRTD105) in the office of the Sub Registrar, Varthur;
23C	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
23D	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
23E	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011 pursuant to the Amalgamation Deed dated 19.1.2011;
23F	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;

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23G	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
23H	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority ("BDA");
23I	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
23J	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
24.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Divisional Commissioner, Bangalore North Sub Division to the effect that the lands bearing Survey Nos. 157/2, 157/3A and 159/1B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, have not been the subject matter of proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978;
25.	Endorsement bearing NO.LRF:79A&79B:119/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the lands bearing Survey Nos. 157/2, 157/3A and 159/1B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
26.	Endorsement bearing NO.LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of the lands bearing Survey Nos. 157/2, 157/3A and 159/1B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
27.	Endorsement bearing NO.LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the lands bearing Survey Nos. 157/2, 157/3A and 159/1B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
28.	Endorsement bearing NO.LRF:CR.95:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the lands bearing Survey Nos. 157/2, 157/3A and 159/1B situated at Ammani

	Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
29.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No.153/1, 153/2, 153/3, 154, 155/1, 155/2A, 155/2B, 156, 158, 159/1A, 159/1B, 159/2, 157/1, 157/2, 157/3A and 157/3B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
30.	Atlas issued in respect of the lands bearing Survey Nos.157/3A and 3B and Survey Nos.159/1A and 159/1B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
31.	Atlas issued in respect of the lands bearing Survey Nos.157/1 and 157/2 and Survey Nos.159/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
32.	Village Map of Ammani Bellandur Khane;
33.	Encumbrance certificate in respect of land bearing Survey No.157/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.1.1960 to 31.3.1988, 1.4.1988 to 6.4.2003, 6.4.2003 to 31.3.2004 and 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 23.1.2008 to 11.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2008 to 3.3.2011;
34.	Encumbrance certificate in respect of land bearing Survey No.157/3A situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1959 to 31.3.1988, 1.4.1960 to 31.3.1988, 1.4.1988 to 16.4.2003, 16.4.2003 to 31.3.2004 and 1.4.2004 to 26.11.2004, 1.4.2009 to 29.10.2010, 1.4.2009 to 29.10.2010 and 1.4.2010 to 24.2.2011; and
35.	Encumbrance certificate in respect of the land bearing Survey No.159/1B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1960 to 31.3.1988, 1.4.1988 to 16.4.2003, 6.16.2003 to 31.3.2004 and 1.4.2004 to 26.11.2004, 1.4.2009 to 29.10.2010 and 1.4.2010 to 24.02.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

Property XA

1. On an examination of documents furnished to us it appears that a portion of Property XA measuring 30 Guntas was initially held by Mr. Shamaiah (son of Mr. Chinnanna).
2. Later, Mr. Shamaiah conveyed the said portion of Property XA measuring 30 Guntas in favor of Mrs. Parvathamma (wife of Mr. Narayana Reddy) under the Sale Deed dated 16.09.1960 (Document No. 1).

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3. Subsequently, Mrs. Parvathamma executed the Sale Deed dated 11.9.1961 conveying 30 Guntas in Property XA back to Mr. Shamaiah (Document No. 2). It appears that Mr. Shamaiah was also known as Mr. Shamanna.

Property XB & Property XC

4. Property XB initially formed a part of the larger extent of the land bearing Survey No. 157/3 and Property XC was initially formed a part of the larger extent of the land bearing Survey No. 159/1.
5. It appears that the land bearing Survey No. 157/3 measuring 1 Acre 15 Guntas and the land bearing Survey No. 159/1 measuring 5 Guntas was initially held by Mr. Yangaiah Reddy.
6. Subsequently, Mr. Yangaiah Reddy conveyed the lands bearing Survey Nos. 157/3 measuring 1 Acre 15 Guntas and 159/1 measuring 5 Guntas in favour of his daughter Mrs. Ammayamma under the Sale Deed dated 05.6.1961 (Document No. 2A).
7. Later, Mrs. Ammayamma executed the Sale Deed dated 13.07.1967 thereby conveying the lands bearing Survey Nos. 157/3 measuring 1 Acre 15 Guntas and 159/1 measuring 5 Guntas in favor of Mr. Shamanna Reddy (Document No. 3).
8. Subsequently, it appears that the lands bearing Survey Nos. 157/3 and 159/1 were sub-divided into various smaller land parcels including Survey Nos. 157/3A and 159/1B respectively.

Property X

9. It appears (*from Entry No. IHC 21 of 1995-96*) that Mr. Shamanna Reddy passed away on 8.2.1975. We have not seen the death certificate of Mr. Shamanna Reddy. We have been informed that the same is not available.
10. Pursuant to the demise of Mr. Shamanna Reddy, the khata in respect of the lands bearing Survey Nos. 157/2 measuring 1 Acre 19 Guntas, 157/3A measuring 1 Acre 19 Guntas and 159/1B measuring 7 Guntas was changed to the name of his son Mr. Ankappa Reddy vide Entry No. IHC 21 of 1995-96 made in the Inheritance Register (Document No. 3A).
11. It may be noted that the extent of land held by Mr. Shamanna was 30 Guntas in Survey No. 157/2, 1 Acre 15 Guntas in Survey No. 157/3 and 5 Guntas in Survey No. 159/1. Other than entries in the RTCs, we have not seen any title deeds by which Mr. Shamanna Reddy acquired title to additional extent of 29 Guntas in the land bearing Survey No. 157/2, 4 Guntas in the land bearing Survey No. 157/3A and 2 Guntas in the land bearing Survey No. 159/1. We have been informed that the same are not available.
12. We note the genealogical tree of Mr. Shamanna Reddy reflecting the names of his children viz., Late Mr. Ankappa Reddy and Ms. Neelamma, wife and son of Late Mr. Ankappa Reddy viz., Mrs. Suguna and Mr. Venugopal Reddy and wife and children

of Mr. Venugopala Reddy viz., Mrs. Manjula and Ms. Priyanka & Master Likith
(Document No. 4).

13. RTCs issued in respect of the land bearing Survey No. 157/2 measuring 1 Acre 21 Guntas (including 2 Guntas of kharab) for the period 1967-68 to 1975-76 reflect the name of Mr. Chennaiah as the holder of the entire land (Document No. 5).
14. RTCs issued in respect of the land bearing Survey No. 157/2 measuring 1 Acre 21 Guntas (including 2 Guntas of kharab) for the period 1977-78 to 1991-92 reflect the names of one Mr. Thimmaiah Reddy (son of Mr. Narayana Reddy and Mrs. Parvathamma) and Mr. S. Ankappa Reddy as the holders of the said land.
15. RTCs issued in respect of the land bearing Survey No. 157/2 measuring 1 Acre 21 Guntas (including 2 Guntas of kharab) for the subsequent period 1992-93 to 1996-97 reflect Mr. Thimma Reddy and Mr. Shamanna Reddy as the erstwhile holder thereof and reflect the names of Mr. Ankappa Reddy and Mr. C. Shamanna Reddy as the holder thereof.
16. RTCs issued in respect of the land bearing Survey No. 157/2 measuring 1 Acre 21 Guntas (including 2 Guntas of kharab) for the period 1997-98 to 2001-02 reflect the name of Mr. Ankappa Reddy as the holder thereof.
17. RTCs issued in respect of the land bearing Survey No. 157/3A measuring 2 Acres 2 Guntas (including 5 Guntas of kharab) for the period 1967-68 to 1971-72 reflect the name of Mr. Yangaiah Reddy as the holder thereof (Document No. 6).
18. RTCs issued in respect of the land bearing Survey No. 157/3A measuring 2 Acres 2 Guntas (including 5 Guntas of kharab) for the period 1977-78 to 2000-01 reflect the name of Mrs. Ammayamma as the erstwhile holder thereof and reflect Mr. Shamanna Reddy as the subsequent holder of the said land. The said RTCs refer to Entry Nos. MPR 618 of 1961-62, MR 13 of 1961-62 and MR 31 of 1981-82. We have been informed that extracts of the said entries are not available.
19. We have been provided with the Endorsement bearing No.RK.CR.499/04-05 dated 27.10.2004 issued by the Tahsildar, Bangalore East Taluk to the effect that the extract of Entry No. MR 31 of 1981-82 is not reflected in the revenue records and as such an extract of the same cannot be furnished (Document No. 7).
20. We have also been provided with the Endorsement bearing No.RKCR 796/04-05 dated 31.12.2004 to the effect that RTCs in respect of lands bearing Survey Nos. 157/3A and 159/1B for the period 1976-77 cannot be furnished as the same are in a mutilated state in his office (Document No. 8).
21. RTCs issued in respect of the land bearing Survey No. 159/1 measuring 2 Acres 35 Guntas (including 2 Guntas of kharab) for the period 1967-68 to 1971-72 reflect the name of Mr. Yangaiah Reddy as the holder thereof (Document No. 9).
22. RTCs issued in respect of the land bearing Survey No. 159/1B measuring 7 Guntas for the period 1977-78 to 2001-02 reflect the name of Mrs. Ammayamma as the

- erstwhile holder thereof and reflect Mr. Shamanna Reddy as the subsequent holder (Document No. 10).
23. Subsequently, Mr. Ankappa Reddy passed away survived by his family members. We note the Death Certificate of Mr. Ankappa Reddy recording his demise on 23.1.2003 (Document No. 11).
24. Pursuant to the demise of Mr. S. Ankappa Reddy, khata in respect of Property X was changed to the names of his children viz., Mrs. Suguna and Mr. Venugopal Reddy vide Entry No. MR 79 of 2002-03 made in the Mutation Register (Document No. 12).
25. RTCs issued in respect of the lands bearing Survey Nos. 157/2, 157/3A and 159/1B for the period 2002-03 reflect Mrs. Suguna and Mr. Venugopal Reddy as the holders thereof.
26. On an application made by Mrs. Suguna and Mr. Venugopal Reddy the Official Memorandum bearing No. BDis:ALN(E):VB:SR23/2003-04 dated 9.06.2003 was issued by the Special Deputy Commissioner, Bangalore District for conversion of land use in respect of Property X from agricultural to non-agricultural residential use vide Order (Document No.13). It may be noted that an extent of 2 Guntas in the larger extent of Survey No. 157/2 and an extent of 4 Guntas in the larger extent of Survey No. 157/3A being 'B' kharab are reserved for public purposes.
27. Thereafter Mrs. Suguna, Mr. Venugopal Reddy and Mrs. Neelamma (daughter of Mr. Shamanna) executed the Sale Deed dated 24.05.2003 conveying Property X in favour of Ferns Builders and Developers (Document No. 14).
28. Pursuant thereto, Entry No. MR 146 of 2002-03 was made in the Mutation Register recording execution of the aforesaid Sale Deed dated 24.5.2003 granting permission for the conversion of land use in respect of Property X to the name of Mr. Austin Roach (Document No. 15).
29. Thereafter, the assessment records in respect of Property X have been transferred in favour of Ferns Builders and Developers in the books of the Sorahunasi Village Panchayat as evidenced by the extracts of House / Land Tax Assessment List and the Demand Tax Register for the year 2004-05 (Document Nos.16 & 17). We note the receipt of payment of tax on Property X for the year 2004-05 (Document No. 18).
30. We note the Khata Certificate issued by the BBMP reflecting Property X to be standing in the name of Ferns Builders and Developers. We also note an extract of House & Vacant Land Register for the year 2007-08 issued by the BBMP reflecting Ferns Builders and Developers as the owner of Property X (Document Nos. 18A & 18B).
31. We note the receipts evidencing payment of tax levied on Property X for the years 2008-09 to 2010-11 (Document No. 18C).
32. Further, the Partnership Firm M/s. Ferns Builders & Developers, Mr. Errol Fernandes, Mr. Nagaraj and Mr. Austin Roach executed the Lease Agreement dated

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- 6.12.2008 with M/s. Divyasree Infrastructure in respect of certain properties including Property X (Document No. 19).
33. Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL (erstwhile M/s. Divyasree Infrastructure) have executed the Deed of Surrender of Lease dated 23.6.2010, thereby DIPPL surrendering the leasehold rights inter alia in Property X granted in its favour under the aforesaid Lease Agreement dated 6.12.2008 (Document No. 20).
34. Later, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property X (Document No. 21).
35. M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL effected the cancellation of the above referred Development Agreement dated 1.7.2010 vide the Cancellation Deed dated 30.9.2010 (Document No.22).
36. Later, Mr. Nagaraj retired from the partnership firm, M/s. Ferns Builders and Developers under the Deed of Retirement dated 1.10.2010 executed by and amongst Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes which records the retirement of Mr. Nagaraj from the firm, M/s. Ferns Builders and Developers and all other terms of retirement (Document No. 23). In terms of the said Retirement Deed, Property X was allotted and transferred to Mr. Nagaraj.
37. Thereafter, Mr. R. Nagaraj entered into a Joint Development Agreement dated 31.3.2011 with DIPPL (Document No. 23A). Under the said joint development agreement, Mr. R. Nagaraj has granted DIPPL the right for mixed use development (commercial and residential) for the following properties owned by him:
- (i) an extent of 12 Acres 18 Guntas comprising of Property X and the following Survey Nos. 156 measuring 9.25 Guntas, 155/2A measuring 19 Guntas, 156 measuring 6.75Guntas, 150/4 measuring 18.5 Guntas, 151/3 measuring 30 Guntas, 155/1 measuring 10 Guntas, 155/2A measuring 8 Guntas, 135/2 measuring 22.5 Guntas, 149/3B measuring 14 Guntas, 150/2 measuring 1 Acre 1 Gunta, 150/5A measuring 11 Guntas, 154 measuring 3 Acres 33 Guntas, 155/2B measuring 20 Guntas and 156 measuring 10 Guntas; and
 - (ii) 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.

And in consideration for contributing the aforementioned lands for Joint Development, Mr. Nagaraj is entitled to receive 4,40,000 square feet of built up area in the commercial development being developed by DIPPL and proportionate undivided share in land (referred to in item (ii) of this paragraph).

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38. Mr. R. Nagaraj has executed Power of Attorney dated 31.3.2011 authorizing and appointing DIPPL as his attorney to do all such acts and deeds as specified therein in respect of Property X, in terms of the Joint Development Agreement dated 31.3.2011 (**Document No. 23B**).
39. Thereafter, DIPPL and Mr. R. Nagaraj along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreeing that all the properties measuring 55 Acres 19.5 (“**Amalgamated Property**”) Guntas owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike (“**BBMP**”) (**Document No. 23C**).
40. Pursuant to the said amalgamation deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 23D**).
41. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as the joint khatadars thereof (**Document Nos. 23E & 23F**). We note that the Amalgamated Property has been assigned No. 248/117 in the books of BBMP. We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 23G**).
42. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the Bangalore Development Authority (“**BDA**”) as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (**Document No. 23H**).
- DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 23I**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further relinquished an area of (i) 2907.73 square meters and (ii) 2745.48 square meters in favor of BDA in Project Lands in relation to the Project Lands (**Document No. 23J**).
43. We have been provided with the Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that properties listed therein including Property X have not been the subject matter of proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (**Document No. 24**).
44. We have also been provided with the Endorsements bearing No.LRF:79A&79B:119/99-2000 and No.LRF:79A&79B:120/99-2000 both dated

- 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property X (Document Nos. 25 & 26).
45. We also note the Endorsements bearing No.LRF:CR.94:2001-02 and No.LRF:CR.95:2001-02 both dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk, to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property X (Document Nos. 27 & 28).
46. We have been provided with the Revision Settlement Akarbandh in respect of the lands bearing Survey Nos. 157/2, 157/3A and 159/1B which indicates the total extent in the land bearing Survey No. 157/2 as 1 Acre 21 Guntas including 2 Guntas of Kharab (unusable), in the land bearing Survey No.157/3A as 1 Acre 23 Guntas including 4 Guntas of Kharab (unusable) and in the land bearing Survey No.159/1B as 7 Guntas (Document No. 29).
47. We have been provided with Atlas issued in respect of the lands bearing Survey Nos.157/1, 157/2, 157/3 and 159/1B indicating the shaped and sub-divisions thereof (Document Nos. 30 & 31).
48. We have been provided with the map of Ammani Bellandur Khane Village indicating the location of the lands bearing Survey Nos.157 and 159 (Document No. 32). The aforesaid Tippani and Village Map indicates the existence of Yamalur-Munnekolalu road passing through lands bearing Survey Nos. 157/2, 157/3 and 159.
49. Encumbrance Certificate issued in respect of the land bearing Survey No. 157/2 for the period 1.1.1960 to 31.3.1988, 1.4.1988 to 6.4.2003, 6.4.2003 to 31.3.2004 and 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 23.1.2008 to 11.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2008 to 3.3.2011 reflect execution of the aforesaid Sale Deeds dated 16.9.1960 and 24.5.2003, Development Agreement dated 1.7.2010, Deed of Cancellation of Development Agreement dated 30.9.2010, Deed of Retirement of Mr. Nagaraj dated 1.10.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 33). Encumbrance Certificate issued for the said period do not reflect execution of the aforesaid Lease Agreement dated 6.12.2008, Surrender of Lease Agreement dated 23.6.2010 and Amalgamation Deed dated 19.1.2011.
50. Encumbrance Certificates in respect of the land bearing Survey No. 157/3B for the period 1.4.1959 to 31.3.1988, 1.4.1960 to 31.3.1988, 1.4.1988 to 16.4.2003, 16.4.2003 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 23.1.2008 to 11.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2010 to 24.2.2011 reflect execution of the aforesaid Sale Deed dated 13.07.1967, Sale Deed dated 24.5.2003, Surrender of Lease Agreement dated 23.6.2010, Development Agreement dated 1.7.2010, Deed of Cancellation of Development Agreement dated 30.9.2010 and Amalgamation Deed dated 19.1.2011 (Document No. 34). Encumbrance Certificate issued for the said period do not reflect execution of the aforesaid Sale Deed dated 05.6.1961, Lease Agreement dated 6.12.2008, Surrender of

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Lease Agreement dated 23.6.2010, Deed of Retirement of Mr. Nagaraj dated 1.10.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010. It is advisable to obtain a fresh certificate in respect of Property X for the period 1.4.1959 till date which would all reflect all transactions entered into during the said period.

51. Encumbrance Certificates in respect of Property XC for the period 1.4.1960 to 31.3.1988, 1.4.1988 to 16.4.2003, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 23.1.2008 to 11.11.2009, 1.4.2009 to 29.10.2010 and 1.4.2010 to 24.02.2011 reflect execution of the aforesaid Sale Deed dated 13.07.1967, Sale Deed dated 24.5.2003, Surrender of Lease Agreement dated 23.6.2010, Development Agreement dated 1.7.2010, Deed of Cancellation of Development Agreement dated 30.9.2010, Deed of Retirement of Mr. Nagaraj dated 1.10.2010, Relinquishment Deed dated 19.3.2010 and Relinquishment Deed dated 16.7.2010 (Document No. 35). Encumbrance Certificate issued for the said period does not reflect execution of the aforesaid Lease Agreement dated 6.12.2008 and Amalgamation Deed dated 19.1.2011.
52. We have not seen Encumbrance Certificate issued in respect of the land bearing Survey No. 157/2 for the period 4.3.2011 till date. We have not seen Encumbrance Certificates in respect of Property XB and Property XC for the period 25.02.2011 till date. It is advisable to obtain a fresh certificate in respect of Property X for the period 1.4.2004 till date which would all reflect all transactions entered into during the said period.
53. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property X has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
54. We have been informed that there are no litigations, currently pending or disposed off in respect of Property X.
55. We have also been informed that no charges and/or mortgages have been created in respect of Property X, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

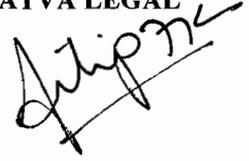
Subject to our comments above, we are of the opinion that:

- a. R. Nagaraj is the Owner of Property X subject to the rights of Divyasree Infrastructure Projects Private Limited under the Joint Development Agreement dated 31.3.2011 and Power of Attorney dated 31.3.2011 and the charge created in favour of HDFC Limited by deposit of title deeds;

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- b. Property X is capable of being used for residential purposes, subject to the terms and conditions prescribed in the order of conversion referred to above;

TATVA LEGAL



<u>INDEX OF PROPERTIES</u>			
Serial No.	Survey Number	Extent (in Acres-Guntas)	Referred to herein as
1.	151/2	0-33	Property XIX
2.	151/4	0-12	Property XX
3.	151/5	0-06	Property XXI
4.	151/6 & 151/7	0-11 & 0-16	Property XXII
5.	152	1-09	Property XXIII
6.	153/1	0-12 ½	Property XXIV
7.	153/1	0-12 ½	Property XXV
8.	157/3B	0-18	Property XXVI
9.	151/4	0-06	Property XXVII



XIX. LAND BEARING SURVEY NO. 151/2 (33 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk bounded on its:

East by : Land bearing Survey No. 151/3;
West by : Lands bearing Survey Nos. 151/1 & 151/4;
North by : Lands bearing Survey Nos. 156 & 157/2; and
South by : Lands bearing Survey Nos. 151/4, 151/5 & 151/6.

The aforesaid property is hereinafter referred to as “**Property XIX**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Record of Rights Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1972-73 to 2011-12;
2.	Partition Deed dated 22.5.1972 executed by and amongst Mr. M. Muniswami Reddy, Mr. Muniyamma, Mr. M. Krishnappa, Mr. M. Pappaiah Reddy, Mr. M. Shamaiah, Mr. M. Doraiswamy Reddy and Mr. M. Nagaraj partitioning their joint family properties including the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 1399 of 1972-73 in Book-I, Volume No. 937 at Pages 59 to 66 in the Office of the Sub-Registrar, Bangalore South Taluk;
3.	Sale Deed dated 16.11.1979 executed by Mr. M. Shamaiah in favour of Mr. Krishna Reddy and Mr. M. Munivenkatappa conveying the land bearing Survey No. 151/2 measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 3807 of 1979-80 in Book-I, Volume No. 1427 at Pages 234 to 235, in the Office of the Sub-Registrar, Bangalore South Taluk;
4.	Extract of Entry No. MR 15 of 1979-80 made in the Mutation Register recording execution of the Sale Deed dated 16.11.1979 and grant of permission for change of khata in respect of the land bearing Survey No. 151/2 measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the names of Mr. Krishna Reddy and

	Mr. Munivenkatappa;
5.	Sale Deed dated 8.8.1980 executed by Mr. M. Nagaraj in favour of Mr. Krishna Reddy and Mr. M. Munivenkatappa conveying the land bearing Survey No. 151/1 measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 4189 of 1980-81 in Book-I, Volume No.1550 at Pages 125 to 127, in the office of the Sub-Registrar, Bangalore South Taluk;
6.	Sale Deed dated 8.8.1980 executed by Mr. M. Doraiswamy Reddy and Mr. Mahesh in favour of Mr. Krishna Reddy and Mr. M. Munivenkatappa conveying the land bearing Survey No. 151/2 measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 4190 of 1980-81 in Book-I, Volume No. 1544 at Pages 239 to 241, in the office of the Sub-Registrar, Bangalore South Taluk;
7.	Extract of Entry No. MR 93 of 1980-81 made in the Mutation Register recording execution of the Sale Deed dated 8.8.1980 and grant of permission for change of khata in respect of the land bearing Survey No. 151/2 measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the names of Mr. Krishna Reddy and Mr. M. Munivenkatappa;
8.	Extract of Entry No. MR 94 of 1980-81 made in the Mutation Register recording the execution and registration of Sale Deed dated 8.8.1980 and grant of permission to change khata in respect of the land bearing Survey No. 151/2 measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the names of Mr. Krishna Reddy and Mr. M. Munivenkatappa;
9.	Genealogical Tree of Mr. Muniyappa Reddy reflecting the names of his family members;
10.	Sale Deed dated 9.7.2003 executed by Mr. M. Krishna Reddy and Mr. M. Munivenkatappa in favour of Mr. Austin Roach conveying the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 7181/2003-04 in Book-I (stored in C. D. No. 113) in the office of the Sub-Registrar, Bangalore South Taluk;
11.	Extract of Entry No. MR 32 of 2003-04 made in the Mutation Register recording execution of the Sale Deed dated 9.7.2003 and granting permission for change of khata in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of Mr. Austin Roach;
12.	Intimation letter bearing No.ALN(E)VB:SR:382/03-04 dated 6.12.2003 issued by the Special Deputy Commissioner, Bangalore Urban District;

13.	Receipt for payment of conversion fine and sub division fee in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
14.	Official Memorandum bearing No. BDis.ALN(E)VB:SR:382/03-04 dated 19.12.2003 issued by the Special Deputy Commissioner, Bangalore granting permission for conversion of land use in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
15.	Extract of Entry No. MR 26 of 2004-05 made in the Mutation Register recording conversion of land use in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes under the Official Memorandum bearing No. BDis.ALN(E)VB:SR:382/03-04 dated 19.12.2003;
16.	Khata Certificate issued by Bruhat Bangalore Mahanagara Palike ("BBMP") in respect of the property bearing Khata No. 151/62 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17.	Extract from the Register of Houses and Vacant Lands issued by BBMP in respect of the property bearing Khata No. 151/62 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2007-08;
17A	Lease Agreement dated 6.12.2008 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-01885-2008-09 (stored in C.D. No. VRTD 31) in the office of the Sub-Registrar, Varthur, Bangalore;
17B	Surrender of Lease Agreement dated 23.6.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02075-2010-11 (stored in C.D. No. VRTD 75) in the office of the Sub-Registrar, Varthur, Bangalore;
17C	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02320-

	2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
17D	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
18.	Deed of Exchange dated 28.10.2010 executed by and between Mr. Austin Roach and Mr. R. Nagaraj in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-04768-2010-11 (stored in C.D. No. VRTD 85) in the office of the Sub-Registrar, Varthur, Bangalore;
19.	Rectification Deed dated 18.11.2010 executed by and between Mr. Austin Roach and Mr. R. Nagaraj, registered as Document No. VRT-1-05216-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
20.	Receipt dated 28.5.2009 evidencing payment of tax in respect of the property bearing khata No. 151/62 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2008-09;
20A	Exchange Deed dated 18.3.2011 executed by and between Mr. R. Nagaraj and DIPPL in respect of the land bearing Survey Nos. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08340-2010-11 (stored in CD No. VRTD103) in the office of the Sub Registrar, Varthur;
20B	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
20C	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by BBMP in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;

20D	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
20E	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
20F	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
20G	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
20H	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
20I	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
21.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that no proceedings have been filed under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
22.	Endorsement bearing No. LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings have been filed under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
23.	Endorsement bearing No. LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no applications have been filed under Form 7 or 7A under Section 48A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 151/2 measuring 33 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
24.	Revision Settlement Akarbandh issued in respect of the lands bearing Survey Nos. 150/1, 151/2, 139/2, 139/3 and 135/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
25.	Tippani issued in respect of the land bearing Survey No. 151/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;

26.	Map of Ammani Bellandur Khane Village; and
27.	Encumbrance Certificates issued in respect of the land bearing Survey No. 151/2 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1972 to 31.3.1976, 1.1.1972 to 31.12.2002, 31.12.2002 to 3.11.2003, 31.12.2002 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 11.11.2009 and 1.4.2009 to 29.10.2010.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. On an examination of the documents furnished to us, it appears that Property XIX was initially held by one Mr. Munishamappa, as per RTCs issued in respect of Property XIX for the years 1971-72 to 1976-77 (**Document No. 1**). We have not seen any document evidencing the mode and manner by which Mr. Munishamappa acquired title to Property XIX. We have been informed that no documents are available in this regard.
2. Thereafter, Mr. Munishamappa, his wife Mrs. Muniamma and their children Mr. M. Krishnappa, Mr. M. Pappaiah Reddy, Mr. M. Shamaiah, Mr. M. Doraiswamy Reddy and Mr. M. Nagaraj executed a Partition Deed dated 22.5.1972 partitioning their joint family properties amongst themselves (**Document No. 2**). Under the said family partition, Mr. M. Shamaiah, Mr. M. Doraiswamy Reddy and Mr. M. Nagaraj were allotted an extent of 11 Guntas each in Property XIX.
3. We have not been provided with the genealogical tree of Mr. Munishamappa. We have been informed that the same is not available. We have not seen provided with extract of entry/ies made in the Mutation Register in respect of Property XIX pursuant to the above family partition. We have been informed that khata in respect of Property XIX was not mutated to the names of Mr. M. Shamaiah, Mr. M. Doraiswamy Reddy and Mr. Nagaraj pursuant to the partition.
4. Thereafter, Mr. M. Shamaiah conveyed 11 Guntas in Property XIX (allotted to his share) jointly in favour of Mr. Krishna Reddy and Mr. M. Munivenkatappa under a Sale Deed dated 16.11.1979 (**Document No. 3**). Entry No. MR 15 of 1979-80 was made in the Mutation Register recording the execution of the aforementioned Sale Deed dated 16.11.1979 and grant of permission to change of khata in respect of 11 Guntas in Property XIX to the name of Mr. Krishna Reddy and Mr. Munivenkatappa (**Document No. 4**).
5. Similarly, Mr. M. Nagaraj and Mr. M. Doraiswamy Reddy executed two separate Sale Deeds, both dated 8.8.1980 conveying land bearing Survey No. 151/2 measuring 11 Guntas each which were allotted to their share under the partition, jointly in favour of Mr. Krishna Reddy and Mr. M. Munivenkatappa (**Document Nos. 5 & 6**).
6. Entry bearing Nos. MR 93 of 1980-81 and MR 94 of 1980-81 were made in the Mutation Register recording the Sale Deeds dated 18.8.2010 and grant of permission to change khata in respect of the land bearing Survey No. 151/2 measuring 22 Guntas

- to the names of Mr. Krishna Reddy and Mr. M. Munivenkatappa (Document Nos. 7 & 8).
7. RTCs issued in respect of Property XIX for the years 1977-78 to 2002-03 reflect Mr. Krishna Reddy and Mr. Munivenkatappa to be the holders thereof during the said years. We have not seen RTCs in respect of Property XIX for the years 1967-68 to 1971-72. We have been informed that the same is not available.
 8. The genealogical tree of Mr. Muniyappa Reddy as authenticated by the Sorahunse Village Accountant reveals the names of his family members namely, Mrs. Muniyamma (wife of Mr. Muniyappa Reddy), Mr. M. Krishna Reddy & Mr. M. Munivenkatappa Reddy (sons of Mr. Muniyappa Reddy), Mrs. Venkatalakshamma, Mr. Muni Reddy, Mr. Manjunath Reddy (wife and sons of Mr. Krishna Reddy) and Mrs. Amayamma, Mr. M. Raja Reddy and Mr. Suresh Reddy (wife and sons of Mr. M. Munivenkatappa Reddy) (Document No. 9).
 9. Mr. M. Krishna Reddy and Mr. M. Munivenkatappa executed Sale Deed dated 9.7.2003 conveying Property XIX in favour of Mr. Austin Roach (Document No. 10). We note that Mr. Muni Reddy, & Mr. Manjunath Reddy (sons of Mr. Krishna Reddy), Mr. Raja Reddy & Mr. Suresh Reddy (sons of Mr. Munivenkatappa) have executed the said sale deed as witness.
 10. Entry No. MR 32 of 2003-04 made in the Mutation Register records the execution and registration of the Sale Deed dated 9.7.2003 and grant of permission to change khata in respect of Property XIX to the name of Mr. Austin Roach (Document No. 11).
 11. On an application made by Mr. Austin Roach the Official Memorandum dated 19.12.2003 was issued by the Special Deputy Commissioner, Bangalore District granting permission for the conversion of land use in respect of Property XIX from agricultural to non-agricultural residential use (Document No. 12 to 14). The said Conversion Order states that an extent of 3 Guntas 'B' Kharab therein is reserved for public purposes and the same has not been converted.
 12. Entry No. MR 26 of 2004-05 made in the Mutation Register records the conversion of land use in respect of Property XIX from agricultural to non agricultural residential purposes under the aforementioned Official Memorandum (Document No. 15).
 13. Post conversion, RTCs issued in respect of Property XIX for the years 2004-05 to 2011-12 reflect Mr. Austin Roach as the holder and cultivator thereof. The aforesaid RTCs issued in respect of Property XIX for the year 2011-12 reflects the conversion of the land use in respect thereof and the said Entry No. MR 26 of 2004-05 made in the Mutation Register.
 14. Property XIX appears to have been assigned Khata No. 151/62 (Old No. 97). We note the Khata Certificate issued by BBMP in respect of Property XIX reflecting the same to be standing in the name of Mr. Austin Roach (Document No. 16). We also note extract from Register of Houses and Vacant Lands issued by BBMP for the year

2007-08 in respect of Property XIX reflecting Mr. Austin Roach as the owner thereof (Document No. 17).

15. Later, Mr. Austin Roach along with M/s. Ferns Builders & Developers, Mr. R. Nagaraj and Mr. Errol Fernandes executed a Lease Agreement dated 6.12.2008 with M/s. Divyasree Infrastructure in respect of certain properties including an extent of 18 Guntas in Property XIX (Document No. 17A).
16. Subsequently, M/s. Ferns Builders & Developers, along with Mr. R. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL (erstwhile M/s. Divyasree Infrastructure) have executed the Surrender of Lease dated 23.6.2010, thereby DIPPL surrendering the leasehold rights inter alia in respect of an extent of 18 Guntas in Property XIX granted in its favour under the aforesaid Lease Agreement dated 6.12.2008 (Document No. 17B).
17. Thereafter, Mr. Austin Roach along with M/s. Ferns Builders & Developers, Mr. R. Nagaraj and Mr. Errol Fernandes entered into a Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property XIX (Document No. 17C).
18. Subsequently, Mr. Austin Roach, M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Errol Fernandes and DIPPL have cancelled the said Development Agreement dated 1.7.2010 under the Cancellation Deed dated 30.9.2010 (Document No. 17D).
19. Mr. Austin Roach executed the Exchange Deed dated 28.10.2010 in favour of Mr. R. Nagaraj whereunder, Property XIX was transferred to Mr. R. Nagaraj in consideration of Mr. R. Nagaraj conveying certain lands owned by him to Mr. Austin Roach (Document No. 18). To the said Exchange Deed dated 28.10.2010, Mr. Austin Roach and Mr. Nagaraj have executed the Rectification Deed dated 18.11.2010 providing the khata numbers of the properties which were subject matter of the aforesaid Exchange Deed (Document No. 19).
20. We note the Khata Certificate issued by BBMP in respect of Property XIX reflecting the same to be standing in the name of Mr. R. Nagaraj (Document No. 19A). We also note an extract from the Register Houses and Vacant Lands issued by BBMP in respect of Property XIX for the year 2010-11 reflecting Mr. R. Nagaraj as the owner thereof (Document No. 19B).
21. We note the receipt dated 28.5.2009 for payment of tax levied on Property XIX for the year 2008-09 (Document No. 20).
22. Thereafter, Mr. R. Nagaraj and DIPPL have exchanged properties under the Exchange Deed dated 18.3.2011 (Document No. 20A). Under the said Exchange Deed, Mr. R. Nagaraj has conveyed a total extent of 6 Acres 7 Guntas comprising of Property XIX and the following Survey Nos. 151/4 measuring 6 Guntas, 153/1 measuring 12.5 Guntas, 151/5 measuring 6 Guntas, 152(part) measuring 1 Acre 9 Guntas, 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 151/1 measuring 10 Guntas, 151/6 measuring 11 Guntas, 151/7 measuring 16 Guntas, 151/4 measuring 12 Guntas, 153/1 measuring 12.5 Guntas and 153/2 measuring 28 Guntas

to DIPPL and DIPPL has conveyed 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas all situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk.

23. Thereafter, DIPPL along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas ("**Amalgamated Property**") owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the Bruhat Bangalore Mahanagara Palike ("**BBMP**") (**Document No. 20B**).
24. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 20C**). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
25. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (**Document Nos. 20D & 20E**). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 20F**).
26. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) ("**Project Lands**"), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 ("**Proposed Project**") (**Document No. 20G**).
27. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 20H**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in the Project Lands (**Document No. 20I**).
28. We have been furnished with the Endorsement dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that an extent of 22 Guntas in Property XIX has not been the subject matter of any proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (**Document No. 21**). We have not seen a similar endorsement issued by the jurisdictional Assistant Commissioner in respect of the

balance extent of 11 Guntas in Property XIX. We have been informed that the same is not available.

29. We have also been furnished with the Endorsement bearing dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk which indicates that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property XIX (Document No. 22).
30. We also note the Endorsement dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XIX (Document No. 23).
31. Revision Settlement Akarbandh in respect of Property XIX indicates the total extent therein as 36 Guntas including 3 Guntas 'B' Kharab comprised therein (Document No. 24).
32. Tippani issued in respect of Property XIX indicates the shape thereof (Document No. 25).
33. We have also been provided with a copy of the map of Ammani Bellandur Khane Village indicating the location of the land bearing Survey No. 151 (Document No. 26).
34. Encumbrance Certificates issued in respect of Property XIX for the period 1.4.1972 to 29.10.2010 reflects Partition Deed dated 22.5.1972, Sale Deeds dated 16.11.1979, 8.8.1980, 8.8.1980 and 9.7.2003, Lease Agreement dated 6.12.2008, Surrender of Lease Agreement dated 23.6.2010, Joint Development Agreement dated 1.7.2010, Cancellation of Joint Development Agreement dated 30.9.2010 and Exchange Deed dated 28.10.2010 referred to hereinabove (Document No. 27).
35. It is necessary to secure encumbrance certificates in respect of Property XIX for the period 30.10.2010 till date. It is advisable to obtain a fresh certificate for the period 1.4.2010 till date which would all reflect all transactions entered into during the said period.
36. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XIX has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
37. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XIX.
38. We have also been informed that no charges and/or mortgages have been created in respect of Property XIX, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of

Report issued to:
Divyasree Infrastructure Projects Private Limited

Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. Divyasree Infrastructure Projects Private Limited is the owner of Property XIX. Divyasree Infrastructure Projects Private Limited's title to Property XIX is subject to the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XIX is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;

TATVA LEGAL



XX. LAND BEARING SURVEY NO. 151/4 (12 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 151/4 measuring 12 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and bounded on its:

East by : Land bearing Survey No. 151/5;
West by : Land bearing Survey No. 152;
North by : Land bearing Survey No. 151/2; and
South by : Land bearing Survey No. 140/2

The aforesaid property is hereinafter referred to as the “**Property XX**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Partition Deed dated 13.1.1952 executed by and amongst Mr. Pillaiiah, Mr. Hanumaiah, Mr. Annaiah, Mr. Dodda Pappaiah and Mr. Chikka Pappaiah in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 6858 of 1951-52 in Book-I, Volume No. 1258 at Pages 115 to 119, in the office of the Sub-Registrar, Bangalore Taluk;
2.	Record of Rights Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 151/4 measuring 24 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
3.	Endorsement bearing No.RK.CR.499/04-05 dated 27.10.2004 issued by the Tahsildar, Bangalore East Taluk stating that an extract of Entry No. MR 46 of 84-85 made in the Mutation Register cannot be provided as the relevant documents are not available in his office;
3A.	Endorsement bearing No. RKCR:587/07-08 dated 13.2.2008 issued by Taluk Shirastedar, Bangalore East Taluk stating that an extract of Entry No. MR 36 of 1984-85 made in the Mutation Register cannot be provided as the relevant documents are not available in his office;
4.	Death Certificate of Mr. Hanumappa recording the date of his demise;
5.	Genealogical Tree of Mr. Hanumappa reflecting the names of his family members;

6.	Official Memorandum bearing No. BDIS/ALN/(E)VB/SR/261/03-04 dated 20.8.2003 issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of the land bearing Survey No. 151/4 measuring 12 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
7.	Extract of Entry No. MR 261 of 2003-04 made in the Mutation Register recording the grant of permission for conversion of land use in respect of the land bearing Survey No. 151/4 measuring 12 Guntas, situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non agricultural residential purposes under Official Memorandum bearing No. BDis/ALN/(E)VB/SR/261/03-04;
8.	Sale Deed dated 4.9.2003 executed by Mrs. Thimmakka, Mr. Anjanappa, Mr. Ravi, Mr. Raghu, Mr. Papaiah Reddy, Mr. Kiran, Mr. Puttappa, Mr. Krishnappa and Mr. Kishore Reddy in favour of M/s Ferns Builders and Developers conveying the land bearing Survey No. 151/4 measuring 12 Guntas, situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 10937/03-04 in Book-I (stored in C. D. No. 116) in the office of the Sub-Registrar, Bangalore South Taluk;
8A	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Projects Private Limited (“ DIPPL ”) in respect of the land bearing Survey No. 151/4 measuring 12 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
8B	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL in respect of the land bearing Survey No. 151/4 measuring 12 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
9.	Deed of Retirement of Mr. Nagaraj dated 1.10.2010 executed by and amongst Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj, registered as Document No. VRT-1-5217-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
10.	Khata Certificate issued by Bruhat Bangalore Mahanagara Palike (“ BBMP ”) in respect of the property bearing No. 151/4, 50 (Old No. 85) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
11.	Extract from the Register of Houses and Vacant Lands, issued by BBMP in respect of the property bearing No. 151/4, 50 (Old No. 85) situated at Ammani

	Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2010-11;
12.	Receipts dated 28.5.2009, 30.7.2009 and 25.11.2010 evidencing payment of tax for the years 2008-09 to 2010-11 levied on the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
12A	Exchange Deed dated 18.3.2011 executed by and between Mr. R. Nagaraj and DIPPL in respect of the land bearing Survey Nos. 151/4 measuring 12 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08340-2010-11 (stored in CD No. VRTD103) in the office of the Sub Registrar, Varthur;
12B	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
12C	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
12D	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
12E	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
12F	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
12G	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
12H	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
12I	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;

13.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that no proceedings have been filed under provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
14.	Endorsement bearing No.LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings have been initiated in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under Sections 79A & 79B of the Karnataka Land Reforms Act, 1961;
15.	Endorsement bearing No. LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no applications have been filed under Form 7 & 7A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
15A	Endorsement bearing No. LRF:CR.495:2007-08 dated 20.02.2008 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no applications have been filed under Form 7 & 7A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16.	Endorsement bearing No. LRF:CR.413/02-03 dated 8.11.2002 issued by the Taluk Shirastedar, Bangalore East Taluk stating that extract of Index of Lands and Records of Right in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village cannot be provided as the same are not available in his office;
17.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18.	Tippani issued in respect of the land bearing Survey No. 151 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18A	Atlas issued in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
19.	Map of Ammani Bellandur Khane Village; and
20.	Encumbrance Certificates issued in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.1.1972 to 31.12.2002, 31.12.2002 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 18.4.2007, 1.4.2007 to 31.5.2008, 1.6.2008 to 11.11.2009 and 1.4.2004 to 25.2.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. On an examination of the documents furnished to us, it appears that Property XX is part of larger extent of land in Survey No. 151/4 measuring 24 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk (“**Land XX**”). Land XX was held by Mr. Pillaiiah in his name for the joint family comprising of his children and himself (*as per Partition Deed dated 13.1.1952 referred to hereinafter*). We have not seen any documents evidencing the mode and manner in which Land XX has acquired title to Land XX. We have been informed that the same is not available.
2. Mr. Pillaiiah and his sons, viz., Mr. Hanumaiah, Mr. Annaiah, Mr. Dodda Papaiah and Mr. Chikka Papaiah executed the Partition Deed dated 13.1.1952 dividing their joint family properties including Land XX by and amongst themselves (**Document No. 1**). Under the said family partition Mr. Hanumaiah, Mr. Annaiah, Mr. Dodda Papaiah and Mr. Chikka Papaiah were each allotted an extent of 6 Guntas in Land XX. It appears that Mr. Hanumaiah was also known as Hanumappa
3. R.T.C.s issued in respect of Land XX for the years 1967-68 to 1971-72 continue to reflect Mr. Papaiah as a holder thereof for the aforesaid years (**Document No. 2**).
4. RTCs issued in respect of Land XX for the years 1972-73 to 1981-82 reflect Mr. Abbaiah (son of Mr. Muneappa) as the holder thereof. RTCs for the aforementioned years reflect Mr. Hanumappa and Mr. Chikka Papaiah as cultivators thereof. It is pertinent to note that RTCs issued in respect of Land XX for the years 1972-73 to 1981-82 reflect one Mr. Abbaiah as the holder of Land XX during the said years. However, Land XX was allotted to the children of Mr. Pillaiiah in the family partition, referred to above. We have not seen any documents evidencing the mode and manner by which Mr. Abbaiah acquired and transferred / extinguished title to Land XX. We have been informed that no documents are available in this regard.
5. RTC issued in respect of Land XX for the years 1982-83 to 1986-87 reflect Mr. Hanumappa, Mr. Annaiah, Mr. Dodda Papaiah and Mr. Chikka Papaiah as holder of 6 Guntas each in the said land.
6. RTCs issued in respect of Land XX for the aforesaid years reflect Entry Nos. MR 46 of 84-85, MR 36 of 84-85 and MR 41 of 84-85 made in the Mutation Register. We have not seen an extract of Mutation Register reflecting Entry bearing Nos. MR 46 of 84-85, 36 of 84-85 and 41 of 84-85 which appear to have been made pursuant to the aforesaid partition. We have not seen extracts of the aforementioned entries made in the Mutation Register.
7. We note the Endorsement dated 27.10.2004 issued by the Tahsildar, Bangalore East Taluk, which states that extract of Entry No. MR 41 of 1984-85, MR 46 of 1984-85 made in the Mutation Register cannot be provided as the Mutation Register for the year 1984-85 is not available in his office (**Document No. 3**). We note the endorsement dated 13.02.2008 issued by the Taluk Shirastedar, Bangalore East Taluk, to the effect that an extract of the aforesaid Entry No. MR 36 of 1984-85 made in the Mutation Register cannot be issued as the Mutation Register for the said years are not available in his office (**Document No. 3A**).

8. From the RTCs issued in respect of Land XX, it appears that Mr. Dodda Papaiah, who was allotted an extent of 6 Guntas in Land XX under the Partition Deed dated 13.1.1952, conveyed the same to his brother, Mr. Hanumaiah. We have not been provided with any documents in this regard. We have been informed that no documents are available in this regard. Pursuant thereto, Mr. Hanumaiah came to hold a total extent of 12 Guntas in Land XX (i.e., Property XX).
9. RTCs issued in respect of Land XX for the years 1987-88 to 2002-03 reflect Mr. Hanumaiah to be the holder of 12 Guntas during the said years.
10. Thereafter, Mr. Hanumaiah passed away on 5.9.1995 as evidenced from his death certificate (Document No. 4).
11. We note the genealogical tree of Mr. Hanumaiah which indicates that Mr. Hanumaiah was survived by his widow Mrs. Thimmakka, children Mr. Anjanappa, Mr. Papaiah Reddy, Mr. Puttappa and Mr. Krishnappa and grand children Mr. Ravi, Mr. Raghu, Mr. Kiran and Mr. Kishore Reddy (Document No. 5).
12. Subsequently khata in respect of Property XX appears to have mutated to the name of Mrs. Thimmakka vide Entry No. MR 145 of 2002-03 made in the Mutation Register. We have not been provided with an extract of the said entry. We have been informed that the same is not available.
13. RTCs issued in respect of Land XX for the year 2003-04 reflects Mrs. Thimmakka as the holder and cultivator of Property XX.
14. On an application made by Mrs. Thimmakka the Official Memorandum dated 20.8.2003 was issued by the Special Deputy Commissioner, Bangalore District granting permission for the conversion of land use in respect of Property XX from agricultural to non-agricultural residential use (Document No. 6). The said order of conversion in respect of Property XX is recorded in Entry No. MR 261 of 2003-04 made in the Mutation Register (Document No. 7).
15. Post conversion, RTCs issued in respect of Land XX for the years 2004-05 to 2011-12 continue to reflect Mrs. Thimmakka as the holder and cultivator of Property XX. The aforesaid RTCs issued also reflect the conversion of the land use in respect thereof and the said Entry No. MR 261/2003-04 made in the Mutation Register.
16. Subsequently, all the legal heirs of Mr. Hanumaiah, namely, Mrs. Thimmakka, Mr. Anjanappa, Mr. Ravi, Mr. Raghu, Mr. Papaiah Reddy, Mr. Kiran, Mr. Puttappa, Mr. Krishnappa and Mr. Kishore Reddy executed Sale Deed dated 4.9.2003 conveying Property XX in favour of M/s. Ferns Builders and Developers (Document No. 8).
17. M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property XX (Document No. 8A).

18. Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL have cancelled the aforementioned Development Agreement dated 1.7.2010 under the Cancellation Deed dated 30.9.2010 (Document No. 8B).
19. Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes executed a Deed of Retirement of Mr. Nagaraj dated 1.10.2010 from the firm M/s. Ferns Builders and Developers, whereunder Mr. Nagaraj retired from the said firm (Document No. 9). In terms of the said Retirement Deed, Property XX was allotted as the share of Mr. R. Nagaraj.
20. Property XX appears to have been allotted the Khata No. 151/4, 50 (Old No. 85) by erstwhile Bangalore Mahanagara Palike. We note the Khata Certificate issued by BBMP in respect of Property XX reflecting the same to be standing in the name of Mr. R. Nagaraj (Document No. 10). We also note the extract of Register of Houses and Vacant Lands, issued by BBMP in respect of Property XX for the year 2010-11 reflecting Mr. R. Nagaraj as the owner thereof (Document No. 11).
21. We note the receipts dated 28.5.2009, 30.7.2009 and 25.11.2010 which evidence the payment of tax levied on Property XX for the years 2008-09 to 2010-11 (Document No. 12).
22. Mr. R. Nagaraj and DIPPL have exchanged properties under the Exchange Deed dated 18.3.2011 (Document No. 12A). Under the said Exchange Deed, Mr. R. Nagaraj has conveyed a total extent of 6 Acres 7 Guntas comprising of Property XX along with the following Survey Nos. 151/4 measuring 6 Guntas, 153/1 measuring 12.5 Guntas, 151/2 measuring 33 Guntas, 151/5 measuring 6 Guntas, 152(part) measuring 1 Acre 9 Guntas, 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 151/1 measuring 10 Guntas, 151/6 measuring 11 Guntas, 151/7 measuring 16 Guntas, 153/1 measuring 12.5 Guntas and 153/2 measuring 28 Guntas to DIPPL and DIPPL has conveyed 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.
23. Thereafter, DIPPL along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of BBMP (Document No. 12B).
24. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (Document No. 12C). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
25. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11

- reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (Document Nos. 12D & 12E). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (Document No. 12F).
26. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) ("**Project Lands**"), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 ("**Proposed Project**") (Document No. 12G).
27. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (Document No. 12H). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in the Project Lands (Document No. 12I).
28. We have been furnished with the Endorsement dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that Property XX has not been the subject matter of proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Document No. 13).
29. We have also been furnished with the Endorsement dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property XX (Document No. 14).
30. We note the Endorsements dated 25.10.2002 and 20.2.2008 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XX (Document No. 15 and 15A).
31. We have been provided with the Endorsement dated 8.11.2002 issued by the Taluk Shirastedar stating that copies of Index of Lands and Record of Rights cannot be issued in respect of Property XX as the relevant records in respect of the same are not available in his office (Document No. 16).
32. Revision Settlement Akarbandh issued in respect of Land XX reflects the total extent therein as 24 Guntas (Document No. 17).
33. Tippani and Atlas issued in respect of Land XX indicate the shape thereof (Document Nos. 18 and 18A).

34. We have also been provided with a copy of the map of Ammani Bellandur Khane Village indicating the location of the land bearing Survey No. 151 (Document No. 19).
35. We note the Encumbrance Certificates issued in respect of Property XX for the periods 1.1.1972 to 31.12.2002, 31.12.2002 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 18.4.2007, 1.4.2007 to 31.5.2008, 1.6.2008 to 11.11.2009 and 1.4.2004 to 25.2.2011 reflect Sale Deed dated 4.9.2003, Development Agreement dated 1.7.2010, Relinquishment Deeds dated 19.3.2010 & 16.7.2010 referred to hereinabove (Document No. 20). We have not seen encumbrance certificate issued in respect of Property XX for the period 26.2.2011 till date.
36. The Encumbrance Certificates issued in respect of Property XX for the period 1.4.2004 to 25.2.2011 do not reflect Retirement Deed dated 1.10.2010 and Amalgamation Deed dated 19.1.2011 referred to hereinabove. A fresh encumbrance certificate reflecting all the aforementioned transaction in respect of Property XX may be secured for the period 1.4.2009 till date.
37. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XX has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
39. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XX.
40. We have also been informed that no charges and/or mortgages have been created in respect of Property XX, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. Divyasree Infrastructure Projects Private Limited is the owner of Property XX. Divyasree Infrastructure Projects Private Limited's title to Property XX is subject to the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XX is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

XXI. LAND BEARING SURVEY NO. 151/5 (6 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 151/5 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk bounded on its:

East by : Land bearing Survey No. 151/5;
West by : Land bearing Survey No. 152;
North by : Land bearing Survey No. 151/2; and
South by : Land bearing Survey No. 140/2

The aforesaid property is hereinafter referred to as "**Property XXI**".

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Record of Rights, Tenancy and Crop Inspection (RTCs) issued in respect of the land bearing Survey No. 151/5 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2001-2002 and 2003-04 to 2011-12;
2.	Extract of Entry No. IHC 5 of 1983-84 made in the Inheritance Register recording the demise of Mr. Venkatappa and grant of permission for change khata in respect of the land bearing Survey No. 151/5 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of his son Mr. V. Muni Reddy;
2A.	Genealogical Tree of Mr. V. Muni Reddy indicating the names of his family members;
3.	Sale Deed dated 5.5.2003 executed by Mr. V. Muni Reddy, Mr. M. Venkatesh and Mr. M. Gopal Krishna in favor of Mr. Austin Roach conveying the land bearing Survey No. 151/5 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 2562 of 2003-04 in Book-I (stored in C. D. No. 107) in the office of the Sub-Registrar, Bangalore South Taluk;
4.	Intimation letter bearing No.ALN(E)VB:SR:258/03-04 dated 14.8.2003 issued by the Special Deputy Commissioner, Bangalore Urban District;
5.	Receipt for payment of conversion fine and sub division fee in respect of the land bearing Survey No. 151/5 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;

6.	Official Memorandum bearing No. BDis.ALN(E)VB:SR:258/03-04 dated 20.8.2003 issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of the land bearing Survey No. 151/5 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
7.	Extract of Entry No. MR 271 of 2003-04 made in the Mutation Register recording conversion of land use in respect of in respect of the land bearing Survey No. 151/5 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under the Official Memorandum bearing No. BDis.ALN(E)VB:SR:258/03-04 dated 20.8.2003;
7A	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Projects Private Limited (“DIPPL”) <i>inter alia</i> in respect of the land bearing Survey No. 151/5 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
7B	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
8.	Deed of Exchange dated 28.10.2010 executed by and between Mr. Austin Roach and Mr. R. Nagaraj, registered as Document No. VRT-1-04768-2010-11 (stored in C.D. No. VRTD 85) in the office of the Sub-Registrar, Varthur, Bangalore;
9.	Rectification Deed dated 18.11.2010 executed by and between Mr. Austin Roach and Mr. R. Nagaraj, registered as Document No. VRT-1-05216-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
10.	Khata Certificate issued by Bruhat Bangalore Mahanagara Palike (“BBMP”) in respect of property bearing Khata No. 97 (Old No. 151/5, 62) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
11.	Extract from the Register of Houses and Vacant Lands issued by BBMP in respect of property bearing Khata No. 97 (Old No. 151/5, 62) for the year 2010-11;
12.	Receipt dated 15.11.2010 evidencing payment of tax in respect of property bearing Khata No. 97 (Old No. 151/5, 62) for the year 2010-11;

12A	Exchange Deed dated 18.3.2011 executed by and between Mr. R. Nagaraj and DIPPL in respect of the land bearing Survey Nos. 151/5 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08340-2010-11 (stored in CD No. VRTD103) in the office of the Sub Registrar, Varthur;
12B	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
12C	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
12D	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
12E	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
12F	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
12G	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
12H	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
12I	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
13.	Endorsement bearing No. KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Divisional Commissioner, Bangalore North Sub Division to the effect that no proceedings have been filed under the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 in respect of the land bearing Survey No. 151/5 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;

14.	Endorsement bearing No. LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings have been filed under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 151/5 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
15.	Endorsement bearing No. LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no applications have been filed under Form 7 or 7A under Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 151/5 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16.	Revision Settlement Akarbandh issued in respect of the lands bearing Survey No. 151/5 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17.	Tippani issued in respect of land bearing Survey No. 151 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18.	Map of Ammani Bellandur Khane Village; and
19.	Encumbrance Certificates issued in respect of land bearing Survey No. 151/5 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1970 to 28.3.2003, 28.3.2003 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 31.5.2008, 1.6.2008 to 11.11.2009, 1.4.2009 to 28.10.2010 and 1.4.2004 to 25.2.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. On an examination of the documents provided to us, it appears that Property XXI was held by one Mr. Venkatappa (son of Mr. Dodda Nagappa), as reflected in RTCs for the years 1967-68 to 1981-82 (Document No. 1). RTCs for the aforementioned years reflect that Mr. Venkatappa came to hold Property XXI under a sale. We have not seen the said Sale Deed. We have been informed that the same is not available.
2. Mr. Venkatappa appears to have passed away. We have not seen his death certificate. We have been informed that the same is not available.
3. Entry No. IHC 5 of 1983-84 made in the Inheritance Register records the demise of (i) Mr. Venkatappa and (ii) brother of Mr. Venkatappa (name not specified). And pursuant to the demise of Mr. Venkatappa and his brother, their sons Mr. Muni Reddy (son of Mr. Venkatappa), Mr. Yella Reddy and Mr. Venkata Reddy (sons of Mr. Venkatappa's brother) have orally partitioned their joint family properties including Property XXI and under the said partition, khata in respect of Property XXI has been changed to the name of Mr. V. Muni Reddy (son of Mr. Venkatappa) (Document No. 2). From the aforementioned entry it appears that Mr. Venkatappa held Property XXI in his name for the joint family comprising of his father Mr. Dodda Nagappa and his

- brothers and himself. We have not been provided with the genealogical tree of Mr. Venkatappa indicating the names of his parents and siblings.
4. RTCs issued in respect of Property XXI for the years 1982-83 to 2001-02 reflect Mr. V. Muni Reddy to be the holder thereof.
 5. We note the Genealogical Tree of Mr. V. Muni Reddy, authenticated by the Village Accountant, H.A. Sanitary Board which indicates the names of his family members namely, Mrs. Jayamma (wife of Mr. V. Muni Reddy), Mr. M. Venkatesh, Mr. H. Gopalakrishna, Ms. Vimala, Ms. Hemavathi and Ms. Indira (children of Mr. V. Muni Reddy) (Document No. 2A).
 6. Mr. V. Muni Reddy along with his sons Mr. M. Venkatesh and Mr. M. Gopala Krishna executed the Sale Deed dated 5.5.2003 conveying ownership over Property XXI in favour of Mr. Austin Roach (Document No. 3). We further note that Mrs. Jayamma (wife of Mr. V. Muni Reddy), Mrs. Vimala, Mrs. Hemavathi and Mrs. Indira (all daughters of V. Muni Reddy) have also executed the aforementioned sale deed as witnesses.
 7. On an application made by Mr. Austin Roach the Official Memorandum dated 20.8.2003 was issued by the Special Deputy Commissioner, Bangalore District granting permission for the conversion of land use in respect of Property XXI from agricultural to non-agricultural residential use (Document Nos. 4 to 6). Entry No. MR 271 of 2003-04 made in the Mutation Register records the grant of permission to use Property XXI for non agricultural residential purposes by the Deputy Commissioner under the Official Memorandum dated 20.8.2003 (Document No. 7).
 8. Post conversion, RTCs issued in respect of Property XXI for the years 2004-05 to 2011-12 continue to reflect Mr. Austin Roach as the holder and cultivator thereof and also reflect the conversion of the land use in respect thereof.
 9. M/s. Ferns Builders & Developers along with Mr. R. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property XXI (Document No. 7A). Subsequently, M/s. Ferns Builders & Developers along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL have cancelled the aforementioned Development Agreement dated 1.7.2010 under the Cancellation Deed dated 30.9.2010 (Document No. 7B).
 10. Mr. Austin Roach executed an Exchange Deed dated 28.10.2010 in favour of Mr. R. Nagaraj whereunder, Property XXI was transferred to Mr. R. Nagaraj (Document No. 8).
 11. Subsequently Mr. Austin Roach and Mr. Nagaraj have executed the Rectification Deed dated 18.11.2010 providing the khata numbers of the properties which were subject matter of the aforesaid Exchange Deed (Document No. 9).
 12. Property XXI appears to have been assigned Khata No. 97 (Old No. 151/5, 62). We note the Khata Certificate issued by BBMP in respect of Property XXI reflecting the

- same to be standing in the name of Mr. R. Nagaraj (Document No. 10). We also note an extract of Register of Houses and Vacant Lands issued in respect of Property XXI for the year 2010-11 reflecting Mr. R Nagaraj as the owner thereof (Document No. 11).
13. We note the receipt dated 25.11.2010 evidencing payment of tax in respect of Property XXI for the year 2010-11 (Document No. 12).
 14. Mr. R. Nagaraj and DIPPL have exchanged properties under the Exchange Deed dated 18.3.2011 (Document No. 12A). Under the said Exchange Deed, Mr. R. Nagaraj has conveyed a total extent of 6 Acres 7 Guntas comprising of Property XXI along with the following Survey Nos. 151/4 measuring 12 Guntas, 151/4 measuring 6 Guntas, 153/1 measuring 12.5 Guntas, 151/2 measuring 33 Guntas, 152(part) measuring 1 Acre 9 Guntas, 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 151/1 measuring 10 Guntas, 151/6 measuring 11 Guntas, 151/7 measuring 16 Guntas, 153/1 measuring 12.5 Guntas and 153/2 measuring 28 Guntas to DIPPL and DIPPL has conveyed 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.
 15. Thereafter, DIPPL along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas ("**Amalgamated Property**") owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the BBMP (Document No. 12B).
 16. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (Document No. 12C). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
 17. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (Document Nos. 12D & 12E). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (Document No. 12F).
 18. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) ("**Project Lands**"), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 ("**Proposed Project**") (Document No. 12G).

19. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (Document No. 12H). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Proposed Project (Document No. 12I).
20. We have been furnished with the Endorsement dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that properties listed therein including Property XXI have not been the subject matter of proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Document No. 13).
21. We have also been furnished with the Endorsement dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property XXI (Document No. 14).
22. We have also note the Endorsement dated 21.2.2003 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XXI (Document No. 15).
23. Revision Settlement Akarbandh issued in respect of Property XXI indicates the total extent thereof as 6 Guntas with no kharab comprised therein (Document No. 16).
24. Tippani issued in respect of the land bearing Survey No. 151 indicates the shape thereof (Document No. 17).
25. We have been provided with a copy of the map of Ammani Bellandur Khane village indicating the location of the land bearing Survey No. 151 (Document No. 18).
26. Encumbrance Certificates issued in respect of Property XXI for the period 1.4.1970 to 28.3.2003, 28.3.2003 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 31.5.2008, 1.6.2008 to 11.11.2009, 1.4.2009 to 28.10.2010 and 1.4.2004 to 25.2.2011 reflect Sale Deed dated 5.5.2003, Development Agreement dated 1.7.2010, Cancellation Deed dated 30.9.2010, Exchange Deed dated 28.10.2010, Rectification Deed dated 18.11.2010 and Relinquishment Deeds dated 19.3.2010 & 16.7.2010 referred to hereinabove (Document No. 19).
27. Encumbrance Certificates issued in respect of Property XXI for the period 1.4.2004 to 25.2.2011 does not reflect Amalgamation Deed dated 19.1.2011 referred to hereinabove. It is advisable to obtain a fresh certificate for the period 1.4.2010 till date which would all reflect all transactions entered into during the said period.
28. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XXI has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We

Report issued to:
Divyasree Infrastructure Projects Private Limited

have been informed that the same has not been obtained. It is advisable to obtain the same.

29. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XXI.
30. We have also been informed that no charges and/or mortgages have been created in respect of Property XXI, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. Divyasree Infrastructure Projects Private Limited is the owner of Property XXI. Divyasree Infrastructure Projects Private Limited's title to Property XXI is subject to the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XXI is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

**XXII. LANDS BEARING SURVEY NOS. 151/6 (11 GUNTAS) AND 151/7
(16 GUNTAS)**

A. DESCRIPTION OF THE PROPERTY

Lands bearing Survey No. 151/6 measuring 11 Guntas and Survey No. 151/7 measuring 16 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, bounded on their:

East by : Land bearing Survey No.150/3;
West by : Land bearing Survey No. 151/5;
North by : Lands bearing Survey Nos. 151/2 & 151/3; and
South by : Land bearing Survey No. 140/2.

The aforesaid property is hereinafter referred to as “Property XXII”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Record of Rights Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 151/6 measuring 11 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
2.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 151/7 measuring 16 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
3.	Extract of Entry No. IHC 9 of 1984-85 made in the Inheritance Register recording the demise of Mr. Chinnanna, Mr. Venkatappa and Mr. Nagappa and grant of permission for change khata in respect of the land bearing Survey Nos. 151/6 & 151/7 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the names of Mr. Nanjunda Reddy and Mr. Narayana Reddy;
4.	Genealogical Tree of Mr. Nagappa indicating the names of his family members;
5.	Sale Deed dated 7.5.2003 executed by Mr. N. Nanjunda Reddy, Mr. N. Narayana Reddy, Ms. N. Bhagyalakshmi, Mr. N. Nagaraj and Mr. N. Pradeep Reddy in favour of Mrs. K. Malini conveying the lands bearing Survey Nos. 151/6 measuring 11 Guntas and 151/7 measuring 16 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 02431 of 2003-04 in Book-I (stored in C. D. No.

	107) in the office of the Sub-Registrar, Bangalore South Taluk;
6.	Extract of Entry No. MR 155 of 2002-03 made in the Mutation Register recording execution of the Sale Deed dated 7.5.2003 and grant of permission for change khata in respect of the lands bearing Survey Nos. 151/6 measuring 11 Guntas and 151/7 measuring 16 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of Mrs. K. Malini;
7.	Intimation letter bearing No. ALN(E)VB:SR:262/03-04 dated 14.8.2003 issued by the Special Deputy Commissioner, Bangalore Urban District;
8.	Receipt for payment of conversion fine and sub division fee in respect of lands bearing Survey No. 151/6 and Survey No. 151/7;
9.	Official Memorandum bearing No. BDIS/ALN/(E)VB/SR/262/03-04 dated 20.8.2003 issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in the lands bearing Survey Nos. 151/6 and 151/7 totally measuring 27 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
10.	Extract of Entry No. MR 253 of 2003-04 made in the Mutation Register recording conversion of land use in respect of the lands bearing Survey Nos. 151/6 measuring 11 Guntas and 151/7 measuring 16 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under the Official Memorandum bearing No. BDIS/ALN/(E)VB/SR/262/03-04 dated 20.8.2003;
11.	Sale Deed dated 27.8.2003 executed by Mrs. K. Malini in favour of M/s. Ferns Builders and Developers conveying the lands bearing Survey Nos. 151/6 measuring 11 Guntas and 151/7 measuring 16 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 10798 of 2003-04 in Book-I (stored in C. D. No. 116) in the office of the Sub-Registrar, Bangalore South Taluk;
11A	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Projects Private Limited (“DIPPL”) in respect of the land bearing Survey Nos. 151/6 measuring 11 Guntas and 151/7 measuring 16 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
11B	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No.

	VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
12.	Deed of Retirement of Mr. Nagaraj dated 1.10.2010 executed by and amongst Mr. Austin Roach, Mr. Errol Fernandes and Mr. Nagaraj, registered as Document No. VRT-1-5217-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
13.	Khata Certificate issued by Bruhat Bangalore Mahanagara Palike ("BBMP") in respect of property bearing Khata No. 96 (Old No. 151/6, 151/7, 61) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
14.	Extract of Register of Houses and Vacant Lands, issued by BBMP in respect of property bearing Khata No. 96 (Old No. 151/6, 151/7, 61) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2010-11;
15.	Receipts dated 28.5.2009, 30.7.2009 and 25.11.2010 evidencing the payment of tax in respect of property bearing Khata No. 96 (Old No. 151/6, 151/5, 61) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 2008-09 to 2010-11;
15A	Exchange Deed dated 18.3.2011 executed by and between Mr. R. Nagaraj and Divyasree Infrastructure Projects Private Limited <i>inter alia</i> in respect of the land bearing Survey Nos. 151/6 measuring 11 Guntas and 151/7 measuring 16 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08340-2010-11 (stored in CD No. VRTD103) in the office of the Sub Registrar, Varthur;
15B	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
15C	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by BBMP in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
15D	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;

15E	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
15F	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
15G	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority ("BDA");
15H	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
15I	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
16.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division stating that no proceedings have been filed under Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands Act) 1978 in respect of the lands bearing Survey Nos. 151/6 and 151/7 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17.	Endorsement bearing No. LRF:79A&79B:120/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk to the effect that no proceedings have been filed under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 in respect of the lands bearing Survey Nos. 151/6 and 151/7 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18.	Endorsement bearing LRF.CR.14:2002-03 dated 21.2.2003 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no applications have been filed under Form 7 & 7A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey Nos. 151/6 and 151/7 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
19.	Revision Settlement Akarbandh issued in respect of the lands bearing Survey Nos. 151/6 and 151/7 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
20.	Tippani issued in respect of lands bearing Survey Nos. 151/6 and 151/7 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
21.	Map of Ammani Bellandur Khane Village; and
22.	Encumbrance Certificates in respect of lands bearing Survey Nos. 151/6 and

151/7 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the periods 1.4.1973 to 31.3.1988, 1.4.1988 to 10.2.2003, 10.2.2003 to 5.8.2003, 10.2.2003 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 31.5.2008, 1.6.2008 to 11.11.2009, 1.4.2009 to 28.10.2010 and 1.4.2004 to 25.2.2011.
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C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. Property XXII comprises of two parcels the land bearing Survey No. 151/6 measuring 11 Guntas (**Property XXIIA**) and the land bearing Survey No. 151/7 measuring 16 Guntas (**Property XXIIB**).
2. On an examination of the documents furnished to us, it appears that Property XXIIA was jointly held by Mr. Chinnanna and Mr. Venkatappa, as per the RTCs issued for the years 1967-68 to 1971-72 in respect of Property XXII A (**Document No. 1**). It appears that Mr. Chinnanna and Mr. Venkatappa acquired title to Property XXII A under a Sale Deed. We have not seen the said Sale Deed. We have been informed that the same is not available. We have also not seen any other documents which evidence the mode and manner in which Mr. Chinnanna and Mr. Venkatappa came to hold Property XXIIA. We have been informed that the same is not available.
3. RTCs issued in respect of Property XXII B reflect one Mrs. Papamma (wife of Mr. Muniyappa) as a holder thereof (**Document No. 2**). We have not seen any documents which evidence the mode and manner in which Mrs. Papamma has come to hold Property XXII B. We have been informed that the same is not available.
4. RTCs issued in respect of Property XXIIB for the years 1977-78 to 1981-82 reflect one Mr. Nagappa (son of Mr. Chinnanna) as holder thereof. We have not seen any documents evidencing the mode and manner by which Mrs. Papamma relinquished her rights in Property XXIIB and the mode and manner in which Mr. Nagappa (son of Mr. Chinnanna) acquired title to Property XXIIB. We have been informed that the same is not available.
5. It appears that Mr. Chinnanna, Mr. Venkatappa and Mr. Nagappa (son of Mr. Chinnanna) passed away. We have not been provided with their death certificates. We have been informed that the same is not available.
6. Entry No. IHC 9 of 1984-85 made in the Inheritance Register records the demise of Mr. Chinnanna and his son Mr. Nagappa and Mr. Venkatappa (brother of Mr. Chinnanna) and grant of permission to change khata in respect of Property XXII to the names of Mr. Nanjunda Reddy and Mr. Narayana Reddy (sons of Mr. Nagappa) (**Document No. 3**).
7. We note the genealogical tree of Late Mr. Nagappa which indicates the names of his family members namely, Mr. N. Nanjunda Reddy and Mr. N. Narayan Reddy (sons of Late Mr. Nagappa), Ms. Bhagyalakshmi (daughter of Mr. Nanjunda Reddy) and Mr. N. Nagaraj & Mr. N. Pradeep Reddy (sons of Mr. Narayana Reddy) (**Document No. 4**). We have not been provided with the genealogical tree of Mr. Venkatappa. We

- have been informed that the same is not available. In the absence of the same, it is not possible to ascertain the legal heirs of Mr. Venkatappa who had interest in Property XXIIA.
8. RTCs issued in respect of Property XXII A and Property XXII B for the years 1982-83 to 2002-03 reflects Mr. Nanjunda Reddy and Mr. Narayana Reddy as holders thereof.
 9. Mr. N. Nanjunda Reddy, Mr. N. Narayana Reddy, Mrs. N. Bhagyalakshmi, Mr. N. Nagaraj and Mr. N. Pradeep Reddy executed a Sale Deed dated 7.5.2003 conveying Property XXII in favour of Mrs. K. Malini (Document No. 5). Entry No. MR 155 of 2002-03 made in the Mutation Register records the execution of the said Sale Deed dated 7.5.2003 and grant of permission for change khata in respect of Property XXII to the name of Mrs. K. Malini (Document No. 6).
 10. It is pertinent to note that as per Entry No. IHC 9 of 1984-85 made in the Inheritance Register, Mr. Venkatappa had three daughters who would have rights and interests over Property XXIIA. We have not been provided with any documents which evidence the mode and manner in which Mr. Venkatappa and/or the family members of Mr. Venkatappa have relinquished their rights and interests over Property XXIIA. We have been informed that no such documents are available. In the absence of the same rights and interests of Mr. Venkatappa or his daughters or family members of Mr. Venkatappa have not been conveyed to Mrs. K. Malini.
 11. On an application made by Mrs. K. Malini, the Deputy Commissioner the Official Memorandum dated 20.8.2003 was issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of Property XXII from agricultural to non-agricultural residential purposes (Document No. 7 to 9). Entry No. MR 253 of 2003-04 made in the Mutation Register records conversion of land use in respect of Property XXII under the Official Memorandum dated 20.8.2003 (Document No. 10).
 12. Thereafter Mrs. K. Malini conveyed Property XXII in favour of Ferns Builders and Developers under the Sale Deed dated 27.8.2003 (Document No. 11).
 13. M/s. Ferns Builders & Developers, along with its partners, Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes entered into Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property XXII (Document No. 11A).
 14. Subsequently, M/s. Ferns Builders & Developers, along with its partners Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL have cancelled the Development Agreement dated 1.7.2010 by executing the Cancellation Deed dated 30.9.2010 (Document No. 11B).
 15. Mr. Nagaraj, Mr. Austin Roach and Mr. Errol Fernandes executed a Deed of Retirement of Mr. Nagaraj dated 1.10.2010 from the said Firm. M/s. Ferns Builders and Developers, whereunder Mr. Nagaraj retired from the said firm (Document No.

- 12). In terms of the said Deed, Property XXII was allotted as the share of Mr. R. Nagaraj.
16. Property XXII appears to have been allotted the Khata No. 96 (Old No. 151/6, 151/5, 61) by BBMP. We note the Khata Certificate issued by BBMP in respect of Property XXII reflecting the same to be standing in the name of Mr. R. Nagaraj (Document No. 13). We also note an extract from the Register of Houses and Vacant Lands, issued by BBMP in respect of Property XXII for the year 2010-11 reflecting Mr. R. Nagaraj as the owner thereof (Document No. 14).
17. We note the receipts dated 28.5.2009, 30.7.2009 and 25.11.2010 for payment of tax in respect of Property XXII for the years 2008-09 to 2010-11 (Document No. 15).
18. Mr. R. Nagaraj and DIPPL have exchanged properties under the Exchange Deed dated 18.3.2011 (Document No. 15A). Under the said Exchange Deed, Mr. R. Nagaraj has conveyed a total extent of 6 Acres 7 Guntas comprising of Property XXII along with the following Survey Nos. 151/4 measuring 12 Guntas, 151/4 measuring 6 Guntas, 151/5 measuring 6 Guntas, 153/1 measuring 12.5 Guntas, 151/2 measuring 33 Guntas, 152(part) measuring 1 Acre 9 Guntas, 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 151/1 measuring 10 Guntas, 153/1 measuring 12.5 Guntas and 153/2 measuring 28 Guntas to DIPPL and DIPPL has conveyed 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.
19. Thereafter, DIPPL along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the BBMP (Document No. 15B).
20. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (Document No. 15C). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
21. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (Document Nos. 15D & 15E). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (Document No. 15F).
22. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and

- 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (**Document No. 15G**).
23. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 15H**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in relation to the Proposed Project (**Document No. 15I**).
24. We have been furnished with the Endorsement dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that Property XXII has not been the subject matter of proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (**Document No. 16**).
25. We have also been furnished with the Endorsement dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property XXII (**Document No. 17**).
26. We note the Endorsement dated 21.2.2003 issued by the Special Tahsildar, Bangalore East Taluk which indicates that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XXII (**Document No. 18**).
27. Revision Settlement Akarbandh issued in respect of Property XXIIA and Property XXII B reflect the total extents therein as 11 Guntas and 16 Guntas respectively (**Document No. 19**).
28. Tippani issued in respect of Property XXIIA and Property XXII B indicate the respective shapes thereof (**Document No. 20**). We have been provided with a copy of the village map of Ammani Bellandur Khane village indicating the location of the land bearing Survey No. 151 (**Document No. 21**).
29. Encumbrance Certificates in respect of Property XXII for the period 1.4.1973 to 31.3.1988, 1.4.1988 to 10.2.2003, 10.2.2003 to 5.8.2003, 10.2.2003 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 31.5.2008, 1.6.2008 to .11.11.2009, 1.4.2009 to 28.10.2010 and 1.4.2004 to 25.2.2011 reflect Sale Deeds dated 7.5.2003 and 27.8.2003, Development Agreement dated 1.7.2010, Retirement Deed dated 1.10.2010, Release Deeds dated 19.3.2010 and 16.7.2010 referred to hereinabove (**Document No. 22**). Encumbrance Certificates issued in respect of Property XXII for the period 1.4.2004 to 25.2.2011 does not reflect Cancellation Deed dated 30.9.2010 and Amalgamation Deed dated 19.1.2011 referred to hereinabove. A fresh encumbrance certificate reflecting all the transactions carried out in respect of Property XXII may be obtained. It is necessary to secure

encumbrance certificate in respect of Property XXII for the period 01.04.2004 till date.

30. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XXII has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
31. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XXII.
32. We have also been informed that no charges and/or mortgages have been created in respect of Property XXII, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. Divyasree Infrastructure Projects Private Limited is the owner of Property XXII. Divyasree Infrastructure Projects Private Limited's title to Property XXII is subject to the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XXII is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

XXIII. LAND BEARING SURVEY NO. 152 (1 ACRE 9 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 152 measuring 1 Acre 9 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and bounded on its:

East by : Land bearing Survey No. 151/4;
West by : Land bearing Survey No. 136/3;
North by : Lands bearing Survey Nos. 163/2 & 163/3; and
South by : Remaining portion of land bearing Survey No. 152

The aforesaid property is hereinafter referred to as the “**Property XXIII**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Sale Deed dated 18.7.1955 executed by Mr. Narayanappa in favor of Mr. Chikka Ramaiah conveying the land bearing Survey No. 152 measuring 2 Acres 12 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 2392 of 1955-56 in Book-I, Volume No. 1479 at Pages 163 to 165 in the office of the Sub Registrar, Bangalore;
1A	Record of Rights Tenancy and Crop Inspection (RTC) issued in respect of land bearing Survey No. 152 measuring 2 Acres 28 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
2.	Endorsement bearing No. RKCR.193/03-04 dated 28.6.2003 issued by the Taluk Shirastedar, Bangalore East Taluk stating that extract of Entry No. IHC 5 of 1984-85 made in the Inheritance Register cannot be provided as the same is not available at his office;
3.	Memorandum of Partition dated 8.9.1986, executed by and amongst Mr. Gurumurthy Reddy, Mr. M.R. Rajgopal Reddy, Mr. V. Thimma Reddy and Mr. V. Nagaraj recording the partition of their joint family properties including the land bearing Survey No. 152 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
4.	Sale Deed dated 28.6.2003 executed by Mr. Gurumurthy Reddy, Mr. G. Chandrasekhar, Mr. G. Jayaram and Mr. G. Srinivas in favour of Mr. Austin Roach conveying the land bearing Survey No. 152 measuring 1 Acre 9 Guntas and 5 Guntas of Kharab situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 6532/03-04, Book I,

	stored in CD No. 112 in the Office of the Sub-Registrar, Bangalore South Taluk;
5.	Extract of Entry No. MR 13 of 2003-04 made in the Mutation Register recording execution of the Sale Deed dated 28.6.2003 and grant of permission for change khata in respect of the land bearing Survey No. 152 measuring 1 Acre 9 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of Mr. Austin Roach;
6.	Intimation letter bearing No. ALN(E)VB:SR:296/03-04 dated 19.9.2003 issued by the Special Deputy Commissioner, Bangalore Urban District;
7.	Receipt for payment of conversion fine and sub division fee in respect of lands bearing Survey No. 131/6 and Survey No. 152 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
8.	Official Memorandum bearing No. BDIS/ALN/(E)VB/SR/296/03-04 dated 8.10.2003 issued by the Special Deputy Commissioner, Bangalore District granting permission for change of land in respect of the land bearing Survey No. 152 measuring 1 Acre 9 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
9.	Extract Entry No. MR 268 of 2003-04 made in the Mutation Register recording Official Memorandum bearing No. BDIS/ALN/(E)VB/SR/286/03-04 dated 8.10.2003 in respect of the land bearing Survey No. 152 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
9A	Development Agreement dated 1.7.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Projects Private Limited ("DIPPL") in respect of the land bearing Survey No. 152 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02320-2010-11 (stored in C.D. No. VRTD 76) in the office of the Sub-Registrar, Varthur, Bangalore;
9B	Deed of Cancellation of Development Agreement dated 30.9.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL, registered as Document No. VRT-1-04242-2010-11 (stored in C.D. No. VRTD 83) in the office of the Sub-Registrar, Varthur, Bangalore;
10.	Deed of Exchange dated 28.10.2010 executed by and between Mr. Austin Roach and Mr. R. Nagaraj <i>inter alia</i> in respect of the land bearing Survey No. 152 measuring 1 Acre 9 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-04768-2010-11 (stored in C.D. No. VRTD 85) in the office of the Sub-Registrar, Varthur, Bangalore;

11.	Rectification Deed dated 18.11.2010 executed by and between Mr. Austin Roach and Mr. R. Nagaraj, registered as Document No. VRT-1-05216-2010-11 (stored in C.D. No. VRTD 86) in the office of the Sub-Registrar, Varthur, Bangalore;
12.	Khata Certificate issued by Bruhat Bangalore Mahanagara Palike (“BBMP”) in respect of property bearing Khata No. 89 (Old No. 131/6, 152) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13.	Extract from the Houses and Vacant Lands Register issued by BBMP in respect of property bearing Khata No. 89 (Old No. 131/6, 152) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2010-11;
14.	Receipts dated 18.5.2009, 30.2.2009 and 25.11.2010 for payment of tax levied on the land bearing Survey No. 152 situated at Ammani Bellandur Khane Village for the years 2008-09 to 2010-11;
14A	Exchange Deed dated 18.3.2011 executed by and between Mr. R. Nagaraj and Divyasree Infrastructure Projects Private Limited <i>inter alia</i> in respect of the land bearing Survey No. 152 measuring 1 Acre 9 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08340-2010-11 (stored in CD No. VRTD103) in the office of the Sub Registrar, Varthur;
14B	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
14C	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by BBMP in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
14D	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
14E	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
14F	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;

14G	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
14H	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
14I	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
15.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that no proceedings have been filed under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 in respect of the land bearing Survey No. 152 situated at Ammani Bellandur Khane Village;
16.	Endorsement bearing No. LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings have been filed under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 152 situated at Ammani Bellandur Khane Village;
17.	Endorsement bearing No. LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no applications have been filed under Form 7 or 7A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 152 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 152 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
19.	Tippani issued in respect of the land bearing Survey No. 152 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
20.	Map of Ammani Bellandur Khane Village; and
21.	Encumbrance Certificates issued in respect of land bearing Survey No. 152 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the periods 15.2.1957 to 31.3.1988, 1.4.1970 to 28.3.2003, 1.4.1988 to 11.9.2003, 11.6.2003 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 31.5.2008, 1.6.2008 to 1.6.2008 to 11.11.2009, 1.4.2009 to 31.10.2010 and 1.4.2004 to 25.2.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. Property XXIII forms part of a larger extent of the land bearing Survey No. 152 measuring 2 Acres 28 Guntas (including 10 Guntas of Kharab) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk (“**Land XXIII**”).
2. On an examination of the documents furnished to us, it appears that an extent of 2 Acres 12 Guntas in Land XXIII was initially held by Mr. Narayanappa (*as per Sale Deed dated 18.7.1955 referred to hereinafter*).
3. Mr. Narayanappa (son of Mr. Sarakki Ramaiah) conveyed an extent of 2 Acres 12 Guntas in Land XXIII to Mr. Chikka Ramaiah under Sale Deed dated 18.7.1955 (**Document No. 1**). We have not been provided with an extract of entry made in the Mutation Register pursuant to the Sale Deed dated 18.7.1955. We have been informed that the same is not available.
4. RTCs issued in respect of Land XXIII for the years 1967-68 to 1981-82 reflect one Mr. Chikka Ramaiah as a holder and cultivator thereof (**Document No. 1A**). It may be noted that Mr. Chikka Ramaiah acquired title to an extent of 2 Acres 12 Guntas under the Sale Deed dated 18.7.1955, however RTCs issued in respect of Land XXIII reflect Mr. Chikka Ramaiah as the holder of the entire extent of Land XXIII. We have not been provided any documents evidencing the mode and manner in which Mr. Chikka Ramaiah has acquired title to the remaining 6 Guntas in Land XXIII. We have been informed that no such documents are available.
5. It appears that pursuant to the demise of Mr. Chikka Ramaiah, Entry No. IHC 5 of 1984-85 was made in the Inheritance Register. We have not seen an extract of the said entry. However we have been provided with an Endorsement dated 28.6. 2003 issued by the Taluk Shirastedar, Bangalore East Taluk which states that the Entry No. IHC 5 of 1984-85 made in the Inheritance Register cannot be provided as the relevant records pertaining to the same are not available in his office (**Document No. 2**).
6. RTCs issued in respect of Land XXIII for the years 1982-83 to 2001-02 reflect Mr. Gurumurthy Reddy as the holder of the an extent of 1 Acre 14 Guntas there (i.e., Property XXIII and 5 Guntas of Kharab).
7. It appears that Mr. Chikka Ramaiah held Land XXIII in his name for the benefit of the joint family comprising of his brother Mr. Venkatappa and himself (*as per Memorandum of Partition dated 8.9.1986*).
8. Subsequently, Mr. Gurumurthy Reddy, Mr. R. Rajgopal Reddy (sons of Mr. Chikka Ramaiah) along with Mr. V. Thimma Reddy, Mr. V. Nagaraj (sons of Venkatappa) have partitioned their joint family properties including Land XXIII and the same was recorded in the Memorandum of Partition dated 8.9.1986 (**Document No. 3**).
9. Under the said family partition, Mr. Gurumurthy Reddy and Mr. M. Thimma Reddy appear to have been allotted an extent of 1 Acre 14 Guntas each in Land XXIII. It appears that even the 10 Guntas of Kharab present in Land XXIII was partitioned in the said family partition.

10. We have not been provided with the genealogical tree of Mr. Chikka Ramaiah and as such, we are unable to ascertain if all his legal heirs who would have rights and interests in the joint family properties had joined in the partition and the subsequent drawing up of the Memorandum thereof. We have been informed that the same is not available.
11. Mr. Gurumurthy Reddy and his sons Mr. G. Chandrasekhar, Mr. G. Jayaram & Mr. G. Srinivas executed the Sale Deed dated 28.6.2003 conveying ownership over Property XXIII in favour of Mr. Austin Roach (Document No. 4). We also note that Ms. Vanajashree (daughter of Mr. Gurumurthy Reddy) has executed the Sale Deed dated 28.6.2003 as witness.
12. Entry No. MR 13 of 2003-04 made in the Mutation Register records the execution and registration of Sale Deed dated 28.6.2003 and grant of permission to change khata in respect of Property XXIII to the name of Mr. Austin Roach (Document No. 5).
13. We have not seen the genealogical tree of Mr. M.R. Gurumurthy Reddy. We have been informed that the same is not available. In the absence of the genealogical tree of Mr. M.R. Gurumurthy Reddy it is not possible to ascertain if all the family members of Mr. Gurumurthy Reddy who would have rights and interests over Property XXIII have joined in the execution of Sale Deed dated 28.6.2003.
14. On an application made by Mr. Austin Roach the Official Memorandum dated 8.10.2003 was issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of Property XXIII from agricultural to non-agricultural residential use (Document Nos. 6 to 8). The said Memorandum specifies that 5 Guntas of 'B' kharab present in Land XXIII is reserved for public purposes.
15. Entry No. MR 268 of 2003-04 made in the Mutation Register records the conversion of land use in respect of the land bearing Survey No. 152 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk Official Memorandum dated 8.10.2003 (Document No. 9).
16. Mr. Austin Roach along with M/s. Ferns Builders & Developers, Mr. R. Nagaraj and Mr. Errol Fernandes entered into Development Agreement dated 1.7.2010 with DIPPL in respect of development of certain properties including Property XXIII (Document No. 9A).
17. Subsequently, M/s. Ferns Builders & Developers, along with Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and DIPPL have entered into the Cancellation Deed dated 30.9.2010, thereby cancelling the above referred Development Agreement dated 1.7.2010 (Document No. 9B).
18. Thereafter Mr. Austin Roach executed an Exchange Deed dated 28.10.2010 in favour of Mr. R. Nagaraj whereunder, Property XXIII was transferred to Mr. R. Nagaraj in consideration of Mr. R. Nagaraj transferring certain lands held by him to Mr. Austin Roach (Document No. 10).

19. Subsequently Mr. Austin Roach and Mr. R. Nagaraj have executed the Rectification Deed dated 18.11.2010 adding khata numbers in respect of the properties which were the subject matter of the said Exchange Deed (Document No. 11).
20. Property XXIII appears to have assigned Khata No. 89 (Old No. 131/6, 152). We note the Khata Certificate issued by BBMP in respect of Property XXIII reflecting the same to be standing in the name of Mr. R. Nagaraj (Document No. 12). We also note the extract of Register of Houses and Vacant Lands issued by BBMP for the year 2010-11 in respect of Property XXIII reflecting Mr. R Nagaraj as the owner thereof (Document No. 13).
21. We note the receipts dated 18.5.2009, 30.2.2009 and 25.11.2010 evidencing payment of tax levied on Property XXIII for the years 2008-09 to 2010-11 (Document No. 14).
31. Mr. R. Nagaraj and DIPPL have exchanged properties under the Exchange Deed dated 18.3.2011 (Document No. 14A). Under the said Exchange Deed, Mr. R. Nagaraj has conveyed a total extent of 6 Acres 7 Guntas comprising of Property XXIII along with the following Survey Nos. 151/4 measuring 12 Guntas, 151/4 measuring 6 Guntas, 151/5 measuring 6 Guntas, 153/1 measuring 12.5 Guntas, 151/2 measuring 33 Guntas, 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 151/1 measuring 10 Guntas, 153/1 measuring 12.5 Guntas and 153/2 measuring 28 Guntas to DIPPL and DIPPL has conveyed 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.
32. Thereafter, DIPPL along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas ("**Amalgamated Property**") owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the BBMP (Document No. 14B).
33. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (Document No. 14C). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
34. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (Document Nos. 14D & 14E). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (Document No. 14F).
35. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and

- 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (**Document No. 14G**).
22. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 14H**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in r the Project Lands (**Document No. 14I**).
23. We have been furnished with the Endorsement dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that Property XXIII has not been the subject matter of proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (**Document No. 15**).
24. We have also been furnished with the Endorsement dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property XXIII (**Document No. 16**).
25. We also note the Endorsement dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XXIII (**Document No. 17**).
26. Revision Settlement Akarbandh issued in respect of Property XXIII reflects the total extent of therein as 2 Acres 28 Guntas including 10 Guntas of ‘B’ Kharab comprised therein (**Document No. 18**).
27. Tippani issued in respect of land bearing Survey No. 152 indicates the shape thereof (**Document No. 19**).
28. We have also been provided with a map of Ammani Bellandur Khane village indicating the location of the land bearing Survey No. 152 (**Document No. 20**).
29. Encumbrance Certificates issued in respect of land bearing Survey No. 152 for the period 15.2.1957 to 31.3.1988, 1.4.1970 to 28.3.2003, 1.4.1988 to 11.9.2003, 11.6.2003 to 31.3.2004, 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 31.5.2008, 1.6.2008 to 1.6.2008 to 11.11.2009, 1.4.2009 to 31.10.2010 and 1.4.2004 to 25.2.2011 re flects Sale Deed dated 28.6.2003, D evelopment Agreement dated 1.7.2010, Cancellation Deed dated 30.9.2010, Exchange Deed dated 28.10.2010, Rectification Deed dated 18.11.2010 referred to hereinabove (**Document No. 21**). Encumbrance Certificate issued in respect of Property XXIII for the period 1.4.2004 to 25.2.2011 does not reflect Amalgamation Deed dated 19.1.2011 referred to hereinabove. A fresh encumbrance certificate reflecting all the transactions carried

out in respect of Property XXIII may please be obtained for the period 01.04.2009 till date.

30. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XXIII has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
31. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XXIII.
32. We have also been informed that no charges and/or mortgages have been created in respect of Property XXIII, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. Divyasree Infrastructure Projects Private Limited is the owner of Property XXIII. Divyasree Infrastructure Projects Private Limited's title to Property XXIII is subject to the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XXIII is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

XXIV. LAND BEARING SURVEY NO. 153/1 (12.5 GUNTAS)

A. Description of the Property

Land bearing Survey No. 153/1 measuring 12.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and bounded on its:

East by : Land bearing Survey No.153/3;
West by : Land bearing Survey No.135;
North by : Land bearing Survey No.154; and
South by : Remaining portion of land bearing Survey No.153/1.

hereinafter collectively referred to as “**Property XXIV**”.

B. Documents Examined

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No.153/1 measuring 32 Guntas (including 7 Guntas of Kharab) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk for the years 1967-68 to 2011-12;
1A	Partition Deed dated 11.2.1960 executed by and amongst Mr. Krishna Reddy (son of Mr. Ramaiah and grandson of Mr. Subbaiah), Mr. Venkatappa (son of Mr. Thimmaiah, brother of Mr. Subbaiah), Mr. Doddahanumappa and Mr. Chikkahanumaiah (sons of Mrs. Chikkamuneamma) partitioning their joint family properties including the land bearing Survey No. 153/1 measuring 25 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No. 5076 of 1959-60 in Book-I, Volume (<i>illegible</i>), at Pages 147 to 155 in the office of the Sub Registrar, Bangalore South;
2.	Endorsement bearing No.46/1995-96 issued by the Village Accountant, Sorahunase Village Panchayat, Bangalore South Taluk stating that extract of Entry No. MR 79 of 1959-60 made in the Mutation Register cannot be provided as the relevant records pertaining to the Mutation Registers for the years 1959-60 to 1984-85 are not available at his office;
3.	Endorsement bearing No.RK.CR.499/04-05 dated October 27, 2004 issued by the Tahsildar, Bangalore East Taluk stating that extract of Entry No.

	MR 79 of 1959-60 made in the Mutation Register cannot be provided as the relevant records pertaining to the Mutation Registers are not available at his office;
4.	Gift Deed dated 5.11.1999 executed by Mr. Venkatappa in favour of Mrs. V. Yashodamma conveying the land bearing Survey No.153/1 measuring 16 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore registered as Document No.5552 of 1999-2000 in Book-I (stored in CD No.51) in the office of the Bangalore South;
5.	Extract of Entry No. MR 3 of 2000-01 made in the Mutation Register recording execution of the Gift Deed dated 5.11.2009 and grant of permission for change of khata in respect of the land bearing Survey No. 153/1 measuring 16 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk to the name of Mrs. V. Yashodamma;
6.	Genealogical Tree of Venkatappa Reddy indicating the names of his family;
6A	Agreement to Sell dated 15.3.2003 executed by Mrs. V. Yashodamma, Mr. A. Prakash, Mr. P. Harish and Ms. P. Bhavya in favor of Mr. Errol Fernandes in respect of the land bearing Survey No. 153/1 measuring 12½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 17682 of 2002-03 in Book I (stored in CD No. 102) in the office of the Sub Registrar, Bangalore South;
7.	General Power of Attorney dated March 15, 2003 executed by Mrs. V. Yashodamma and Mr. A. Prakash in favour of Mr. Austin Roach and Mr. R. Nagaraj in respect of land bearing Survey No.153/1 measuring 12.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No.701 of 2002-03 in Book-IV (stored in CD No. 101) in the Office of the Sub Registrar, Bangalore South ;
8.	Intimation letter bearing No.ALN(E)VB:SR:22/03-04 dated May 6, 2003 issued by the Special Deputy Commissioner, Bangalore Urban District;
9.	Receipt for payment of conversion fine and sub division fee in respect of land bearing Survey No.153/1 situated at Ammani Bellandur Khane Village;
10.	Official Memorandum bearing No.ALN(E)VB:SR:22/03-04 dated May 9, 2003 issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of the land bearing Survey No. 153/1 measuring 12½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from

	agricultural to non-agricultural residential purposes;
11.	Extract of Entry bearing MR No.51 of 2003-04 made in the Mutation Register recording the conversion of land use in respect of the land bearing Survey No. 153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk from agricultural to non-agricultural residential purposes;
12.	Extract from the House/Land Tax Assessment List in respect of the land bearing Survey No.153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk for the year 2004-05;
13.	Extract from the Demand Register in respect of land bearing Survey No.153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk for the year 2004-05;
14.	Sale Deed dated January 1, 2004 executed by Mrs. V. Yashodamma and Mr. A. Prakash (represented by their Attorney Mr. R. Nagaraj) in favour of Ferns Builders and Developers conveying the land bearing Survey No.153/1 measuring 12.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No.20001 of 2003-04 in Book I, stored in CD No.125 in the office of the Sub Registrar, Bangalore South Taluk
15.	Khata Certificate issued by Bruhat Bangalore Mahanagara Palike ("BBMP") in respect of the land bearing khata No. 131/118/153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16.	Extract from the Demand Register of taxes for Vacant Land and Houses Register issued by BBMP in respect of the land bearing khata No. 131/118/153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
17.	Receipt dated 28.5.2009 issued by BBMP for payment of property tax levied on the land bearing khata No. 131/118/153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2008-09;
18.	Retirement Deed dated 1.10.2010 executed by and amongst Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj, registered as Document No. VRT-1-05217-2010-11 (stored in CD No. VRTD86) in the office of the Sub Registrar, Varthur;
18A	Khata Certificate dated 21.12.2010 issued by BBMP in respect of the land bearing Survey No.153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;

18B	Extract from the House and Vacant Land Register for the year 2010-11 issued by BBMP in respect of the land bearing Survey No.153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18C	Exchange Deed dated 18.3.2011 executed by and between Mr. R. Nagaraj and Divyasree Infrastructure Projects Private Limited (“DIPPL”) <i>inter alia</i> in respect of the land bearing Survey No. 153/1 measuring 12.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08340-2010-11 (stored in CD No. VRTD103) in the office of the Sub Registrar, Varthur;
18D	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
18E	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18F	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
18G	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
18H	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
18I	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
18J	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
18K	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
19.	Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect

	that no proceedings have been filed in respect of the land bearing Survey No. 153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978;
20.	Endorsement bearing NO.LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings have been filed under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 153/1 situated at Ammani Bellandur Khane Village;
21.	Endorsement bearing NO.LRF:CR.94:2001-02 dated October 25, 2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no applications have been filed under Sections 48A and 77A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 153/1 situated at Ammani Bellandur Khane Village;
22.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No.153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
23.	Tippani issued in respect of the land bearing Survey Nos.153/1 to 3 situated at Ammani Bellandur Khane Village;
24.	Map of Ammani Bellandur Khane village; and
25.	Encumbrance Certificates issued in respect of the land bearing Survey No.153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1970 to 28.3.2003, 1.4.1988 to 16.4.2003, 16.4.2003 to 5.8.2003 and 28.3.2003 to 31.3.2004, 1.4.2004 to 30.11.2004 and 1.4.2004 to 25.2.2011.

C. FINDINGS BASED ON DOCUMENTS EXAMINED:

1. Property XXIV forms part of a larger extent of the land bearing Survey No. 153/1 measuring 32 Guntas and 7 Guntas of kharab situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk (the land bearing Survey No. 153/1).
2. On an examination of the documents furnished to us it appears that the land bearing Survey No. 153/1 was initially held by Mr. Ramaiah and Mr. Chikka Ramaiah.
3. RTCs in respect of land bearing Survey No.153/1 for the period 1967-68 to 1976-77 indicates that the same was earlier held by one Mr. Subbaiah and was being cultivated by one Mr. Ramaiah and Mr. Chikka Ramaiah in equal proportions (**Document No.1**). We have not been furnished any documents evidencing the mode

and manner in which Mr. Subbaiah has acquired title to the said land. We have been informed that the same is not available.

4. It appears that Mr. Subbaiah held the land bearing Survey No. 153/1 in his name for the benefit of his joint family comprising of his brother Mr. Ramaiah and himself.
5. Thereafter, Mr. Hanumappa Reddy (son of Mr. Subbaiah), Mr. Krishna Reddy (son of Late Mr. Ramaiah and nephew of Mr. Subbaiah), Mr. Venkatappa (son of Late Mr. Thimmaiah and nephew of Mr. Subbaiah), Mr. Doddahunamappa and Mr. Chikkahanumaiah (sons of Mrs. Chikkamuneamma, sister of Mr. Subbaiah) have partitioned their joint family properties under the Partition Deed dated 11.2.1960 (Document No. 1A). Under the said partition, Mr. Venkatappa (son of Late Mr. Thimmaiah and nephew of Mr. Subbaiah) and Mr. Krishna Reddy (son of Ramaiah Reddy and grandson of Mr. Subbaiah) were allotted 12½ Guntas each in the land bearing Survey No. 153/1.
6. RTC issued in respect of the land bearing Survey No. 153/1 for the years 1967-68 to 1976-77 reflects the names of Mr. Krishna Reddy and Mr. Venkatappa to be holders of land bearing Survey No. 153/1 to the extent of 12.5 Guntas each.
7. Khata in respect of the land bearing Survey No. 153/1 appears to have been mutated to the names of Mr. Krishna Reddy and Mr. Venkatappa as per Entry No. MR 79 of 1959-60. We have not been furnished with an extract of the said entry. However we have been provided with Endorsements bearing Nos. (i) 46/1995-96 issued by the Village Accountant, Sorahunase Village Panchayat, Bangalore South Taluk and (ii) RK.CR.499/04-05 dated 27.10.2004 issued by the Tahsildar, Bangalore East Taluk which states that extract of Entry No. MR 79 of 59-60 made in the Mutation Register cannot be provided as the Mutation Register for the years 1959-60 are not available at their office (Document Nos.2 & 3).
8. Subsequently, Mr. Venkatappa executed a Gift Deed dated 5.11.1999 in respect of land bearing Survey No.153/1 measuring 16 Guntas (including 3½ Guntas Kharab) in favour of his daughter, Ms. V. Yashodamma (Document No.4). Entry No. MR 3 of 2000-01 made in the Mutation Register records the Gift Deed dated 5.11.1999 and grant of permission to change khata in respect of 12½ Guntas in the land bearing Survey No. 153/1 to the name of Mrs. V. Yashodamma (Document No. 5).
9. We have been provided with a copy of the genealogical tree of Mr. Venkatappa Reddy which indicates that he has three children by names Mr. V. Thimma Reddy, Mr. V. Nagaraj and Ms. V. Yashodamma (Document No. 6).
10. Mrs. V. Yashodamma along with her family members namely, Mr. A. Prakash, Mr. P. Harish and Ms. P. Brava have entered into an Agreement to Sell dated 15.3.2003 with Mr. Errol Fernandes, partner of Ferns Builders and Developers in respect of Property XXIV (Document No. 6A).
11. Thereafter, Mrs. V. Yashodamma and her husband Mr. A. Prakash executed a General Power of Attorney dated 15.3.2003 authorizing and appointing Mr. Austin Roach and Mr. R. Nagaraj as their attorneys to do all the acts specified therein in

- respect of Property XXIV, inter alia, authorizing them to jointly and severally convey Property XXIV (Document No. 7).
12. On an application made by Mrs. V. Yashodamma the Official Memorandum bearing No. BDis:ALN(E)VB:SR:22/2003-04 dated 9.5.2003 was issued by the Special Deputy Commissioner, Bangalore District granting conversion of land use in respect of Property XXIV from agricultural to non-agricultural residential purposes (Document Nos. 8 to 10). Entry No. MR 51 of 2003-04 made in the Mutation Register records the conversion of land use in respect of Property XXIV under the said Official Memorandum bearing No. BDis:ALN(E)VB:SR:22/2003-04 dated 9.5.2003 (Document No. 11).
 13. Post conversion, RTCs issued in respect of Property XXIV for the years 2004-05 to 2011-12 continue to reflect Mrs. Yashodamma as the holder and cultivator thereof. The aforesaid RTCs reflect the conversion of the land use in respect thereof and the said Entry No. MR 51/2003-04.
 14. Pursuant thereto, Mrs. V. Yashodamma secured the revenue assessment records in respect of Property XXIV in her name in the books of the Sorahunase Village Panchayat as reflected from an extract from the House/Land Tax Assessment List and Demand Register for the year 2004-05 (Document Nos. 12 & 13). It is seen that Property XXIV has been assigned assessment No. 91/56.
 15. Thereafter, Mrs. V. Yashodamma and Mr. A. Prakash (represented by their attorney Mr. R. Nagaraj) executed a Sale Deed dated 1.1.2004 conveying Property XXIV in favour of Ferns Builders and Developers (Document No. 14).
 16. We note Khata Certificate issued by BBMP in respect of Property XXIV reflecting the same to be standing in the name of Ferns Builders and Developers and we also note an extract from the Houses and Vacant Land Register issued in respect of Property XXIV for the year 2007-08 indicating Ferns Builders and Developers as the owner thereof (Document Nos. 15 & 16). We note the Receipt dated 28.5.2009 which evidences payment of property tax for the year 2008-09 in respect of Property XXIV (Document No. 17).
 17. Thereafter, Mr. R. Nagaraj, a partner of Ferns Builders and Developers has retired from the said partnership firm and the terms of Mr. R. Nagaraj's retirement from the Ferns Builders and Developers have been captured in the Retirement Deed dated 1.10.2010 (Document No. 18). We note that under the terms of the retirement, Property XXIV has been allotted to Mr. R. Nagaraj.
 18. We note the Khata Certificate dated 21.10.2010 issued by BBMP reflecting Property XXIV reflecting the same to be standing in the name of Mr. R Nagaraj. We also note an extract from House & Vacant Land Register for the year 2009-10 issued by the BBMP reflecting Mr. R. Nagaraj as the owner thereof (Document Nos. 18A & 18B).
 19. Divyasree Infrastructure Projects Private Limited ("DIPPL") and Mr. R. Nagaraj have exchanged properties under the Exchange Deed dated 18.3.2011 (Document

- No. 18C). Under the said Exchange Deed, Mr. R. Nagaraj has conveyed a total extent of 6 Acres 7 Guntas comprising of the following Survey Nos. 151/4 measuring 6 Guntas, 153/1 measuring 12.5 Guntas, 151/2 measuring 33 Guntas, 151/5 measuring 6 Guntas, 152(part) measuring 1 Acre 9 Guntas, 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 151/1 measuring 10 Guntas, 151/6 measuring 11 Guntas, 151/7 measuring 16 Guntas, 151/4 measuring 12 Guntas, 153/1 measuring 12.5 Guntas and 153/2 measuring 28 Guntas to DIPPL and DIPPL has conveyed 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.
20. Thereafter, DIPPL along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the BBMP (**Document No. 18D**).
21. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 18E**). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
22. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sujid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (**Document Nos. 18F & 18G**). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 18H**).
23. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (**Document No. 18I**).
24. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 18J**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in the Project Lands (**Document No. 18K**).

25. We have been furnished with the Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that Property XXIV has not been the subject matter of proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (**Document No. 19**).
26. We have also been furnished with the Endorsement bearing No. LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property XXIV (**Document No. 20**). We also note the Endorsement bearing No.LRF:CR.94:2001-02 dated October 25, 2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XXIV (**Document No. 21**).
27. Revision Settlement Akarbandh issued in respect of the land bearing Survey No.153/1 reflects the total extent therein as 32 Guntas and includes 7 Guntas of B Kharab (**Document No. 22**).
28. Tippani issued in respect of the land bearing Survey No.153/1to3 indicates the subdivision of land bearing Survey No.153 and sets out the dimensions thereof (**Document No. 23**). *Tippani also indicates the existence of Yamalur-Munnekolalu road passing through Property XXIV.*
29. We have been provided with a copy of the map of Ammani Bellandur Khane village indicating the location of the land bearing Survey No. 153 (**Document No. 24**).
30. Encumbrance Certificates issued in respect of land bearing Survey No. 153/1 for the period 1.4.1970 to 28.3.2003, 1.4.1988 to 16.4.2003, 16.4.2003 to 5.8.2003 and 28.3.2003 to 31.3.2004 and 1.4.2004 to 30.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 12.11.2009 and 1.4.2004 to 25.2.2011 reflects Gift Deed dated 5.11.1999 and Sale Deed dated 1.1.2004, Relinquishment Deeds dated 19.3.2010, 16.7.2010 and Retirement Deed dated 1.10.2010 referred to hereinabove (**Document No. 25**). The encumbrance certificates do not reflect Amalgamation Deed dated 19.1.2011 referred to hereinabove. It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period.
31. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XXIV has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
32. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XXIV.

33. We have also been informed that no charges and/or mortgages have been created in respect of Property XXIV, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. Divyasree Infrastructure Projects Private Limited is the owner of Property XXIV. Divyasree Infrastructure Projects Private Limited's title to Property XXIV is subject to the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XXIV is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

XXV. LAND BEARING SURVEY NO. 153/1 (12.5 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 153/1 measuring 12.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and bounded on its:

East by : Land bearing Survey No.153/3;
West by : Land bearing Survey No.135;
North by : Remaining portion of land bearing Survey No.153/1; and
South by : Land bearing Survey No.153/2.

the aforesaid property is hereinafter referred to as “Property XXV”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No.153/1 measuring 32 Guntas (including 7 Guntas of Kharab) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2011-12;
1A	Partition Deed dated 11.2.1960 executed by and amongst Mr. Krishna Reddy (son of Mr. Ramaiah and grandson of Mr. Subbaiah), Mr. Venkatappa (son of Mr. Thimmaiah, brother of Mr. Subbaiah), Mr. Doddahanumappa and Mr. Chikkahanumaiah (sons of Mrs. Chikkamuneamma) effecting partition of their joint family properties including the land bearing Survey No. 153/1 measuring 25 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore South Taluk, registered as Document No. 5076 of 1959-60 in Book-I, Volume [illegible], at Pages 147 to 155 in the office of the Sub Registrar, Bangalore South;
2.	Endorsement bearing No.46/1995-96 issued by the Village Accountant, Sorahunase Village Panchayat, Bangalore South Taluk stating that extract of Entry No. MR 79 of 1959-60 made in the Mutation Register cannot be provided as the relevant records pertaining to Mutation Registers for the years 1959-60 to 1984-85 are not available in his office;
3.	Endorsement bearing No.RK.CR.499/04-05 dated October 27, 2004 issued by the Tahsildar, Bangalore East Taluk stating that extract of Entry No. MR 79 of 1959-60 made in the Mutation Register cannot be provided as the relevant records pertaining to Mutation Registers are not available in his office;

4.	Endorsement bearing No.RK.CR.499/04-05 dated 27.10.2004 issued by the Tahsildar, Bangalore East Taluk to the effect that the relevant records pertaining to Mutation Register for the year 1959-60 are not available in his office and hence extract of Entry No. MR 79 of 1959-60 made in the Mutation Register cannot be provided;
5.	Memorandum of Partition dated 1.8.1978 executed between Mrs. Marinnanamma, Mr. R. Krishna Reddy, Mr. Govinda Reddy, Mr. M.R. Muni Reddy and Mr. R. Narayana Reddy recording the partition of their joint family property by and amongst themselves including the land bearing Survey No. 153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
6.	Death Certificate of Mr. R. Narayana Reddy reflecting the sate of his demise;
7.	Extract of Entry No. IHC 2 of 1998-99 made in the Inheritance Register recording the demise of Mr. R. Narayana Reddy and grant of permission for change khata in respect of the land bearing Survey No. 153/1 measuring 12.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of his wife Mrs. Lakshamma;
8.	Extract of Entry No. MR 147 of 2002-03 made in the Mutation Register recording the Entry No. IHC 2 of 1998-99 made in the Inheritance Register and grant of permission for change khata in respect of the land bearing Survey No. 153/1 measuring 12.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of his wife Mrs. Lakshamma;
9.	Intimation letter bearing No.ALN(E)VB:SR:259/03-04 dated 14.8.2003 issued by the Special Deputy Commissioner, Bangalore Urban District;
10.	Receipt for payment of conversion fine and sub division fee in respect of the land bearing Survey No.153/1;
11.	Official Memorandum bearing No.ALN(E)VB:SR:259/03-04 dated 20.8.2003 issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of the land bearing Survey No. 153/1 admeasuring 12½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
12.	Extract from the House/ Vacant Land Assessment Register issued by Sorahunse Grama Panchayat in respect of the land bearing Survey No.153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2007-08;
13.	Extract from the Tax Demand Register issued by the Sorahunse Grama

	Panchayat issued in respect of the land bearing Survey No.153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the year 2004-05;
14.	Receipt evidencing payment of property tax for the year 2004-05 in respect of land bearing Survey No. 153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
15.	<i>Notarized</i> General Power of Attorney dated 8.9.2003 executed by Mrs. Lakshamma and Mr. N. Venkatesh Reddy authorizing and appointing Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj as their attorney to deal with the land bearing Survey No. 153/1 measuring 12½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16.	Sale Deed dated 6.5.2004 executed by Mrs. Lakshamma and Mr. N. Venkatesh Reddy (represented herein by his attorney Mr. Austin Roach) in favour of Mr. Errol Fernandes conveying the land bearing Survey No.153/1 measuring 12.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No.BAS-1-02735-2004-05 in Book-I (stored in CD No.BASD57) in the office of the Sub Registrar, Bangalore South;
17.	Khata Certificate issued by Bruhat Bangalore Mahanagara Palike (“ BBMP ”) in respect of the land bearing khata No. 153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
18.	Extract from the Vacant Land and Houses Register issued by BBMP for the land bearing Survey No. 153/1 situated at Ammani Bellandur Khane Village for the year 2007-08;
19.	Receipt dated 28.5.2009 issued by BBMP evidencing payment of property tax for the year 2008-09 in respect of the land bearing Survey No. 153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
19A	Lease Agreement dated 6.12.2008 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure in respect of the land bearing Survey No. 153/1 measuring 12½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-01885-2008-09 (stored in C.D. No. VRTD 31) in the office of the Sub-Registrar, Varthur, Bangalore;
19B	Surrender of Lease Agreement dated 23.6.2010 entered into by and amongst M/s. Ferns Builders & Developers, Mr. Nagaraj, Mr. Austin Roach, Mr. Errol Fernandes and Divyasree Infrastructure Projects Private Limited (“ DIPPL ”) in respect of the land bearing Survey No. 153/1 measuring 12½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East

	Taluk, registered as Document No. VRT-1-02075-2010-11 (stored in C.D. No. VRTD 75) in the office of the Sub-Registrar, Varthur, Bangalore;
20.	Exchange Deed dated 28.10.2010 executed by and between Mr. Errol Fernandes and Mr. R. Nagaraj exchanging <i>inter alia</i> the land bearing Survey No. 153/1 measuring 12½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk in lieu of certain other properties owned by Mr. R. Nagaraj, registered as Document No. VRT-1-04730-2010-11(stored in CD No. VRTD85) in the office of the Sub Registrar, Varthur;
21.	Rectification Deed dated 18.11.2010 executed by and between Mr. Errol Fernandes and Mr. R. Nagaraj rectifying certain errors in Exchange Deed dated 28.10.2010 in respect of the land bearing Survey No. 153/1 measuring 12½ Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-05189-2010-11 (stored in CD No. VRTD86) in the office of the Sub Registrar, Varthur;
22.	Khata Certificate issued by BBMP in respect of the land bearing Survey No. 153/1 situated at Ammani Bellandur Khane Village;
23.	Extract from the Vacant Land and Houses Register for the year 2009-10 issued by the BBMP in respect of the land bearing Survey No. 153/1 situated at Ammani Bellandur Khane Village;
23A	Exchange Deed dated 18.3.2011 executed by and between Mr. R. Nagaraj and Divyasree Infrastructure Projects Private Limited (“DIPPL”) <i>inter alia</i> in respect of the land bearing Survey No. 153/1 measuring 12.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-08340-2010-11 (stored in CD No. VRTD103) in the office of the Sub Registrar, Varthur;
23B	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document.No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
23C	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
23D	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated

	19.1.2011;
23E	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
23F	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
23G	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority ("BDA");
23H	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
23I	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
24.	Endorsement bearing No. KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that no proceedings have been filed in respect of land bearing Survey No.153/1 measuring 12½ Guntas under Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands)Act, 1978;
25.	Endorsement bearing No.LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings have been filed under Sections 79A and 79B of the Karnataka Land Reforms Act, 1978 in respect of the land bearing Survey No. 153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
26.	Endorsement bearing No.LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar, Bangalore East Taluk to the effect that no applications have been filed/pending/disposed off under Form 7 and 7A of the Karnataka Land Reforms Act, 1961 in respect of the land bearing Survey No. 153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
27.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No.153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
28.	Tippani issued in respect of the land bearing Survey No.153/1, 2, 3 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
29.	Map of Ammani Bellandur Khane village;

30.	Encumbrance Certificates issued in respect of the land bearing Survey No.153/1 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1970 to 28.3.2003, 1.4.1988 to 16.4.2033, 16.4.2003 to 5.8.2003, 28.3.2003 to 31.4.2004, 16.4.2003 to 24.8.2004, 1.4.2004 to 30.11.2004 and 1.4.2004 to 25.2.2011;
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C. FINDINGS BASED ON DOCUMENTS EXAMINED:

1. Property XXV forms part of a larger extent of land forming part of the land bearing Survey No. 153/1 measuring 32 Guntas (including 7 Guntas of B Kharab) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk (the land bearing Survey No. 153/1).
2. On an examination of the documents furnished to us, it appears that the land bearing Survey No. 153/1 was initially held by Mr. Ramaiah and Mr. Chikka Ramaiah.
3. RTC issued in respect of land bearing Survey No.153/1 for the period 1967-68 to 1976-77 reflects that the same was earlier held by one Mr. Subbaiah and was being cultivated by Mr. Ramaiah and Mr. Chikka Ramaiah (**Document No. 1**). We have not been furnished any documents evidencing the mode and manner in which Mr. Subbaiah has acquired title to the said land. We have been informed that the same is not available.
4. Thereafter, Mr. Hanumappa Reddy (son of Mr. Subbaiah), Mr. Krishna Reddy (son of Late Mr. Ramaiah and nephew of Mr. Subbaiah), Mr. Venkatappa (son of Late Mr. Thimmaiah and nephew of Mr. Subbaiah), Mr. Doddahunamappa and Mr. Chikkahanumaiah (sons of Mrs. Chikkamunemma, sister of Mr. Subbaiah) have partitioned their joint family properties under the Partition Deed dated 11.2.1960 (**Document No. 1A**). Under the said partition, Mr. Venkatappa (son of Late Mr. Thimmaiah and nephew of Mr. Subbaiah) and Mr. Krishna Reddy (son of Ramaiah Reddy and grandson of Mr. Subbaiah) were allotted 12½ Guntas each in the land bearing Survey No. 153/1.
5. RTC for the period 1967-68 to 1976-77 reflects the names of Mr. Krishna Reddy and Mr. Venkatappa to be holders of land bearing Survey No.153/1 to the extent of 12.5 Guntas each. The change in khata appears to have been effected by the passing of an Entry No.MR 79 of 59-60 made in the Mutation Register. We have been provided with copies of endorsements bearing (i) No. RK.CR.193/03-04 dated 28.6.2003 issued by the Taluk Shirastedar, Bangalore East Taluk, No.46/1995-96 issued by the Village Accountant, Sorahunase Village Panchayat, Bangalore South Taluk and (ii) bearing No.RK.CR.499/04-05 dated 27.10.2004 issued by the Tahsildar, Bangalore East Taluk which reveal that the aforesaid Entry No.MR 79 of 1959-60 made in the Mutation Register cannot be provided as the Mutation Register records are not available for the years 1959-60 to 1984-85 (**Document Nos. 2 to 4**).
6. It appears that Property XXV was held by Mr. Krishna Reddy in his name as a member of the joint family of his father, Mr. Dodda Ramaiah Reddy and brother Mr. Krishna Reddy. Mr. Dodda Ramaiah Reddy appears to have passed away. We

- have not seen the death certificate of Mr. Dodda Ramaiah Reddy. We have been informed that the same is not available.
7. Subsequently, Mrs. Marinarajamma (wife of Mr. Dodda Ramaiah Reddy) and her children, Mr. R. Krishna Reddy, Mr. Govinda Reddy, Mr. M.R. Muni Reddy and Mr. M.R. Narayana Reddy have partitioned their joint family properties of Mr. Dodda Ramaiah Reddy including Property XXV and the same is recorded under the Memorandum of Partition dated 1.8.1978 (Document No. 5). Under the said partition, Property XXV was allotted to the share of Mr. R. Narayana Reddy.
 8. However, it appears that the khata in respect of Property XXV was not mutated in terms of the aforesaid partition and as such, the name of Mr. Ramaiah Reddy continued to reflect in Column 9 of the RTC up to the year 1997-98 as the holder thereof.
 9. Mr. R. Narayan Reddy expired on 6.2.1999 (Document No.6). Pursuant thereto, Entry No. IHC 2 of 1998-99 made in the Inheritance Register records demise of Mr. R. Narayana Reddy and states that, Mr. Narayana Reddy is survived by his wife Mrs. Lakshamma and children Ms. N. Vedavathi, Ms. N. Hemavathi, Mr. N. Venkatesh Reddy, Ms. N. Sujatha, Ms. N. Shashi and Ms. N. Lakshmi and khata in respect of the Property XXV was changed to the name of his wife Mrs. Lakshamma (Document No. 7).
 10. Thereafter, Entry No. MR 147 of 2002-03 made in the Mutation Register records the demise of Mr. R. Narayana Reddy and grant of permission for change of khata in respect of Property XXV to the name of his wife Mrs. Lakshamma (Document No. 8).
 11. On an application made by Mrs. Lakshamma the Official Memorandum bearing No. BDis:ALN(E)VB:SR:259/2003-04 dated 20.8.2003 was issued by the Special Deputy Commissioner, Bangalore District granting permission for the conversion of land use in respect of Property XXV from agricultural to non-agricultural residential use (Document Nos. 9 to 11).
 12. Post conversion, RTCs issued in respect of Property XXV for the years 2004-05 to 2011-12 continue to reflect Mrs. Lakshamma as the holder and cultivator thereof. The aforesaid RTCs also reflect the conversion of land use in respect thereof.
 13. Pursuant thereto, Mrs. Lakshamma secured the revenue assessment records in respect of Property XXV in her name in the books of the Sorahunase Village Panchayat. The same is evidenced by the extracts of the House/Land Tax Assessment List and Demand Register for the year 2004-05 (Document Nos. 12 & 13). We have also been provided with a copy of the property tax receipt for the year 2004-05 in respect of land bearing Survey No. 153/1 (Document No.14).
 14. Thereafter, Mrs. Lakshamma and her son Mr. N. Venkatesh executed General Power of Attorney dated 8.9.2003 authorizing and appointing Mr. Austin Roach, Mr. Errol Fernandes and Mr. R. Nagaraj as their Attorney, inter alia, authorizing them to jointly and severally sell Property XXV (Document No. 15).

15. Thereafter, Mrs. Lakshamma and Mr. N. Venkatesh, represented by their power of attorney holder Mr. Austin Roach executed a Sale Deed dated 6.5.2004 conveying Property XXV in favour of Mr. Errol Fernandez (**Document No. 16**). It is pertinent to note here that pursuant to the demise of Mr. R. Narayana Reddy on 6.2.1999, all his properties devolved upon his wife and children, namely, Mrs. Lakshamma, Ms. N. Vedavathi, Ms. N. Hemavathi, Mr. N. Venkatesh Reddy, Ms. N. Sujatha, Ms. N. Shashi and Ms. N. Lakshmi. In view of the exclusion of the 5 daughters of R. Narayana Reddy in the execution of the aforesaid Sale Deed dated 6.5.2004, it would be advisable to secure appropriate document from the said daughters to the effect that they have no rights, title or interests in Property XXV.
16. We note Khata Certificate issued by BBMP in respect of the land bearing Khata No. 94/92/153/1 reflecting the same to be standing in the name of Mr. Errol Fernandes (**Document No. 17**). We also note an extract from the Register of Vacant Land and Houses Register in respect of the land bearing Survey No. 94/92/153/1 for the year 2007-08 reflecting Mr. Errol Fernandes as the owner thereof and Receipt dated 28.5.2009 evidencing the payment of property tax in respect of the said land for the year 2010-11 (**Document Nos. 18 & 19**).
17. Mr. Errol Fernandes along with Mr. Austin Roach and Mr. R. Nagaraj have leased Property XXV to Divyasree Infrastructure for a period of 20 years under the Lease Agreement dated 7.8.2008 (**Document No. 19A**). Further, the said lease agreement was cancelled under the Surrender of Lease Agreement dated 23.6.2010 (**Document No. 19B**).
18. Mr. Errol Fernandes has thereafter exchanged Property XXV with Mr. R. Nagaraj in lieu of certain other properties owned by Mr. R. Nagaraj, under the Exchange Deed dated 28.10.2010 (**Document No. 20**). To rectify certain errors (i.e., non-inclusion of khata nos.) in the Exchange Deed, the parties thereto have executed a Rectification Deed dated 18.11.2010 (**Document No. 21**). We note Khata Certificate issued in respect of the land bearing khata No. 99/156-153/1/57/92 reflecting the same to be standing in the name of Mr. R. Nagaraj (**Document No. 22**). We further note an extract from the Register of Vacant Land and Houses Register for the year 2010-11 issued in respect of 156/153/1/57 reflecting Mr. R. Nagaraj as the owner thereof (**Document No. 23**).
19. DIPPL and Mr. R. Nagaraj have exchanged properties under the Exchange Deed dated 18.3.2011 (**Document No. 23A**). Under the said Exchange Deed, Mr. R. Nagaraj has conveyed a total extent of 6 Acres 7 Guntas comprising of Property XXV and the following Survey Nos. 151/4 measuring 6 Guntas, 151/2 measuring 33 Guntas, 151/5 measuring 6 Guntas, 152(part) measuring 1 Acre 9 Guntas, 153/3 measuring 1 Acre 4 Guntas, 153/4 measuring 7 Guntas, 151/1 measuring 10 Guntas, 151/6 measuring 11 Guntas, 151/7 measuring 16 Guntas, 151/4 measuring 12 Guntas, 153/1 measuring 12.5 Guntas and 153/2 measuring 28 Guntas to DIPPL and DIPPL has conveyed 1,76,000 square feet of undivided interest in the land bearing Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4 and 136/1 measuring 16 Acres 22.5 Guntas.

20. Thereafter, DIPPL along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the BBMP (**Document No. 23B**).
21. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 23C**). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
22. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (**Document Nos. 23D & 23E**). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 23F**).
23. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (**Document No. 23G**).
24. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 23H**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in the Project Lands (**Document No. 23I**).
25. We have been furnished with the Endorsement bearing No.KSCST.CR.153:2004-05 dated 27.10.2004 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that XXV has not been the subject matter of proceedings under the Karnataka Scheduled Castes Scheduled Tribes (Prohibition on Transfer of Certain Lands) Act, 1978 (**Document No. 24**).
26. We have also been furnished with the Endorsement bearing No. LRF:79A&79B:121/99-2000 dated 8.10.2001 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings under the provisions of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 have been initiated in respect of Property XXV (**Document No. 25**). We also note the Endorsement bearing No. LRF:CR.94:2001-02 dated 25.10.2002 issued by the Special Tahsildar,

Bangalore East Taluk which indicates that no tenancy claims in Form 7 or 7A have been filed under the provisions of Section 48A of the Karnataka Land Reforms Act, 1961 in respect of Property XXV (Document No. 26).

27. Revision Settlement Akarbandh issued in respect of the land bearing Survey No.153/1 reflects the total extent therein as 32 Guntas and includes 7 Guntas of Kharab (unusable) land (Document No.27). We have also been provided Tippani issued in respect of the lands bearing Survey Nos.153/1, 153/2 and 153/3 reflecting the shapes thereof and the sub-divisions therein (Document Nos. 28). The said Tippani also indicates the existence of Yamalur-Munnekolalu road passing through Property XXV and as such, a clarification on the same may be called for.
28. We have been provided with a copy of the village map of Ammani Bellandur Khane village indicating the location of the land bearing Survey No. 153 (Document No. 29).
29. Encumbrance Certificates issued in respect of land bearing Survey No. 153/1 for the period 1.4.1970 to 28.3.2003, 1.4.1988 to 16.4.2003, 16.4.2003 to 5.8.2003, 16.4.2003 to 24.8.2004 and 1.4.2004 to 26.11.2004, 1.4.2004 to 31.3.2007, 1.4.2007 to 22.1.2008, 22.1.2008 to 12.11.2009, 1.4.2009 to 28.10.2010 (Document No. 30).
30. Encumbrance Certificates for the period 16.4.2003 to 24.8. 2004 and 1.4.2004 to 25.2.2011 reflect the Sale Deed dated 6.5.2004, Cancellation of Lease Deed, Release Deed dated 19.3.2010 and 16.7.2010, Exchange Deed dated 28.10.2011, Rectification Deed dated 19.11.2010 referred to hereinabove. It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period.
31. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XXV has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
32. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XXV.
33. We have also been informed that no charges and/or mortgages have been created in respect of Property XXV, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

Report issued to:
Divyasree Infrastructure Projects Private Limited

- a. Divyasree Infrastructure Projects Private Limited is the owner of Property XXV. Divyasree Infrastructure Projects Private Limited's title to Property XXV is subject to the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XXV is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

XXVI. SURVEY NO. 157/3B (18 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

The land bearing Survey No. 157/3B admeasuring 18 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk bounded on its

East by : Land bearing Survey No. 157/2;
West by : Land bearing Survey No. 157/3A;
North by : Land bearing Survey No. 157/3A; and
South by : Land bearing Survey No. 158.

the aforesaid property is hereinafter referred to as “Property XXVI”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Sale Deed dated 5.6.1961 executed by Mr. Yangaiah Reddy in favor of Mrs. Akkayamma (wife of Mr. Pillayya) conveying the land bearing Survey No. 157/3 measuring 20 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 1323 of 1961-62 in Book-I, Volume No. 247 at Pages 80 to 81 in the office of the Sub-Registrar, Bangalore South Taluk;
2.	Endorsement bearing No. RK: CR: 587 of 2007-08 dated 13.2.2008 issued by the Tahsildar, Bangalore East Taluk stating that Entry No. MR 16 of 1961-62 made in the relevant registers pertaining to Mutation Register are not available in his office and therefore an extract of the aforementioned entry cannot be furnished;
3.	Record of Rights, Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 157/3 measuring 2 Acres 2 Guntas (including 5 Guntas of kharab) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1967-68 to 1971-72 and 1977-78 to 2011-12;
4.	Endorsement bearing No. RKCR: 349 of 2007-08 dated 24.12.2007 issued by the Tahsildar, K.R.Puram, Bangalore East Taluk stating that the relevant records in respect of RTC issued in respect of the land bearing Survey No. 157/3B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1972 to 1977 are not available and hence copies of the same cannot be provided;
5.	Genealogical tree of Mrs. Akkayamma indicating the names of her family members;

6.	Extract of Entry No. MR 52 of 2005-06 made in the Mutation Register recording the grant of permission for change of khata in respect of 18 Guntas in Survey No. 157/3B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk jointly to the names of Mr. Papaiah Reddy, Mr. Chandra Reddy and Mr. Shyamannareddy;
6A.	Order bearing No. RRT(BE)CR/177/2008-09 dated 22.7.2008 issued by the Assistant Commissioner, Bangalore East Taluk, for rectification of errors in the RTCs in respect of the land bearing Survey No. 157/3B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
6B.	Sale Deed dated 2.1.2008 executed by Mr. Papaiah Reddy along with his wife and children namely Mrs. Geetha Reddy and Mr. Mahendra Reddy and Ms. Shubha and Mr. Chandra Reddy with his wife Mrs. Girija and his children Mrs. Majula and Mr. Chetan in favour of Mr. Umesh S. Raju conveying the land bearing Survey No. 157/3B measuring 18 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-02188-2008-09 (stored in C. D. No. VRTD 32) in the office of the Sub-Registrar, Varthur;
7.	Extract of Entry No. MR 69 of 2008-09 made in the Mutation Register recording execution of the Sale Deed dated 29.8.2008 in respect of the land bearing Survey No. 157/3B measuring 18 Guntas in favor of Mr. Umesh S. Raju and grant of permission for change of khata in respect thereof to his name;
8.	Official Memorandum bearing No. ALN(EVH)SR: 304: 2008-09 dated 13.3.2009 issued by the Special Deputy Commissioner (Revenue), Bangalore District granting permission for conversion of land use in respect of the land bearing Survey No. 157/3B measuring 18 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
9.	Partnership Deed dated 20.3.2006 for formation of Divyasree Infrastructure;
10.	Reconstitution Deed dated 20.12.2006 for reconstitution of Divyasree Infrastructure by induction of a new partner;
11.	Reconstitution Deed dated 23.12.2009 for reconstitution of Divyasree Infrastructure by induction of new partners and changing the name of the Partnership as Divyasree Infrastructure Projects;
12.	Supplementary Deed dated 2.01.2010 to declare the firm as a Joint Stock Company and register the same as a Joint Stock Company;
13.	Constitutional Documents of Divyasree Infrastructure Projects Private Limited ("DIPPL") including the Certificate of incorporation;

13A.	Amalgamation Deed dated 19.1.2011 executed by (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman (represented by their attorney DIPPL), (vi) Mr. Austin Roach (represented by his attorney DIPPL), (vii) Mr. Errol Fernandes (represented by his attorney DIPPL), (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju (represented by his attorney DIPPL), registered as Document No. VRT-1-06626-2010-11 (stored in CD No. VRTD92) in the office of the Sub Registrar, Varthur;
13B.	Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 issued by Bruhat Bangalore Mahanagara Palike in respect of the amalgamation of khata in respect of 55 Acres 19.5 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13C.	Khata Certificate issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
13D.	Extract of the Vacant Land and Houses Register for the year 2010-11 issued by BBMP pursuant to the Amalgamation Deed dated 19.1.2011;
13E.	Receipt dated 29.8.2011 issued by BBMP evidencing payment of tax for the year 2011-12;
13F.	Sanction Plan bearing No. JDTP(N)LP No. 64 of 2010-11 by the Bangalore Development Authority (“BDA”);
13G.	Relinquishment Deed dated 19.3.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-06381-2009-10 (stored in CD No. VRTD66) in the office of the Sub Registrar, Varthur;
13H.	Relinquishment Deed dated 16.7.2010 executed by DIPPL in favor of BDA, registered as Document No. VRT-1-02731-2010-11 (stored in CD No. VRTD77) in the office of the Sub Registrar, Varthur;
14.	Revision Settlement Akarbandh in respect of the land bearing Survey No. 157/3B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
15.	Tippani issued in respect of the land bearing Survey No. 157/3B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
16.	Endorsement bearing No. LRFCR 495 of 2007-08 dated 20.2.2008 issued by the Tahsildar, Bangalore East Taluk, Krishnarajapuram to the effect that no proceedings have been filed in respect of the land bearing Survey No. 157/3B situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under Section 48A of the Karnataka Land Reforms Act, 1961;

17.	Endorsement bearing No. LRF (BE) CR 1044 of 2007-08 dated 17.3.2008 issued by the Assistant Commissioner, Bangalore North Sub-Division, Bangalore to the effect that no proceedings have been filed in respect of the land bearing Survey No. 157/3B measuring 18 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961;
18.	Endorsement bearing No. PTCL.CR.845 of 2007-08 dated 14.3.2008 issued by the Assistant Commissioner, Bangalore North Sub-Division, Bangalore to the effect that no proceedings have been filed in respect of the land bearing Survey No. 157/3B measuring 18 Guntas under the provisions of Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of transfer of certain lands), Act, 1978;
19.	Map of Ammani Bellandur Khane Village;
20.	Receipts evidencing the payment of tax levied on the land bearing Survey No. 157/3B (khata no. 232) for the years 2008-09 to 2009-10 and 2010-11;
21.	Encumbrance Certificates issued in respect of the land bearing Survey No. 157/3B measuring 18 Guntas for the period 1.4.1960 to 31.3.2004, 1.4.2004 to 7.12.2007, 1.4.2007 to 9.11.2007, 1.4.2007 to 30.6.2008, 1.4.2004 to 11.11.2008, 12.11.2008 to 11.11.2009, 1.4.2010 to 3.11.2010.

C. FINDING BASED ON THE DOCUMENTS EXAMINED

1. Property XXVI was initially a part of the larger extent of the land bearing Survey No. 157/3 measuring 2 Acres 2 Guntas (including 5 Guntas of kharab) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk (the land bearing Survey No. 157/3).
2. On an examination of the documents furnished to us, it appears that a portion of the aforesaid larger extent of the land bearing Survey No. 157/3 measuring 20 Guntas appears to have been initially held by Mr. Yangaiah Reddy (son of Mr. Thimmaiah Reddy) (*as per Sale Deed dated 5.6.1961 referred to herein below*).
3. Mr. Yangaiah Reddy conveyed the land bearing Survey No. 157/3 measuring 20 Guntas to one Mrs. Akkayamma (wife of Mr. Pillayya) under the Sale Deed dated 5.6.1961 (**Document No. 1**).
4. Pursuant thereto, Entry No. MR 16 of 1961-62 appears to have been made in the Mutation Register in respect of the land bearing Survey No. 157/3B measuring 20 Guntas for change of khata in respect of the same to the name of Mrs. Akkayamma. We have not been furnished with an extract of the said entry. We note from the Endorsement bearing No. RK:CR: 587 of 2007-08 dated 13.2.2008 issued by the Tahsildar, Bangalore East Taluk stating that an extract of Entry No. MR 16 of 1961-62 made in the Mutation Register cannot be issued as the relevant records pertaining to the same are not available in his office (**Document No. 2**).

5. However, RTCs issued in respect of the land bearing Survey No. 157/3 measuring 2 Acres 2 Guntas (including 5 Guntas of kharab) situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1967-68 to 1971-72 continues to reflect the name of Mr. Yangaiah Reddy as the holder of entire extent of land in Survey No. 157/3 (**Document No. 3**).
6. Later, the land bearing Survey No. 157/3 appears to have been sub-divided and an extent of 19 Guntas (including 1 Gunta of kharab) therein was assigned new Survey No. 157/3B. We have not been furnished with any documents evidencing the sub-division and assignment of the said new survey number 157/3B. We have been informed that the same is not available.
7. We have not seen the RTCs issued in respect of the land bearing Survey No. 157/3B measuring 19 Guntas (including 1 Gunta of kharab) for the years 1972-73 to 1976-77. However, we have been furnished with an endorsement bearing No. RKCR: 349 of 2007-08 dated 24.12.2007 issued by the Tahsildar, K.R.Puram, Bangalore East Taluk stating that the extracts of RTCs issued in respect of the land bearing Survey No. 157/3B for the years 1972 to 1977 cannot be furnished as the relevant records pertaining to the same are not available in his office (**Document No. 4**).
8. RTCs issued in respect of the land bearing Survey No. 157/3B measuring 19 Guntas (including 1 Gunta of kharab) for the subsequent years 1977-78 to 2004-05 reflect the names of Mrs. Akkayamma and Mr. Shyamareddy as the holders of 18 Guntas in the said land. However, we have not been furnished with any documents evidencing the mode manner in which Mr. Shyamannareddy acquired title to the land bearing Survey No. 157/3B measuring 18 Guntas. We have been informed that the name of Mr. Shyamannareddy as one of the holders is an erroneous entry and that the same has rectified subsequently as per the Order dated 22.7.2008 passed by the Assistant Commissioner, which is referred to hereinafter.
9. It appears that Mrs. Akkayamma passed away on 30.11.1984. We have not been furnished with the death certificate of Mrs. Akkayamma. We have been informed that the same is not available.
10. We note the genealogical tree of Mrs. Akkayamma indicating the names of her family members viz., Late Mr. Pilla Reddy (husband of Mrs. Akkayamma), Mr. Papaiah Reddy and Mr. Chandra Reddy (both sons of Late Mrs. Akkayamma), Mrs. Geetha Reddy (wife of Mr. Papaiah Reddy), Mr. Mahendra Reddy and Ms. Shubha (both children of Mr. Papaiah Reddy), Mrs. Girija (wife of Mr. Chandra Reddy), Ms. Manjula and Mr. Chetan (both children of Mrs. Girija) as on 23.11.2007, issued by the Village Accountant, Ramagondanahalli (**Document No. 5**).
11. On the demise of Mrs. Akkayamma, Entry No. MR 52 of 2005-06 was made in the Mutation Register recording the grant of permission for change of khata in respect of 18 Guntas in Survey No. 157/3B jointly to the names of Mr. Papaiah Reddy, Mr. Chandra Reddy and Mr. Shyamannareddy (**Document No. 6**).
12. It may be noted that the genealogical tree of Mrs. Akkayamma do not show the name of Mr. Shyamannareddy and therefore we are unable to ascertain the basis for

inclusion of the name of Mr. Shyamannareddy in Entry No. MR 52 of 2005-06. We have informed that the inclusion of the name of Mr. Shyamannareddy is a typographical error, which has been rectified as referred to hereinafter.

13. RTCs issued in respect of the land bearing Survey No. 157/3B measuring 19 Guntas (including 1 Gunta of kharab) for the period 2005-06 to 2007-08 reflect the names of Mr. Papaiah Reddy, Mr. Chandra Reddy and Mr. Shyamannareddy as the holders of the said land.
14. We note the Order dated 22.7.2008 passed by the Assistant Commissioner in the proceedings bearing No. RRT(BE)CR/177/2008-09 where under the name of Mr. Shamaiah Reddy is ordered to be deleted as holder of Property XXVI and further that only Mr. Papaiah Reddy and Mr. Chandra Reddy (sons of Mr. Pilla Reddy) be retained as the holders thereof (Document No. 6A).
15. It appears from the RTCs that an Entry No. MR 36 of 2008-09 was made in the mutation Register pursuant to the aforesaid Order dated 22.7.2008. We have not been furnished with an extract of the said entry. We have been informed that the same is not available.
16. (i) Mr. Papaiah Reddy along with his wife and children namely Mrs. Geetha Reddy, Mr. Mahendra Reddy, Ms. Shubha and (ii) Mr. Chandra Reddy with his wife Mrs. Girija and children Mrs. Majula and Mr. Chetan conveyed Property XXVI in favour of Mr. Umesh S. Raju under the Sale Deed dated 2.1.2008 (Document No. 6B).
17. We note Entry No. MR 69 of 2008-09 made in the Mutation Register recording execution of the Sale Deed dated 29.8.2008 in respect of Property XXVI in favor of Mr. Umesh S. Raju and grant of permission to change khata in respect thereof to his name (Document No. 7).
18. Thereafter, on an application filed by Mr. Papaiah Reddy and Mr. Chandra Reddy, the Official Memorandum bearing No. ALN(EVH)SR: 304: 2008-09 dated 13.3.2009 was passed by the Special Deputy Commissioner (Revenue), Bangalore District granting permission for conversion of land use in respect of Property XXVI from agricultural to non-agricultural residential purposes (Document No. 8).
19. RTCs issued in respect of Property XXVI for the years 2008-09 to 2011-12 reflect Mr. Umesh S. Raju as the holder and cultivator thereof and also the aforesaid Entry No. MR 69 of 2008-09.
20. Later, Mr. Umesh S Raju was inducted into Divyasree Infrastructure (“Firm”) [(which was formed by Mr. P. Shyamaraju, Shyamaraju & Company (India) Private Limited and High Tech Realtors Private Limited under the Partnership Deed dated 20.3.2006 (Document No. 9)] with effect from 18.12.2006 by executing a Reconstitution Deed dated 20.12.2006 (Document No. 10).
21. Thereafter the Firm was reconstituted again by inducting an additional four partners viz., Ms. Arathi B Raju, Mr. Bhaskar N. Raju, Mr. P. Shyamaraju (HUF) and Ms. Tanisha U. Raju on 23.12.2009 by executing a Reconstitution Deed and among other

- things the name of the Firm was changed to Divyasree Infrastructure Projects (**Document No. 11**). Amongst the other lands, Property XXVI was contributed by Mr. Umesh S. Raju to the Firm under the said Reconstitution Deed.
22. All the Partners of the reconstituted firm executed a supplementary deed on 02.01.2010 *inter alia* declaring the Firm as a Joint Stock Company and further undertaking to register it as a private limited company and to continue the business of the Firm with all its assets including Property XXVI as a going concern and further mutually agreed to abide by the declaration and regulations contained in the Memorandum of Association and Articles of Association of the Joint Stock Company from the date of registration as a Joint Stock Company (**Document No. 12**).
23. Pursuant to the aforesaid agreement and declaration, the Firm was incorporated as a private limited company under Part IX of the Companies Act, 1956 under the name and style of Divyasree Infrastructure Project Private Limited (i.e., DIPPL) as evidenced by the Certificate of Incorporation and as per the Memorandum of Association of the Company all the assets of the Firm including movable and immovable properties have vested in the Company (**Document No. 13**).
24. In the above said manner, the Company acquired title to Property XXVI.
25. Thereafter, DIPPL along with certain other owners of adjoining lands have under Amalgamation Deed dated 19.1.2011 agreed that all the properties measuring 55 Acres 19.5 Guntas including Property XXVI (“**Amalgamated Property**”) owned by the aforementioned persons be treated as one single property for the purposes of development (commercial & residential) in the books of the BBMP (**Document No. 13A**).
26. Pursuant to the said Amalgamation Deed, BBMP has issued Special Notice bearing No. BBMP/MSD/Amal/KTR/1367 of 2010-11 dated 2.4.2011 stating that khata would be amalgamated pursuant to payment of Rs. 2,90,044/- (**Document No. 13B**). Pursuant to the aforementioned amalgamation, the Amalgamated Property has been assigned the Khata No. 248/117 by BBMP.
27. Pursuant thereto, BBMP has issued Khata Certificate and extract of Vacant Land and Houses Register in respect of the Amalgamated Property for the year 2010-11 reflecting (i) DIPPL, (ii) Mr. P. Shyamaraju, (iii) Hightech Realtors Private Limited, (iv) Mr. Umesh Raju, (v) Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. Mohammed Usman, (vi) Mr. Austin Roach, (vii) Mr. Errol Fernandes, (viii) Mr. R. Nagaraj and (ix) Mr. N.H. Bhaskar Raju as owners thereof (**Document Nos. 13C & 13D**). We also note the receipt dated 29.8.2011 evidencing payment of property tax for the year 2011-12 in respect of the Amalgamated Property (**Document No. 13E**).
28. A mixed development plan comprising a total of 45 Acres 38.25 Guntas of the Amalgamated Property (i.e., 12 Acres 21.5 Guntas of commercial development and 33 Acres 16.5 Guntas of residential development) (“**Project Lands**”), has been approved by the BDA as per JDTP(N) LP No. 64 of 2010-11 (“**Proposed Project**”) (**Document No. 13F**).

29. Thereafter DIPPL has relinquished (i) 27.174 Guntas and (ii) 24.522 Guntas in the Project Lands in favor of BDA under the Relinquishment Deed dated 19.3.2010 (**Document No. 13G**). Subsequently thereafter, DIPPL has further executed a Relinquishment Deed dated 16.7.2010 whereunder the area relinquished under Relinquishment Deed dated 19.3.2010 was cancelled and further an area of (i) 2907.73 square meters and (ii) 2745.48 square meters was relinquished in favor of BDA in the Project Lands (**Document No. 13H**).
30. Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 157/3B reflected the total extent therein as 19 Guntas (including 1 Gunta of 'B' kharab) (**Document No. 14**).
31. Tippani issued in respect of the land bearing Survey No. 157/3B indicates the shape and sub-division thereof (**Document No. 15**).
32. We note the Endorsement bearing No. LRFCR 495 of 2007-08 dated 20.2.2008 issued by the Tahsildar, Bangalore East Taluk, Krishnarajapuram to the effect that no proceedings are pending in respect of the land bearing Survey No. 157/3B under Section 48A of the Karnataka Land Reforms Act, 1961 (**Document No. 16**).
33. We also note the Endorsement bearing No. LRF (BE) CR 1044 of 2007-08 dated 17.3.2008 issued by the Assistant Commissioner, Bangalore North Sub-Division, Bangalore to the effect that no proceedings have been filed in respect of Property XXVI under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 (**Document No. 17**).
34. We have been furnished with the Endorsement bearing No. PTCL.CR.845 of 2007-08 dated 14.3.2008 issued by the Assistant Commissioner, Bangalore North Sub-Division, Bangalore to the effect that no proceedings have been filed in respect of Property XXVI under the provisions of Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of transfer of certain lands), Act, 1978 (**Document No. 18**).
35. We note the map of Ammani Bellandur Khane Village indicating the location of the land bearing Survey No. 157 (**Document No. 19**).
36. We note the receipts for payment of tax levied on Property XXVI (khata no. 232) for the years 2008-09 to 2009-10 and 2010-11 (**Document No. 20**).
37. Encumbrance Certificates issued in respect of Property XXVI for the period 1.4.1960 to 31.3.2004, 1.4.2004 to 7.12.2007, 1.4.2007 to 9.11.2007, 1.4.2007 to 30.6.2008, 1.4.2004 to 11.11.2008, 12.11.2008 to 11.11.2009, 1.4.2010 to 3.11.2010 reflecting all the registered transactions during that period (**Document No. 21**).
38. The aforesaid Encumbrance Certificates do not indicate creation of any charge or encumbrance on Property XXVI during the said period. It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period.

39. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XXVI has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
40. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XXVI.
41. We have also been informed that no charges and/or mortgages have been created in respect of Property XXVI, except the equitable mortgage created in favour of HDFC Limited by deposit of title deeds for securing the construction finance loan of Rs.325,00,00,000/- (Rupees Three Hundred and Twenty Five Crores) for Project DivyaSree Technopolis, on old Airport Road, Bangalore.

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. Divyasree Infrastructure Projects Private Limited is the owner of Property XXVI. Divyasree Infrastructure Projects Private Limited's title to Property XXVI is subject to the charge created in favour of HDFC Limited by deposit of title deeds;
- b. Property XXVI is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL

XXVII. LAND BEARING SURVEY NO. 151/4 (6 GUNTAS)

A. DESCRIPTION OF THE PROPERTY

Land bearing Survey No. 151/4 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk and bounded on its:

East by : Remaining part of the land bearing Survey No. 151/4;
West by : Land bearing Survey No. 152;
North by : Land bearing Survey No. 151/2; and
South by : Remaining part of the land bearing Survey No. 151/4.

the aforesaid property is hereinafter referred to as the “**Property XXVII**”.

B. DOCUMENTS EXAMINED

In connection with the above, we have been provided with and have examined the photocopies of the following documents:

Sl. No.	Particulars
1.	Partition Deed dated 13.1.1952 executed by and amongst Mr. Pillaiiah, Mr. Hanumaiah, Mr. Annaiah, Mr. Dodda Pappaiah and Mr. Chikka Pappaiah in respect of the land bearing Survey No. 151/4 measuring 24 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. 6858 of 1951-52 in Book-I, Volume No. 1258 at Pages 115 to 119, in the office of the Sub-Registrar, Bangalore Taluk;
2.	Record of Rights Tenancy and Crop Inspection (RTC) issued in respect of the land bearing Survey No. 151/4 measuring 24 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the years 1967-68 to 2007-08 & 2009-10;
3.	Endorsement bearing No.RK.CR.499/04-05 dated 27.10.2004 issued by the Tahsildar, Bangalore East Taluk stating that an extract of Entry No. MR 46 of 84-85 made in the Mutation Register cannot be provided as the relevant documents are not available in his office;
4.	Endorsement bearing No. RKCR:587/07-08 dated 13.2.2008 issued by Taluk Shirastedar, Bangalore East Taluk stating that an extract of Entry No. MR 36 of 1984-85 made in the Mutation Register cannot be provided as the relevant documents are not available in his office;
5.	Extract of Entry No. MR 112 of 1994-95 made in the Mutation Register recording the Partition Deed dated 13.1.1952 and grant of permission to change khata in respect of the land bearing Survey No. 151/4 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East

	Taluk to the name of Mr. Annaiah;
6.	Extract of Entry No. MR 73 of 2008-09 made in the Mutation Register recording the demise of Mr. Annaiah and grant of permission to change khata in respect of the land bearing Survey No. 151/4 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk to the name of Mr. Anjinappa;
7.	Official Memorandum bearing No. ALN[IVH]SR 371 of 2011-12 dated 9.12.2011 issued by the Special Deputy Commissioner, Bangalore District granting permission for conversion of land use in respect of the land bearing Survey No. 151/4 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk from agricultural to non-agricultural residential purposes;
8.	Exchange Deed dated 21.5.2012 entered into by and between Mr. Anjinappa, Mrs. Chandramma, Mr. Mahesh, Divyasree Infrastructure Projects Private Limited (“DIPPL”), Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. T.A. Usman in respect of the land bearing Survey No. 151/4 measuring 6 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk, registered as Document No. VRT-1-00861-2012-13 (stored in CD No. VRTD153) in the office of the Sub Registrar, Varthur;
9.	Endorsement bearing No. PTCL.CR.845 of 2007-08 dated 14.3.2008 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that no proceedings have been filed under provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
10.	Endorsement bearing No.LRF(BE)CR 1044 of 2007-08 dated 17.3.2008 issued by the Special Tahsildar, Bangalore South Taluk stating that no proceedings have been initiated in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk under Sections 79A & 79B of the Karnataka Land Reforms Act, 1961;
11.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
12.	Tippani issued in respect of the land bearing Survey No. 151 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
13.	Atlas issued in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk;
14.	Map of Ammani Bellandur Khane Village;

15.	Encumbrance Certificates issued in respect of the land bearing Survey No. 151/4 situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk for the period 1.4.1960 to 31.3.2004 and 1.4.2004 to 8.11.2011.
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C. FINDINGS BASED ON DOCUMENTS EXAMINED

1. On an examination of the documents furnished to us, we note that Property XXVII is part of larger extent of land in Survey No. 151/4 measuring 24 Guntas situated at Ammani Bellandur Khane Village, Varthur Hobli, Bangalore East Taluk ("**Land XXVII**"). Land XXVII was held by Mr. Pillaiah in his name for the joint family comprising of his children and himself (*as per Partition Deed dated 13.1.1952 referred to hereinafter*).
2. Mr. Pillaiah and his sons, viz., Mr. Hanumaiah, Mr. Annaiah, Mr. Dodda Papaiah and Mr. Chikka Papaiah executed the Partition Deed dated 13.1.1952 dividing their joint family properties including Land XXVII by and amongst themselves (*Document No. 1*). Under the said family partition, Mr. Hanumaiah, Mr. Annaiah, Mr. Dodda Papaiah and Mr. Chikka Papaiah were each allotted an extent of 6 Guntas in Land XXVII. It appears that Mr. Hanumaiah was also known as Hanumappa.
3. Whereas, R.T.C.s issued in respect of Land XXVII for the years 1967-68 to 1971-72 reflect Mr. Papaiah as a holder thereof for the aforesaid years (*Document No. 2*). Further, RTCs issued in respect of Land XXVII for the years 1972-73 to 1981-82 reflect Mr. Abbaiah (son of Mr. Muneappa) as the holder thereof. RTCs for the aforementioned years reflect Mr. Hanumappa and Mr. Chikka Papaiah as cultivators thereof. It is pertinent to note that RTCs issued in respect of Land XXVII for the years 1972-73 to 1981-82 reflect one Mr. Abbaiah as the holder of Land XXVII during the said years. However, Land XXVII was allotted to the children of Mr. Pillaiah in the family partition, referred to above. We have not seen any documents evidencing the mode and manner by which Mr. Abbaiah acquired title to Land XXVII and subsequently the mode and manner in which it was transferred / extinguished. We have been informed that no documents are available in this regard.
4. RTC issued in respect of Land XXVII for the years 1982-83 to 1986-87 reflect Mr. Hanumappa, Mr. Annaiah, Mr. Dodda Papaiah and Mr. Chikka Papaiah as holder of 6 Guntas each in the said land.
5. RTCs issued in respect of Land XXVII for the aforesaid years reflect Entry Nos. MR 46 of 84-85, MR 36 of 84-85 and MR 41 of 84-85 made in the Mutation Register. We have not seen an extract of Mutation Register reflecting Entry bearing Nos. MR 46 of 84-85, 36 of 84-85 and 41 of 84-85 which appear to have been made pursuant to the aforesaid partition. We have not seen extracts of the aforementioned entries made in the Mutation Register. We note the Endorsement dated 27.10.2004 issued by the Tahsildar, Bangalore East Taluk, which states that extract of Entry No. MR 41 of 1984-85, MR 46 of 1984-85 made in the Mutation Register cannot be provided as the Mutation Register for the year 1984-85 is not available in his office (*Document No. 3*). We note the endorsement dated 13.02.2008 issued by the Taluk Shirastedar, Bangalore East Taluk, to the effect that an extract of the aforesaid Entry No. MR 36

- of 1984-85 made in the Mutation Register cannot be issued as the Mutation Register for the said years are not available in his office (Document No. 4).
6. Thereafter, Entry No. MR 112 of 1994-95 was made in the Mutation Register recording the Partition Deed dated 13.1.1952 and allotment of 6 Guntas in Land XXVII (i.e., Property XXVII) to the share of Mr. Annaiah and grant of permission to change khata in respect thereof to his name (Document No. 5). RTCs issued in respect of Land XXVII for the years 1987-88 to 2007-08 reflect *inter alia* Mr. Annaiah as a holder of 6 Guntas in the said land. Thereafter Mr. Annaiah has passed away. We have not been furnished with the death certificate of Mr. Annaiah.
 7. Entry No. MR 73 of 2008-09 was made in the Mutation Register recording the demise of Mr. Annaiah and grant of permission to change khata in respect of 6 Guntas in the land bearing Survey No. 151/4 (i.e., Property XXVII) to the name his son Mr. Anjinappa (Document No. 6).
 8. We have not been furnished with the genealogical tree of Late Mr. Annaiah to ascertain the names of all the family members of Mr. Annaiah who would have rights and interests in Property XXVII. It is necessary to secure the same.
 9. RTCs issued in respect of Land XXVII for the year 2009-10 reflect Mr. Anjinappa as holder of 6 Guntas in the said land. We have not been furnished with RTC issued in respect of Land XXVII for the years 2008-09. It is necessary to secure the same.
 10. On an application made by Mr. Anjinappa the Official Memorandum dated 9.12.2011 was issued by the Special Deputy Commissioner, Bangalore District granting permission for the conversion of land use in respect of Property XXVII from agricultural to non-agricultural residential use (Document No. 7).
 11. We have not been furnished with the Khata Extract and Khata Certificate issued by BBMP pursuant to the conversion of Property XXVII. It is necessary to secure the same.
 12. Subsequently, Mr. Anjinappa (son of Mr. Annaiah) along with his wife Mrs. Chandamma and son Mr. Mahesh have entered into an Exchange Deed dated 21.5.2012 with DIPPL and Mrs. Khairunissa, Mrs. Rubina, Mr. Mohammed Sajid, Mr. T.A. Usman (Document No. 8). Under the said Exchange Deed, Mr. Anjinappa has conveyed Property XXVII in consideration of receiving 5,227 square feet of super built up area along with 2,091 square feet of undivided share in the land bearing the following Survey Nos. 123, 124, 125, 132/1A, 132/1B, 132/2, 133/1, 133/2, 133/3, 133/4, 134/1, 134/2, 135/1, 131/1B, 131/2A, 131/2B, 131/4, 131/5A, 136/2, 136/3, 137/3A, 137/3B, 137/4, 136/1 situated at Ammani Bellandur Khane Village and Survey No. 36/2 situated at Yemalur Village totally admeasuring 19 Acres 25 Guntas.
 13. We have not been furnished with Khata Extract and Khata Certificate issued by the BBMP in the name of DIPPL and others subsequent to the aforementioned sale. It is necessary to secure the same.

14. We have been furnished with the Endorsement dated 14.3.2008 issued by the Assistant Commissioner, Bangalore North Sub Division to the effect that Property XXVII has not been the subject matter of proceedings under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Document No. 9).
15. The Assistant Commissioner, Bangalore North Sub Division has issued Endorsement bearing No. LRF(BE)CR 1044 of 2007-08 dated 17.3.2008 to the effect that no proceedings have been filed in respect of Property XXVII under Sections 79(A) and 79(B) of the Karnataka Land Reforms Act, 1961 (Document No. 10).
16. We have not been furnished with the endorsement issued by the jurisdictional Tahsildar stating that no applications have been filed/pending/disposed off in respect of Property XXVII under Sections 48A and 77A of the Karnataka Land Reforms Act, 1961. It is necessary to secure the same.
17. Revision Settlement Akarbandh issued in respect of Land XXVII reflects the total extent therein as 24 Guntas (Document No. 11). Tippani issued in respect of Land XXVII indicate the shape thereof (Document No. 12).
18. Atlas issued in respect of the land bearing Survey No. 151 shows the sub division of the said survey number into various survey numbers including Land XXVII (Document No. 13).
19. We have also been provided with a copy of the map of Ammani Bellandur Khane Village indicating the location of the land bearing Survey No. 151 (Document No. 14).
20. Encumbrance Certificates issued in respect of Property XXVII for the period 1.4.1960 to 31.3.2004 and 1.4.2004 to 8.11.2011 reflect no transactions have been carried out in respect of Property XXVII for the aforementioned period (Document No. 15). It is advisable to obtain a fresh certificate for the period 1.4.2009 till date which would all reflect all transactions entered into during the said period.
21. We have not been provided with the endorsement of the Karnataka Industrial Areas Development Board to the effect that Property XXVII has not been acquired or proposed to be acquired by the Karnataka Industrial Areas Development Board. We have been informed that the same has not been obtained. It is advisable to obtain the same.
22. It is to be noted that Property XXVII does not form part of the lands measuring 45 Acres 38.5 Guntas for which development plans have been sanctioned by the Bangalore Development Authority and also, Property XXVII is not subject matter of the Amalgamation Deed dated 19.1.2011 executed by DIPPL and other land owners for amalgamation of khata in respect of Project Lands.
23. We have been informed that there are no litigations, currently pending or disposed off in respect of Property XXVII. We have also been informed that no charges and/or mortgages have been created in respect of Property XXVII.

Report issued to:
Divyasree Infrastructure Projects Private Limited

D. CONCLUSION

Subject to our comments above, we are of the opinion that:

- a. Divyasree Infrastructure Projects Private Limited are the owners of Property XXVII;
- b. Property XXVII is capable of being used for residential purposes subject to the terms and conditions prescribed in the order of conversion referred to above;


TATVA LEGAL