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**TITLE REPORT DATED 26.11.2020**  
**SURVEY NO. 15/2 (9 GUNTAS) AND SURVEY NO. 16/2 (2 ACRES) OF GEBBALAHALLI VILLAGE**

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**TATVALEGAL**  
Bangalore  
Advocates  
*[Restricted and Confidential]*

## TITLE REPORT

### A. DESCRIPTION OF PROPERTY:

The objective of this due diligence exercise is to investigate title to the property described in Part D of this Title Report ("the Report") based on review of the documents furnished to us, description whereof is given in Part E of this Report.

### B. SCOPE OF LIMITATION:

The scope of our review and of this Report is subject to the following limitations:

- (i) While performing the review, we have assumed the (a) genuineness of all signatures, (b) accuracy and correctness of all information / representations provided / made to us, including the facts that are mentioned in agreements, executed copies of documents and government records, (c) authenticity of copies of all documents submitted to us as originals, (d) conformity of the copies or extracts submitted to us with the originals thereof, (e) correctness of all information provided to us in respect of the litigations in respect of the Property including the fact that no appeals or revisions have been filed in respect of the relevant suits / litigations and (f) compliance with all legal requirements by the parties concerned with the Property.
- (ii) We have only examined issues pertaining to the ownership of the Property and have not examined issues pertaining to (a) approvals from various statutory/regulatory authorities for construction, development and/or occupation of the Property; (b) business, regulatory and financial issues of the present or previous owners of the Property; and (c) other matters that do not directly affect the ownership of the Property.
- (iii) For the purposes of this Report, we have relied upon the provisions of relevant statutes and applicable judicial pronouncements in force as on date. Such statutes and judicial pronouncements are subject to change by subsequent legislative, regulatory, administrative, and/or judicial actions. Any such change could have an effect on the validity of the statements made by us in this Report.
- (iv) We have assumed that there are no outstanding / dues payable by the present / previous owners of the Property to any government / statutory authority (including any tax / cess dues) or local body and that the Property is not subject to any charge, attachment, proceeding or claim for any amount due or payable including under applicable laws.



- (v) Our observations in this Report are limited to issues and risks arising from a legal perspective in relation to the title to the said Property, as analyzed by us from the information and documents furnished to us. We have not conducted an independent verification of such information or documents, other than as expressly indicated in the relevant parts of this Report.

**C. CONFIDENTIALITY:**

The contents of this Report are confidential. Neither this Report nor any of its contents may be disclosed to any person other than to the officers and employees of Kumar Properties Private Limited who are directly involved in the proposed transaction relating to the Property. We accept no responsibility to any person other than to Kumar Properties Private Limited in relation to the contents of this Report.

**D. DESCRIPTION OF PROPERTIES:**

**Item No. 1**

1. All that piece and parcel of the immoveable property being the land bearing Survey No. 15/2 measuring 9 Guntas situated at Geddalahalli Village, KR Puram Hobli, Bengaluru East Taluk and bounded on its:

East by : Hennur-Bagalur Road (Byrathi Khane Gadi);  
West by : Portion of Survey No. 16/2 allotted to Mr. Munawar Burhan;  
North by : 40 Feet road; and  
South by : Portion of Survey No. 16/2 allotted to Mr. Munawar Burhan.

*(Boundaries are as per Gift Deed dated 18.10.2019 registered as Document No. BNS-I-12486-2019-20)*  
hereinafter referred to as "Property I".

**Item No. 2**

2. All that piece and parcel of the immoveable property being the land bearing Survey No. 16/2 measuring 2 Acres situated at Geddalahalli Village, KR Puram Hobli, Bengaluru East Taluk and bounded on its:

East by : Hennur-Bagalur Main Road and Byrathi Khane Gadi;  
West by : Remaining portion of Survey No. 16/2;  
North by : Road and Survey No. 15/2; and  
South by : Land belonging to Mr. Ashraf Burhan;



(Boundaries are as per Official Memorandum bearing No. ALN (KRP11) SR/147/15-16 dated 03.11.2017)

hereinafter referred to as "Property II".

Property I and Property II are hereinafter collectively referred to as the "Properties".

**E. DOCUMENTS EXAMINED:**

We have been provided with and have examined the photocopies of the documents listed in Annexure of this Report for the purpose of carrying out title due diligence on the Properties.

**F. FINDING BASED ON THE DOCUMENTS EXAMINED**

**1. TITLE:**

1. On examination of the documents furnished to us, we note that Property I and Property II forms part of larger extents of the lands bearing Survey No. 15/2 measuring 1 Acre 34 Guntas ("Land A") and Survey No. 16/2 measuring 6 Acre 39 Guntas (including 9 Guntas of kharab) ("Land B"), respectively both situated at Geddalahalli Village, KR Puram Hobli, Bengaluru East Taluk.
2. On perusal of Entry No. RR 30 made in the Record of Rights we note Mr. Narayanaiah (son of Mr. Nanjundaiah) had acquired title to Survey No. 15/2 under the Sale Deed dated 11.10.1927 registered as document No. 360 (Document No. 1).
3. Similarly, we note from the Entry Nos. RR 32 and 33 made in the Record of Rights that Mr. Narayanaiah (son of Mr. Nanjundaiah) and Mr. Bheemanna (son of Mr. Nanjappa) had acquired title to Survey No. 16/2 under the same Sale Deed dated 11.10.1927 registered as document No. 360 (Document No. 2).

*Observation: We have not been provided with the said Sale Deed dated 11.10.1927 registered as document No. 360.*

4. Thereafter, Mr. Narayanaiah conveyed the lands bearing Survey No. 15/1 measuring 1 Acre 33 Guntas and Survey No. 16 measuring 7 Acres 9 Guntas in favour of Mr. Mohammed Shariff (son of Mr. Mohadin Shariff Saheb) under a Sale Deed dated 20.04.1930 (Document No. 3).
5. Pursuant thereto, Entry Nos. RR 108 and RR 109 were made in the Record of Rights recording the above Sale Deed dated 20.4.1930 and Mr. Mohammed Shariff (son of Mr. Mohadin Shariff Saheb) as the holder of Survey Nos. 15/2 and 16/2, respectively (Document No. 4).



6. We note reference to Entry No. MT 5/1929-30 in the above entries. We have not been provided with an extract of said entry. However, we have been provided with an Endorsement bearing No. RK.CR/2535/14-15 dated 08.12.2014 issued by the Tahsildar, Bangalore East Taluk stating that Entry No. MR 5/29-30 made in the mutation register with respect to Survey Nos. 15/2 and 16/2 is not available in their records and hence, the same cannot be issued (Document No. 5).
7. We have been provided with a Letter of Complaint dated 12.06.2013 addressed by Mr. Munawar Burhan (son of Late Mr. Khador Burhan @ Sabji and grandson of Mr. Mohammed Shariff) to the Station House Officer, RT Nagar Police Station, Bangalore regarding the loss of Original Sale Deed dated 20.04.1930 registered as Document No. 3126/1930-31 in Book I, Volume No. 177 at Pages 98 to 103 in the Office of the Sub-Registrar, Bangalore North Taluk (Document No. 6).
8. Pursuant thereto, an Affidavit dated 13.06.2015 was sworn by Mr. Munawar Burhan @ Babu confirming the loss of above sale deed and affirming that the said sale deed is neither mortgaged nor deposited with any third party or any financial institution (Document No. 7).
9. We note Mr. Mohammed Shariff passed away on 01.12.1973. The same is evidenced by his Death Certificate issued by the Corporation of City of Bangalore (Document No. 8).
10. Subsequently, khata in respect of *inter alia* lands bearing Survey No. 15/2 measuring 1 Acre 34 Guntas and Survey No. 16/2 measuring 6 Acres 39 Guntas (including 9 Guntas of kharab) was changed in the name of Mrs. Kulsum Bi (daughter of Late Mr. Mohammed Shariff) vide Entry No. RR 417 made in the Record of Rights (Document No. 9).

Observation: We note that Mr. H. Narayanaiah had sold an extent of 1 Acre 33 Guntas in the land bearing Survey No. 15/1 and an extent of 7 Acres 9 Guntas to Mr. Mohammed Shariff under the Sale Deed dated 20.4.1930. Thereafter, khata has been changed with respect to the land bearing Survey No. 15/2 measuring 1 Acre 34 Guntas and Survey No. 16/2 measuring 6 Acres 39 Guntas (including 9 Guntas of kharab) in the name of Mrs. Kulsum Bi. In this regard, we have not been provided with the documents evidencing the assignment of Survey No. 15/1 measuring 1 Acre 33 Guntas as 15/2 measuring 1 Acre 34 Guntas and Survey No. 16 measuring 7 Acres 9 Guntas as 16/2 measuring 6 Acres 39 Guntas (including 9 Guntas of kharab). We have been informed that the same are not available. However, the RTCs issued in respect of Survey Nos. 15/2 and 16/2 (as detailed in Part II of this report) corroborates the same by reflecting the extent and survey numbers as Survey No. 15/2 measuring 1 Acre 34 Guntas and Survey No. 16/2 measuring 6 Acres 39 Guntas (including 9 Guntas of kharab).

11. After the demise of Mrs. Kulsum Bi on 16.11.1985 as recorded in the Death Certificate issued by Corporation of the City of Bangalore (Document No. 10), khata with respect to lands bearing Survey No. 15/2 measuring 1 Acre 32 Guntas and Survey No. 16/2 measuring 6 Acres 30 Guntas were changed in the name of Mr. Khader Burhan (husband of Late Mrs. Kulsum Bi) vide Entry Nos. RR 433 and RR 435, respectively (Document No. 11).

*Observation:* We note reference to Entry No. MR 2/84-85 in the above entry. On perusal of the said mutation entry, we note that the said entry is with respect to Survey No. 26 and not with respect to Survey Nos. 15/2 and 16/2.

12. Also, Entry No. IHC 1/85-86 was made in the Inheritance Register recording the change of khata with respect to lands bearing Survey No. 15/2 measuring 1 Acre 32 Guntas and Survey No. 16/2 measuring 6 Acres 30 Guntas in the name of Mr. Khader Burhan (husband of Late Mrs. Kulsum Bi) (Document No. 12).

13. Index of Lands issued with respect to land bearing Survey No. 15/2 measuring 1 Acre 34 Guntas (including 2 Guntas of kharab) and land bearing Survey No. 16/2 measuring 6 Acres 39 Guntas (including 28 Guntas of kharab) records as mentioned below (Document No. 13):

- (i) With respect to Survey No. 15/2, Mr. Narayanaiah (son of Mr. Nanjunda Bhat) is shown as the initial holder and Mr. Mohammed Shariff, Mrs. Kulsum Bi and Mr. Khader Burhan are shown as the subsequent holders of the land thereof;
- (ii) With respect to Survey No. 16/2, Mr. Narayanaiah (son of Mr. Nanjunda Bhat) is shown as the initial holder and Mr. Bhimmaiah (son of Mr. Narayanaiah), Mr. Mohammed Shariff, Mrs. Kulsum Bi and Mr. Khader Burhan are shown as the subsequent holders of the land thereof.

*Observation:* We have not seen the documents evidencing the mode and manner under which Mr. Bhimmaiah (son of Mr. Narayanaiah) had acquired title to Survey No. 16/2. We have been informed that the same is not available.

*Also, we note reference to Entry Nos. RR 110, RR 120, RR 111 and RR 121. We have not been provided with the said entries. As informed to us, the same are not available.*

14. We note Mr. Khader Burhan passed away on 05.11.1997 as evidenced from his death certificate (Document No. 14).
15. Subsequently, khata in respect of *inter alia* lands bearing Survey No. 15/2 measuring 1 Acre 34 Guntas and Survey No. 16/2 measuring 6 Acres 39 Guntas (including 9 Guntas of kharab) were changed jointly in the names of Mr. Munawar Burhan and Mr. Ashraf Burhan (both

- sons of Late Mr. Khader Burhan) vide Entry No. IHC 6/98-99 made in the Inheritance Register (Document No. 15).
16. We have also been provided with Entry No. MR 7/98-99 made in the Mutation Register recording the grant of permission to change khata with respect to *inter alia* Survey No. 15/2 measuring 1 Acre 34 Guntas and Survey No. 16/2 measuring 6 Acres 39 Guntas (including 9 Guntas of kharab) jointly in the names of Mr. Munawar Burhan and Mr. Ashraf Burhan (both sons of Late Mr. Khader Burhan) (Document No. 16).
17. Thereafter, daughters of Late Mr. Khader Burhan Sahib namely, (i) Mrs. K.B. Rahamathunnissa, (ii) Mrs. Khursheedunnissa, (iii) Mrs. Habeebunnissa, (iv) Mrs. Pyari Jan, (v) Mrs. Naseemunnissa, (vi) Mrs. Mohsina Begum and (vii) Mrs. Tabassum Tara have sworn an Affidavit dated 17.12.1998 stating that they do not have any objections for change of khata with respect to *inter alia* lands bearing Survey No. 15/2 measuring 1 Acre 34 Guntas and Survey No. 16/2 measuring 6 Acres 30 Guntas in the names of Mr. Munawar Burhan and Mr. Ashraf Burhan (Document No. 17).
18. We have been provided with the Affidavit dated 21.11.2003 sworn by Mr. Munawar Burhan stating the names of his family members as mentioned below (Document No. 18):
- (i) Late Mr. M. Mohamed Shariff (son of Late Mr. Mohideen Shariff and father of Mr. Munawar Burhan);
  - (ii) Late Mrs. Tahira Bi @ Banu Bi (wife of Late Mr. M. Mohamed Shariff);
  - (iii) Late Mrs. Kulsam Bi (wife of Late Mr. Khader Burhan and only daughter of Late Mr. M. Mohammed Shariff); and
  - (iv) Children of Late Mrs. Kulsam Bi and Late Mr. Khader Burhan namely:
    - (a) Ms. K.B. Rahmathunnissa;
    - (b) Ms. Habeebunnissa;
    - (c) Ms. Rashida Khatoon (also known as Pyari Jan);
    - (d) Ms. Naseemunnissa;
    - (e) Ms. Mohsina Banu;
    - (f) Ms. Tabassaum Banu;
    - (g) Mr. Munawar Burhan; and
    - (h) Mr. Ashraf Burhan.
19. Under the Agreement for Road dated 20.06.2002 executed between Mr. Munawar Burhan, Mr. Ashraf Burhan and Mrs. N. Prema (wife of Mr. V. Sathyanarayana), we note that Mrs. N. Prema was given the right to access the common road passing across the lands bearing Survey Nos. 15/2 and 16/2 (Document No. 19).
20. Thereafter, Ms. K.B. Rahmathunnissa, Mrs. Habeebunnissa, Ms. Rashida Khatoon @ Pyarijan, Ms. Naseemunnissa, Ms. Mohsina Banu, Ms. Tabassaum Banu, Mr. Munawar Burhan and Mr. Ashraf Burhan partitioned their joint family properties including the sites

situated at Geddalahalli Village, KR Puram Hobli, Bangalore East Taluk under the Partition Deed dated 18.12.2002 (Document No. 20).

21. The above Partition Deed dated 18.12.2002 was cancelled by Ms.K.B. Rahmathunnissa, Mrs. Habeebunnissa, Ms. Rashida Khatoon @ Pyarijan, Ms. Naseemunnissa, Ms. Mohsina Banu, Ms. Tabassum Bano, Mr. Munawar Burhan and Mr. Ashraf Burhan under the Cancellation of Partition Deed dated 20.03.2015 (Document No. 21).
22. Later, another Deed of Partition dated 20.03.2015 was executed by and amongst Ms. K.B. Rahmathunnissa, Mrs. Habeebunnissa, Ms. Rashida Khatoon @ Pyarijan, Ms. Naseemunnissa, Ms. Mohsina Banu, Ms. Tabassum Bano, Mr. Munawar Burhan and Mr. Ashraf Burhan with respect to land bearing Survey No. 15/2 measuring 1 Acre 11.51 Guntas (out of 1 Acre 34 Guntas) (Document No. 22). We note from the recitals of the partition that a portion of land in Survey No. 15/2 was released and relinquished by the above members for the purpose of road formation. Thereafter, the balance portion was partitioned amongst themselves by taking equal share and had agreed to hold the land jointly as co-owners.  
  
*Observation: It is pertinent to note that out of 1 Acre 34 Guntas in the land bearing Survey No. 15/2, an extent of 1 Acre 11.51 Guntas was subject matter of above partition and remaining 9 Guntas was gifted in favour of Mr. Munawar Burhan under a gift deed as detailed in Document No. 28, herein below. We have been informed that the said balance extent forms part of a road formed in relation to layout formed in the adjacent property.*
23. Subsequently, Ms. K.B. Rahmathunnissa, Mrs. Habeebunnissa, Ms. Rashida Khatoon @ Pyarijan, Ms. Naseemunnissa, Ms. Mohsina Banu, Ms. Tabassum Bano, Mr. Munawar Burhan and Mr. Ashraf Burhan entered into a Joint Development Agreement dated 14.05.2015 with M/s Unishire Housing LLP (represented by its authorised signatory Mr. G. Nanda Kumar) to develop the land bearing Survey No. 15/2 measuring 1 Acre 11.51 Guntas by constructing apartment / flat complex on the said land (Document No. 23).
24. General Power of Attorney dated 14.05.2015 was executed by Ms. K.B. Rahmathunnissa, Mrs. Habeebunnissa, Ms. Rashida Khatoon @ Pyarijan, Ms. Naseemunnissa, Ms. Mohsina Banu, Ms. Tabassum Bano, Mr. Munawar Burhan and Mr. Ashraf Burhan appointing M/s Unishire Housing LLP as their attorney holder to deal with the land bearing Survey No. 15/2 measuring 1 Acre 11.51 Guntas (Document No. 24).
25. Later, Mr. Munawar Burhan @ Babu and Mr. Ashraf Burhan partitioned the land bearing Survey No. 16/2 measuring 2 Acres 30 Guntas and 9 Guntas of kharab under the Deed of Partition dated 14.05.2015. Under the said partition, Mr. Munawar Burhan @ Babu was allotted with 2 Acres in Survey No. 16/2 ("Property II") and Mr. Ashraf Burhan was allotted with balance 30 Guntas and 9 Guntas of kharab in Survey No. 16/2 (Document No. 25).

26. We have been provided with the Release Deed dated 14.05.2015 executed by Ms. K.B. Rahmathunnissa, Mrs. Habeebunnissa, Ms. Rashida Khatoon @ Pyarijan, Ms. Naseemunnissa, Ms. Mohsina Banu and Ms. Tabassum Bano confirming the partition effected between their brothers and release of their rights in the land bearing Survey No. 16/2 measuring 2 Acres 30 Guntas and 9 Guntas allotted to Mr. Munawar Burhan and Mr. Ashraf Burhan @ Babu (Document No. 26).
27. Mr. Ashraf Burhan and Mr. Munawar Burhan had also partitioned the land bearing Survey No. 15/2 measuring 9 Guntas (i.e., Property I), however the same was not recorded under the Deed of Partition dated 14.05.2015. To rectify the said error and to record the allotment of Property I in favour of Mr. Munawar Burhan, Mr. Ashraf Burhan and Mr. Munawar Burhan executed a Rectification Deed dated 24.01.2018 (Document No. 27).
28. Since Ms. K.B. Rahmathunnissa, Mrs. Habeebunnissa, Ms. Rashida Khatoon @ Pyarijan, Ms. Naseemunnissa, Ms. Mohsina Banu and Ms. Tabassum Bano had not released their rights and interests over Property I under the Release Deed dated 14.05.2015, they along with Mrs. Khursheedunnissa, Mr. Ashraf Burhan and children of Late Habeebunnissa namely, Mr. Gaffar Shariff and Mr. Zeeshan Shariff transferred all their rights, title and interest in Property I by the way of gift in favour of Mr. Munawar Burhan @ Babu under the Gift Deed dated 18.10.2019 (Document No. 28).
29. In the manner mentioned hereinabove, Mr. Munawar Burhan @ Babu (son of Late Mr. Khader Burhan) came to hold the Properties.
30. Later, Mr. Munawar Burhan ("Owner") entered into a Joint Development Agreement dated 23.11.2020 (registered on 26.11.2020) with Kumar Properties Private Limited ("Developer") to develop the Properties by constructing multi-storied apartment building on the terms and conditions set out therein (Document No. 29). Some of the key terms of the aforementioned joint development agreement are as follows:
- (a) The parties have agreed to share the sale proceeds received on sale of each apartment in the project constructed on the Properties in the ratio of 39% (Owner's share): 61% (Developer's share). Neither the Owner nor the Developer shall be entitled to any share in the super built-up area and both are entitled to hold and sell the apartments in the project jointly.
  - (b) The Developer has provided a sum of Rs. 5,50,00,000/- (Rupees Five Crores and Fifty Lakhs only) as interest free security deposit. Out of the entire security deposit a sum of Rs. 2,75,00,000 is interest free refundable security deposit and balance amount of Rs. 2,75,00,000 is non-refundable security deposit;

- (c) The commencement of the development of the Properties shall commence within 7 (seven) days from the Developer obtaining the requisite approvals to commence construction but not limited to the commencement certificate to be issued by BBMP. The time of completion of the project shall not exceed the stipulated 42 (forty two) months together with the grace period of 6 months, unless mutually agreed. If the Developer fails to complete the construction of the Project within 48 (forty eight) months from the date of commencement certificate, the Developer is liable to pay the Owner an interest at 12% per annum calculated on Owner's share of the balance receivables of sale proceeds.
- (d) The Developer has agreed to pay and discharge all the municipal taxes till the vacant physical possession of the property is handed over to the Developer. From the date of handing over the vacant physical possession of the property to the Developer, the Developer shall pay and discharge all municipal taxes till the completion of the project.
- (e) For the purpose of construction of the project on the Properties, the Developer is entitled to obtain financial assistance from bank and/or financial institutions and/or non-banking financial institution/company and/or any other lenders on the security of the Developer's share;
- (f) The Owners has delivered all the true copies of title deeds pertaining to the Properties to the Developer.

31. The Owner has executed a General Power of Attorney dated 23.11.2020 (registered on 26.11.2020) authorizing the Developer to do all the acts, deeds and things with respect to development of the Properties in the manner as specified therein (Document No. 30). Further, the power of attorney, authorizes the Developer to obtain financial assistance for the purpose of development of the Properties from bank and/or financial institutions and/or non-banking financial institution/company and/or any other lenders on the security of the Developer's share in the project.

## II. REVENUE RECORDS AND ENDORSEMENTS:

RTCs issued with respect to land bearing Survey No. 15/2:

32. The Record of Rights, Tenancy and Crops ("RTCs") issued in respect of land bearing Survey No. 15/2 measuring 1 Acre 34 Guntas (including 2 Guntas of kharab) for the years 1966-67 to 1970-71 reflects the name of Mr. Mohammed Shariff as the holder and cultivator thereof (Document No. 31).



*Observation: We have not been provided with the RTCs in respect of Survey No. 15/2 for the years 1971-72 to 1975-76. It is necessary to secure the same.*

33. RTCs issued in respect of land bearing Survey No. 15/2 measuring 1 Acre 34 Guntas for the years 1976-77 to 1981-82 reflects the name of Mr. Mohammed Shariff to be the holder and Mr. Khader Burhan Sab as the cultivator thereof (Document No. 32).

*Observation: The RTCs issued for the years 1966-67 to 1970-71 reflects total extent in Survey No. 15/2 as 1 Acre 34 Guntas (including 2 Guntas of kharab) whereas RTCs issued from 1976-77 onwards reflects total extent of the said land as 1 Acre 34 Guntas (without kharab). On seeking clarifications with respect to the same we have been informed that the same was an error made by the revenue authority.*

34. We note from the RTCs issued in respect of land bearing Survey No. 15/2 measuring 1 Acre 34 Guntas for the years 1982-83 to 1994-95 that the names of Mr. Mohammed Shariff and Mrs. Kulsum Bi are rounded off and Mr. Khader Burhan is shown as the holder and cultivator of the land thereof.

*Observation: We note under Entry No. IHC 1/85-86 that khata with respect to land bearing Survey No. 15/2 was changed in the name of Mr. Khader Burhan for lesser extent. However, RTCs records him as the holder for entire extent.*

35. We note from the RTCs issued in respect of land bearing Survey No. 15/2 measuring 1 Acre 34 Guntas for the years 1995-96 to 1999-2000 that the name of Mr. Khader Burhan is rounded off and Mr. Munawar Burhan and Mr. Ashraf Burhan are shown as the holders and cultivators of the land thereof.

36. RTCs issued in respect of land bearing Survey No. 15/2 measuring 1 Acre 34 Guntas for the years 2000-01 to 2019-20 reflects Mr. Munawar Burhan and Mr. Ashraf Burhan as the holders and cultivators of the land thereof.

*Observation: We have not been provided with RTCs for the year 2020-21. It is necessary to secure the same.*

RTCs issued with respect to land bearing Survey No. 16/2:

37. RTCs issued in respect of land bearing Survey No. 16/2 measuring 6 Acres 39 Guntas (including 28 Guntas of kharab) for the years 1966-67 to 1970-71 reflects the name of Mr. Mohammed Shariff to be the holder and cultivator thereof (Document No. 33).

38. RTCs issued in respect of land bearing Survey No. 16/2 measuring 6 Acres 39 Guntas (including 9 Guntas of kharab) for the years 1971-72 to 1981-82 reflects the name of Mr.

Mohammed Shariff to be the holder and Mr. Khader Burhan Sab as the cultivator thereof (Document No. 34).

*Observation:* The RTCs for the years 1966-67 to 1970-71 reflects total extent of Survey No. 16/2 as 6 Acres 28 Guntas (including 11 Guntas of kharab) and RTCs issued from 1971-72 onwards reflects total extent of the above land as 6 Acres 39 Guntas (including 9 Guntas of kharab). On seeking clarifications with respect to the same we have been informed that the same was an error made by the revenue authority.

39. In the RTCs issued in respect of land bearing Survey No. 16/2 measuring 6 Acres 39 Guntas (including 9 Guntas of Kharab) for the years 1982-83 to 1994-95 the names of Mr. Mohammed Shariff and Mrs. Kulsum Bi are rounded off and Mr. Khader Burhan is shown as the holder and cultivator of the land thereof.
40. We note from the RTCs issued in respect of land bearing Survey No. 16/2 measuring 6 Acres 39 Guntas (including 9 Guntas of Kharab) for the years 1995-96 to 2014-15 and 2017-18 to 2019-20 that the name of Mr. Khader Burhan is rounded off and Mr. Munawar Burhan and Mr. Ashraf Burhan are shown as the holders of the land thereof.
- Observation:* We have not been provided with RTCs for the years 2015-16, 2016-17 and 2020-21. It is necessary to secure the same.
41. We have been provided with the Revision Settlement Akarbandh issued in respect of the lands bearing (a) Survey No. 15/2 confirms total extent of the land as 1 Acre 34 Guntas (including 2 Guntas of kharab) and (b) Survey No. 16/2 confirms the total extent of land as 6 Acres 39 Guntas (including 9 Guntas of kharab) (Document No. 35).
42. We have been provided with the Map of Geddalahalli Village which shows the location of the land bearing Survey Nos. 15 and 16 in the said village (Document No. 36).
43. Survey Original Tippani issued in respect of the land bearing Survey No. 15 reflects the shape of land in the said survey number (Document No. 37).
44. Hissa Survey Tippani issued in respect of the land bearing Survey No. 15 shows the subdivision of the said survey number as Survey Nos. 15/1 and 15/2 in the said land (Document No. 38).
45. Moola Tippani issued in respect of the land bearing Survey No. 16 reflects the shape of land in the said survey number (Document No. 39).
46. Hissa Survey Tippani issued in respect of the land bearing Survey No. 16 shows the subdivision of the said survey number as Survey Nos. 16/1 and 16/2 in the said land (Document

No. 40) and the ADLR Sketch provided to use also shows the sub-division of the said survey number 16 into Survey Nos. 16/1 and 16/2 and the presence of kharab in Survey No. 16/2 (Document No. 41).

*Observation: We note that the above Hissa Survey Tippani provided to us shows the presence of kharab (referred as "halla") in land bearing Survey No. 16/2. The location of kharab in the ADLR sketch is different from the location in the Hissa Survey Tippant. We have been informed that the location of the kharab was erroneously depicted in the Hissa Survey Tippani and consequently the jurisdictional ADLR prepared a new sketch, based on a survey to identify the correct location of the kharab. Further, we have been informed that the requisite provision for buffer area around the kharab land will be made in the building plan in relation to the Properties.*

47. We have been provided with the copy of Hadhu Basthu Sketch showing the encroachment of 4 ½ Aires and 1 Aire in Survey No. 16/2 by the adjacent land holders of Survey Nos. 17 and 19 (Document No. 42).
48. We have been provided with the Endorsement No. RD0038115214898 dated 27.06.2018 issued by the Tahsildar, Bangalore East Taluk to the effect that no applications have been filed in respect of *inter alia* the lands bearing Survey Nos. 15/2 measuring 1 Acre 34 Guntas and 16/2 measuring 6 Acres 30 Guntas under Form 2, 7 and 7A of the Karnataka Land Reforms Act, 1961 (Document No. 43).
49. Endorsement No. LRF(83)/BE/965/2013-14 dated 22.11.2013 was issued by the Assistant Commissioner, Bengaluru North Sub-Division, Bangalore stating that as per the register maintained in his office, no proceedings have been filed in respect of Survey No. 15/2 measuring 1 Acre 34 Guntas under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 (Document No. 44).
50. Endorsement No. LRF(BN):CR:1373:2015-16 dated 28.01.2016 issued by the Assistant Commissioner, Bengaluru North Sub-Division, states that as per the register maintained in his office, no proceedings have been filed in respect of Survey No. 16/2 measuring 6 Acres 30 Guntas under Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 (Document No. 45).
51. We have been provided with the Endorsement No. PTCL:CR: 145:2014-15 dated 12.12.2014 issued by Assistant Commissioner, Bengaluru North Division to the effect that no proceedings have been filed in respect of Survey No. 16/2 measuring 6 Acres 30 Guntas and Survey No. 15/2 measuring 1 Acre 34 Guntas under the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Document No. 46).

52. We have been provided with another Endorsement No. PTCL(BE)CR/1373/2015-16 dated 27.01.2016 issued by Assistant Commissioner, Bangalore North Division to the effect that no proceedings have been filed in respect of Survey No. 16/2 measuring 6 Acres 30 Guntas under the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Document No. 47). The said endorsement further records that as reflected in column No. 11 of the RTCs, an extent of 4 Acres in Survey No. 16/2 has been acquired by BDA under Final Notification bearing No. UDD.193.MNX.2004 dated 21.02.2004.

### III. ACQUISITIONS:

53. We have seen the copy of Preliminary Notification bearing No. BDA/Comur/ALAO/LA9/104/2002-03, Bangalore dated 03.02.2003 published in the Karnataka Gazette under Section 17 (1) and (3) of BDA Act, 1976 notifying the acquisition of various lands including the land bearing Survey Nos. 15/2 measuring 1 Acre 34 Guntas and Survey No. 16/2 measuring 5 Acres 20 Guntas (out of 6 Acres 39 Guntas including 9 Guntas of kharab) situated at Geddalahalli Village, KR Puram Hobli, Bangalore East Taluk held by Mr. Munawar Burhan and Mr. Ashraf Burhan (both sons of Late Mr. Khader Burhan) towards the purpose as specified in the notification (Document No. 48).
54. Final Notification bearing No. UDD 193 MNX 2004, Bangalore dated 23.02.2004 was published in the Karnataka Gazette notifying the acquisition of the lands bearing Survey Nos. 15/2 measuring 1 Acre 34 Guntas and Survey No. 16/2 measuring 5 Acres 20 Guntas (out of 6 Acres 39 Guntas including 9 Guntas of kharab) situated at Geddalahalli Village, KR Puram Hobli, Bangalore East Taluk held by Mr. Munawar Burhan and Mr. Ashraf Burhan (both sons of Late Mr. Khader Burhan) towards the purpose as specified in the notification (Document No. 49).
55. We note that following endorsements were issued by Bangalore Development Authority ("BDA") with respect to Survey Nos. 15/2 and 16/2:
- (i) Endorsement No. BDA/AhU/173/2013-14 dated 13.06.2013 was issued by BDA stating that the land bearing Survey No. 15/2 measuring 1 Acre 34 Guntas has been dropped from acquisition process for formation of Arkavathy Layout (Document No. 50); and
  - (ii) Endorsement No. BDA/AhU/172/2013-14 dated 03.06.2013 was issued by BDA stating that the land bearing Survey No. 16/2 measuring 1 Acre 20 Guntas has been dropped from acquisition process for formation of Arkavathy Layout (Document No. 51).
56. Thereafter we note Mr. Munawar made an application before BDA seeking for issuance of Sketch with respect to Survey No. 16/2. Pursuant thereto, Endorsement bearing No.

BDA/BhuSaAh/04/2016-17/17-18 dated 04.04.2017 was issued by the Special Land Acquisition Officer-2, Bangalore Development Authority, Bangalore stating that an extent of 5 Acres 20 Guntas (out of 6 Acres 39 Guntas) was acquired for formation of Arkavathy Layout as notified under Final Notification bearing No. UDD/193/MNX/2004 dated 23.2.2004. However, the above notification was revised on 18.06.2014 under Revised Notification No. UDD/426/MNJ/2011 whereunder an extent only 4 Acres was notified for acquisition in the land bearing Survey No. 16/2. Also, a Sketch annexed to the above endorsement indicates the portion of land measuring 1 Acre 10 Guntas and 1 Acre 20 Guntas (i.e., 2 Acres 30 Guntas) in Survey No. 16/2 has been excluded from acquisition process (Document No. 52).

57. Subsequently, we note Re-modified scheme of Arkavathy Layout sanctioned by the Government of Karnataka vide its Orders dated 03.04.2014 and 21.02.2004 published in the Karnataka Gazette vide Final Notification bearing No. UDD/426/MNJ/2011 dated 18.6.2014 notifying the acquisition of Survey No. 16/2 measuring 4 Acres (out of 6 Acres 39 Guntas) by BDA towards the purpose as specified in the notification (Document No. 53).
58. Entry No. MR T5/2014-15 made in Mutation Register records the release of lands by Mr. Munawar Burhan and Mr. Ashraf Burhan under Final Notification bearing No. UDD/426/MNJ/2011 dated 18.6.2014 (Document No. 54).
59. We have been provided with an Endorsement No. Bengaluru/VBhuSwaAh-2/969/2018-19 dated 20.06.2018 issued by Special Land Acquisition Officer-2, Karnataka Industrial Areas Development Board stating that the land bearing Survey No. 15/2 measuring 1 Acre 34 Guntas has not been acquired for any of its projects as on date (Document No. 55).
60. Endorsement No. Bengaluru/VBhuSwaAh-2/3522/2016-17 dated 07.02.2017 issued by Special Land Acquisition Officer-2, Karnataka Industrial Areas Development Board states that the land bearing Survey No. 16/2 measuring 2 Acres 30 Guntas has not been acquired for any of its projects as on date (Document No. 56).
61. We have been provided with an Endorsement No. KHB/BhuSwaV/464/2017-18 dated 07.06.2018 issued by Special Land Acquisition Officer, Karnataka Housing Board, Bangalore stating that the land bearing Survey No. 15/2 measuring 1 Acre 34 Guntas has not been acquired for any of its projects (Document No. 57).

*Observation: We have not been provided with an endorsement issued by the Karnataka Housing Board in respect of Survey No. 16/2. It is necessary to secure the same.*

62. We have not been provided with the Endorsements issued by the National Highways Authority of India and Bangalore Metro Rail Corporation Limited to the effect that the

- (b) The land bearing Survey No. 16 is also shown as located in zone earmarked as 'Residential-Main' in the RMP. Further we note that southern portion of land is partially situated in Valley (Sensitive) zone.

**V. KHATA AND PROPERTY TAX:**

70. We have been provided with Khata Certificate and Khata Extract both dated 04.01.2019 issued by BBMP in respect of the lands bearing Survey No. 16/2, bearing Khata No. 34 measuring 2 Acres and Survey No. 15/2, bearing Khata No. 35 measuring 9 Guntas, totally measuring 2 Acres 9 Guntas in the name of Mr. Munawar Burhan (Document Nos. 63 & 64).
71. We have also been provided with the Khata Certificate and Khata Extract both 24.09.2015 issued by BBMP in respect of land bearing Survey No. 15/2, bearing Khata No. 25 measuring 1 Acre 11.51 Guntas in the names of Ms. K.B. Rahmathunnissa, Mrs. Habeebunnissa, Ms. Rashida Khatoon @ Pyarjan, Ms. Naseemunnissa, Ms. Mohsina Banu, Ms. Tabassum Banu, Mr. Munawar Burhan and Mr. Ashraf Burhan (Document Nos. 65 & 66).
72. We have been provided with the receipts evidencing the payment of tax on the property bearing Khata No. 25/15/2 held by Mr. Munawar Burhan and Others for the years 2008-09 to 2015-16 (Document No. 67).
73. We have been provided with the receipt evidencing the payment of tax on the property bearing Khata No. 34/16/2 held by Mr. Munawar Burhan for the years 2018-19, 2019-20 and 2020-21, respectively (Document No. 68).

**VI. LITIGATION:**

74. We have been informed that there are no litigations filed / pending/ disposed off in respect of the Properties.

**VII. ENCUMBRANCE / CHARGE:**

Encumbrance Certificates issued in respect of the land bearing Survey No. 15/1

75. Encumbrance Certificates issued in respect of the land bearing Survey No. 15/1 measuring 1 Acre 33 Guntas situated at Geddalahalli Village, K.R. Puram Hobli, Bengaluru East Taluk for the period 01.04.1929 to 14.02.1957 reflects the Sale Deed dated 23.05.1930 referred hereinabove (Document No. 69).

Encumbrance Certificates issued in respect of the land bearing Survey No. 15/2

76. Encumbrance Certificates issued in respect of the land bearing Survey No. 15/2 measuring 1 Acre 34 Guntas situated at Geddalahalli Village, K.R. Puram Hobli, Bengaluru East Taluk for the period 15.02.1957 to 31.05.1989, 01.06.1989 to 31.03.2004, 01.04.2004 to 09.10.2013, 01.04.2013 to 20.06.2018 and 01.04.2017 to 16.07.2018 reflects Joint Development Agreement dated 04.06.2015, Partition Deed dated 20.03.2015 and Rectification Deed dated 24.01.2018 (Document No. 70)

*Observation: We have not been provided with Encumbrance Certificates for the period 17.07.2018 till date. It is necessary to secure the same.*

Encumbrance Certificates issued in respect of the land bearing Survey No. 16/2 (Old Survey No. 16)

77. Encumbrance Certificates issued in respect of the land bearing Survey No. 16/2 measuring 7 Acres 09 Guntas situated at Geddalahalli Village, K.R. Puram Hobli, Bengaluru East Taluk for the period 01.04.1929 to 14.2.1957, 15.02.1957 to 31.03.1976, 01.04.1976 to 19.04.1988, 01.04.1988 to 31.05.1989, 01.06.1989 to 06.01.1998, 07.01.1998 to 31.04.2000, 01.04.2000 to 31.03.2004, 01.04.2004 to 26.09.2013, 01.04.2013 to 31.03.2016 and 01.04.2013 to 02.06.2018 and on 26.11.2020 reflects the Sale Deed dated 23.05.1930 and Agreement dated 01.07.2002, Partition Deed dated 04.06.2015, Release Deed dated 04.06.2015, the Joint Development Agreement registered on 26.11.2020 and referred hereinabove (Document No. 71).

*Observation: We have not been provided with the Encumbrance Certificate issued for the period 02.06.2018 to 25.11.2020. It is necessary to secure the same.*

78. We have been provided with consolidated encumbrance certificates issued in respect of Survey Nos. 15/2 and 16/2 for the period 01.04.2013 and 15.05.2015 reflecting the Rectification Deed dated 20.03.2015 (Document No. 72).
79. We have been informed that there are no charges or mortgages created in respect of the Properties.

**VII INSPECTION OF ORIGINAL DOCUMENTS AND PUBLIC NOTICE:**

80. We have not inspected the original title deeds in respect of the Properties.
81. A Public Notice was published on 21.06.2018 by Tatva Legal Bangalore in daily newspapers namely, Vijaya Karnataka and Times of India, respectively inviting objections or claims

from general public with respect to the title of the Properties (Document No. 73) and no claims/objections have been received in response to the said Public Notice.

**G. CONCLUSION**

Subject to our observations, comments made and documents sought herein above, we are of the opinion that:

- (a) Mr. Munawar Burhan @ Babu (son of Late Mr. Khader Burhan) is the owner of the Properties subject however to the rights of Kumar Properties Private Limited over the Properties in terms of the Joint Development Agreement dated 23.11.2020; and
- (b) The Properties have been converted for non-agricultural residential purposes.



  
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## ANNEXURE

## 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.	Entry No. RR 30 made in the Record of Rights with respect to the land bearing Survey No. 15/2;
2.	Entry Nos. RR 32 and 33 made in the Record of Rights with respect to the land bearing Survey No. 15/2;
3.	Sale Deed dated 20.04.1930, registered as Document No. 3126 in Book I, Volume No. 177, at pages 98 to 103, in the office of Sub Registrar, Bangalore Taluk;
4.	Entry Nos. RR 108 and RR 109 made in the Record of Rights with respect to the lands bearing Survey Nos. 15/2 and 16/2, respectively;
5.	Endorsement bearing No. R.K.CR/2535/14-15 dated 08.12.2014 issued by the Tahsildar, Bangalore East Taluk with respect to land bearing Survey Nos. 15/2 and 16/2;
6.	Letter of Complaint dated 12.06.2013 addressed by Mr. Munawar Burhan (son of Late Mr. Khader Burhan @ Sahji and grandson of Mr. Mohammed Shariff) to the Station House Officer, RT Nagar Police Station, Bangalore;
7.	Affidavit dated 13.06.2015 sworn by Mr. Munawar Burhan @ Babu;
8.	Death Certificate of Mr. Mohammed Shariff issued by the Corporation of City of Bangalore;
9.	Entry No. RR 417 made in the Record of Rights with respect to the land bearing Survey Nos. 15/2 and 16/2;
10.	Death Certificate of Mrs. Kulsum Bi issued by the Corporation of City of Bangalore;
11.	Entry Nos. RR 433 and RR 435 made in the Record of Rights with respect to the land bearing Survey Nos. 15/2 measuring 1 Acre 32 Guntas and 16/2 measuring 6 Acres 30 Guntas;

12.	Entry No. IHC 1/85-86 made in the Inheritance Register with respect to the land bearing Survey Nos. 15/2 measuring 1 Acre 32 Guntas and 16/2 measuring 6 Acres 30 Guntas;
13.	Index of Lands issued with respect to the land bearing Survey No. 15/2 and Survey No. 16/2;
14.	Death Certificate of Mr. Khader Burhan issued by Bangalore Mahanagara Palike;
15.	Entry No. IHC 6/98-99 made in the Inheritance Register with respect to the land bearing Survey No. 15/2 and Survey No. 16/2;
16.	Entry No. MR 7/98-99 made in the Mutation Register with respect to the land bearing Survey No. 15/2 and Survey No. 16/2;
17.	Affidavit dated 17.12.1998 sworn by Mrs. K.B. Rahamathunnissa, Mrs. Khurshedunnissa, Mrs. Habeebunnissa, Mrs. Pyari Jan, Mrs. Naseemunnissa, Mrs. Mohsina Begum and Mrs. Tabassum Tara (daughters of Late Mr. Khader Burhan Sahib);
18.	Affidavit dated 21.11.2003 sworn by Mr. Munawar Burhan stating the names of his family members;
19.	Agreement for Road dated 20.06.2002, registered as Document No. 4598/2002-03 in Book I (stored in CD No. 50) in the office of the Photo-Registrar, Krishnarajapuram, Bangalore (U) District;
20.	Deed of Partition dated 18.12.2002, registered as Document No. 14450/2002-03 in Book I (stored in CD No. 67) in the office of the Photo Registrar, Krishnarajapuram, Bangalore (U) District;
21.	Cancellation of Partition Deed dated 20.03.2015, registered as Document No. HLS-1-05819-2014-15 in Book I (stored in CD No. HLSD113) in the office of the Sub-Registrar, Halasuru, Bangalore;
22.	Deed of Partition dated 20.03.2015, registered as Document No. HLS-1-05822-2014-15 of Book I (stored in CD No. HLSD133) in the office of the Sub Registrar, Halasuru, Bangalore;
23.	Joint Development Agreement dated 14.05.2015, registered as Document No. HLS-1-00912-2015-16 of Book I (stored in CD No. HLSD116) in the office of the Sub Registrar, Halasuru, Bangalore;
24.	General Power of Attorney dated 14.05.2015, registered as Document No. HLS-4-00110-2015-16 of Book I (stored in CD No. HLSD116) in the office of the Sub Registrar, Halasuru, Bangalore;

25.	Deed of Partition dated 14.05.2015, registered as Document No. HLS-1-00905-2015-16 of Book I (stored in CD No. HLSD116) in the office of the Sub Registrar, Halasuru, Bangalore;
26.	Release Deed dated 14.05.2015, registered as Document No. HLS-1-00903-2015-16 of Book I (stored in CD No. HLSD116) in the office of the Sub Registrar, Halasuru, Bangalore;
27.	Rectification Deed dated 24.01.2018, registered as Document No. BNS-1-15141-2017-18 of Book I (stored in CD No. BNSD639), in the office of Sub Registrar, Shivajinagar, Bengaluru;
28.	Gift Deed dated 18.10.2019, registered as Document No. BNS-1-12486-2019-20 of Book I (stored in CD No. BNSD890), in the office of Sub Registrar, Shivajinagar (Banaswadi), Bengaluru;
29.	Joint Development Agreement dated 23.11.2020, registered on 26.11.2020 as document No. KRI-1-05989-2020-21 (CD No. KRID1112) in the office of the Senior Sub-Registrar, KR Pura, Bengaluru;
30.	General Power of Attorney dated 23.11.2020, registered on 26.11.2020 as document No. KRI-4-00169-2020-21 (CD No. KRID1112) in the office of the Additional Sub-Registrar, KR Pura, Bengaluru;
31.	Record of Rights, Tenancy and Crops ('RTCs') issued in respect of the land bearing Survey No. 15/2 measuring 1 Acre 34 Guntas (including 2 Guntas of kharab) for the years 1966-67 to 1970-71;
32.	RTCs issued in respect of lands bearing Survey No. 15/2 measuring 1 Acre 34 Guntas for the years 1976-77 to 2019-20;
33.	RTCs issued in respect of the land bearing Survey No. 16/2 measuring 6 Acres 39 Guntas (including 28 Guntas of kharab) for the years 1966-67 to 1970-71;
34.	RTCs issued in respect of lands bearing Survey No. 16/2 measuring 6 Acres 39 Guntas (including 9 Guntas of kharab) for the years 1971-72 to 2014-15 and 2017-18 to 2019-20;
35.	Revision Settlement Akarbandh issued in respect of the land bearing Survey No. 15/2 and Survey No. 16/2 situated at Geddalahalli Village, KR Puram Hobli, Bengaluru East Taluk;
36.	Map of Geddalahalli Village;
37.	Survey Original Tippani issued in respect of the land bearing Survey No. 15 situated at Geddalahalli Village, KR Puram Hobli, Bengaluru East Taluk;