

DUE DILIGENCE REPORT IN RESPECT OF

RESIDENTIALLY CONVERTED LAND MEASURING AN EXTENT OF ABOUT 1 ACRE 23 GUNTAS OR ABOUT 6376 SQ.MTRS BEARING PROPERTY NO.150300200401202875, V.P.NO.379/133/2 COMPRISED IN SY.NO.133/2, SITUATED AT SADAHALLI VILLAGE, KASABA HOBLI, DEVANAHALLI TALUK

PRESENT OWNER: MAS INVESTMENTS

The photocopies copies of documents of title relating to the aforesaid property have been furnished to me by MAS INVESTMENTS, a registered partnership firm having its office at No.23/2, Wellington Street, Richmond Town, Bangalore - 560 025 represented by its Managing Partner Mr.Azher Ahmed, with a request to furnish an opinion on title. In view of the same, this legal opinion has been prepared on the basis of documents of title relating to the aforesaid property and the recitals in the various documents of title which have been furnished to me for my verification.

I. DOCUMENTS FURNISHED:

- 1) Copy of the Lease Deed dated:04/03/1954 executed by Sri.Venkatarayappa alias Appayappa to and in favour of Sri.Fakir Sab, which has been duly registered as Document No.2999/53-54 of Book - I, Volume - 644, pages 210 to 211 with the Sub-Registrar, Devanahalli.
- 2) Copy of the Record of Rights bearing No.271 of Sadahalli Village pertaining to Sy.No.133/2 recording that Sri.Fakir Sab was permanent tenant as per the deed dated: 04/03/1954.
- 3) Copy of the Moola Tippani drawn on 21/01/1963 in respect of Sy.No.133 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk recording the name of Sri.Fakir Sab as the owner in possession of in respect of the lands denoted under Hissa No.2.
- 4) Copy of the extract from Mutation Register bearing MR No.19/80-81 issued by the Shirasthedar, Devanahalli.
- 5) Copy of the Index of Lands recording the land measuring an extent of about 1 Acre 23 Guntas comprised in Sy.No.133/2 of Sadahalli Village and Record of Rights bearing No.594 of Sadahalli Village recording Sri.Yousuff Sabi was the owner in possession of the lands comprised in Sy.No.133/2 of Sadahalli Village.
- 6) Copy of the Deed of Mortgage executed on 11/03/1981 by Sri.Yousuff Sabi and others in favour of PLD Bank, Devanahalli registered as Document No.628/80-81 in Book 1 with the Sub Registrar , Devanahalli .



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- 7) Copy of the Deed of Mortgage executed on 13/06/1988 by Sri.Yousuff Sabi and others in favour of PLD Bank, Devanahalli registered as Document No.107/88-89 in Book 1 with the Sub Registrar, Devanahalli.
- 8) Copy of the order dated:01/08/2005 in O.S.No.175/1996 filed before the Court of the Civil Judge (Jr.Dvn) & JMFC, Devanahalli.
- 9) Copy of the order dated:02/02/2006 in R.A.No.243/2005 filed before the Court of Principal Civil Judge (Sr.Dn) at Bangalore filed by Sri.Yousuff Sabi against Smt.Mohaboob Bi.
- 10) Copy of the Endorsement dated:22/04/2006 issued by the Tahsildar, Devanahalli stating that there are no proceedings have been initiated under Sections 79A and B of the Karnataka Land Reforms Act 1961 in respect of lands comprised in respect of Sy.No.133/2 of Sadahalli Village.
- 11) Copy of the Endorsement dated:22/04/2006 issued by the Tahsildar, Devanahalli stating that there are no applications have been filed in Form No.7 as per the provisions of the Karnataka Land Reforms Act 1961 in respect of lands comprised in respect of Sy.No.133/2 of Sadahalli Village.
- 12) Copy of the Endorsement dated:26/06/2006 issued by the Tahsildar, Devanahalli stating that there are no applications have been filed in Form No.7A as per the provisions of the Karnataka Land Reforms Act 1961 in respect of lands comprised in respect of Sy.No.133/2 of Sadahalli Village.
- 13) Copy of the Endorsement dated:28/06/2006 issued by the Tahsildar, Devanahalli stating that RTC (Pahani) for years 1968 to 1973 in respect of Sy.No.133/2 of Sadahalli Village are not available.
- 14) Copy of the Deed of Absolute Sale dated:09/11/2006 executed by Sri.Mohammed Yousufsab @ Yousufsabi to and in favour of Smt.A.Munirathnamma, which has been duly registered as Document No.DNH-1-06851/2006-07 in Book - I and stored in CD No.DNHD 115 with the Sub-Registrar, Devanahalli.
- 15) Copy of the order dated:10/12/2009 in Case No.RRT(DS)CR.66/2008-09 of the Tahsildar, Devanahalli Taluk, Devanahalli.
- 16) Copy of the extract from the Mutation Register bearing MR No.12/2009-10, dated: 22/12/2009 issued by the Revenue Inspector, Kasaba.
- 17) Copy of the Notice dated:04/05/2010 issued by the Additional Deputy Commissioner, Bangalore Rural District demanding payment of conversion fine in respect of lands comprised in respect of Sy.No.133/2 of Sadahalli Village.
- 18) Copy of the Challan dated:06/05/2010 evidencing payment of conversion fine through State Bank of Mysore, Devanahalli in respect of lands comprised in respect of Sy.No.133/2 of Sadahalli Village.
- 19) Copy of the Official Memorandum bearing No.ALN(D)SR.01/2010-11, dated: 07/05/2010 issued by the Deputy Commissioner, Bangalore Rural District, Bangalore.



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- 20) Copy of the Deed of Partnership dated:01/07/2010 executed amongst Mr.Azher Ahmed, Mr.Mushtaq Wahid, Mr.Saifulla under the terms of which, a partnership firm under the name and style of MAS INVESTMENTS has been formed with its principal place of business at Bangalore to carry on the business of dealing in real estate, construction or builders and developers of immovable properties
- 21) Copy of the Form - C issued by the Registrar of Firms, Shivajinagar, Bangalore acknowledging the registration of firm under the name and style of Mas Investments and registered as No.SJN-F-291/2010-11 on 17/07/2010.
- 22) Copy of the Endorsement dated:03/07/2010 issued by the Tahsildar, Devanahalli stating that RTC (Pahani) for years 1968-69 to 1978-79 in respect of Sy.No.133/2 of Sadahalli Village are not available.
- 23) Copy of the Deed of Rectification dated:14/07/2010 executed by Sri.Mohammed Yousufsab @ Yousufsabi to and in favour of Smt.A.Munirathnamma, which has been duly registered as Document No.DNH-1-01435/2010-11 in Book - I, stored in CD No.DNHD 197 with the Sub-Registrar, Devanahalli.
- 24) Copy of the Form No.11 issued by the Panchayat Development Officer, Kannamangala Village Panchayat, Devanahalli.
- 25) Copy of the Agreement of Sell dated:09/07/2010 entered into by Mrs.A.Munirathnamma with Mas Investments.
- 26) Copy of the Certificate dated:12/07/2010 issued by the Manager, PLD Bank, Devanahalli recording that loan availed by Sri.Yousuff Sabi under Loan Account No.12 has been cleared and there are no dues outstanding as on date.
- 27) Copy of the Certificate dated:12/07/2010 issued by the Manager, PLD Bank, Devanahalli recording that loan availed by Sri.Yousuff Sabi under Loan Account No.36/5 has been cleared and there are no dues outstanding as on date.
- 28) Copy of the Deed of Discharge of Mortgage dated:14/07/2010 executed by the Secretary / Manager, PLD Bank, Devanahalli in favour of Sri.Yousuff Sabi, which has been duly registered as Document No.DHN-1-01458/2010-11 in Book - I, stored in CD No.DNHD 197 with the Senior Sub-Registrar, Devanahalli.
- 29) Copy of the Endorsement dated:15/07/2010 issued by the Tahsildar, Devanahalli stating that there are no applications have been filed in Form No.7 as per the provisions of the Karnataka Land Reforms Act 1961 in respect of lands comprised in respect of Sy.No.133/2 of Sadahalli Village.
- 30) Copy of the Endorsement dated:15/07/2010 issued by the Tahsildar, Devanahalli stating that there are no applications have been filed in Form No.7A as per the provisions of the Karnataka Land Reforms Act 1961 in respect of lands comprised in respect of Sy.No.133/2 of Sadahalli Village.



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- 31) Copy of the Affidavit dated:27/07/2010 sworn by Sri.Mohammed Yousuff Sab @ Yousuff Sabi declaring that his father late Sri.Fakruddin @ Fakir Sab died on 09/06/1977 duly attested by a Notary Public.
- 32) Copy of the Deed of Release/Discharge/Confirmation Deed dated:03/08/2010 executed by Mr.S.R.Venugopal & Mrs.R.Rajalakshmi to and in favour of Mrs.A.Munirathnamma, which has been duly registered as Document No.DHN-1-01786/2010-11 in Book - I, stored in CD No.DNHD 199 with the Senior Sub-Registrar, Devanahalli.
- 33) Copy of the Declaration dated:05/08/2010 sworn by Mr.S.R.Venugopal and Mrs.R.Rajalakshmi which has been duly attested by a Notary Public.
- 34) Copy of the Declaration dated:05/08/2010 sworn by Mr.Guruprasad and Mr.Santhosh (children of Mr.S.R.Venugopal) which has been duly attested by a Notary Public.
- 35) Copy of the Declaration dated:06/08/2010 sworn by Mr.Mohammed Yousuffsab @ Yousuffsabi which has been duly attested by a Notary Public.
- 36) Copy of the Declaration dated:06/08/2010 sworn by Mrs.A.Munirathnamma which has been duly attested by a Notary Public.
- 37) Copy of the Absolute Sale Deed dated:06/08/2010 executed by Mrs.A.Munirathnamma to and in favour of MAS INVESTMENTS, which has been duly registered as Document No.DNH-1-01833/2010-11 in Book - I, stored in CD No.DNHD 199 with the Senior Sub-Registrar, Devanahalli.
- 38) Copy of the Endorsement dated:25/10/2010 issued by the Tahsildar, Devanahalli stating that there are no proceedings initiated under Sections 79A and B of the Karnataka Land Reforms Act 1961 in respect of lands comprised in respect of Sy.No.133/2 of Sadahalli Village.
- 39) Copy of the receipt dated:17/04/2015 issued by the Bill Collector, Kannamangala Village Panchayat evidencing payment of taxes for the years 2012-13 to 2015-16.
- 40) Copy of the Form - 11B, dated:13/07/2015 issued by the Panchayat Development Officer, Sadahalli Village, Kannamangala Village Panchayat, Devanahalli Block, Bangalore assigning Property No.150300200401202875 to the residentially converted land measuring an extent of about 6376 sq.mtrs comprised in V.P.No.379/133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk owned by Mas Investments.
- 41) Copy of the Re-Constituted Partnership Deed dated:05/-09/2018 of Mas Investments.
- 42) Copy of the Form - D dated:12/02/2019 issued by the Registrar of Firms, Shivajinagar, Bangalore recording the change in the constitution of the firm Mas Investments as per Form - V filed.
- 43) Copy of the Endorsement dated:07/03/2020 issued by the Tahsildar, Devanahalli stating that IHR No.446/80-81 pertaining to Sy.No.133/2 of Sadahalli Village is not available.
- 44) Copy of the receipt dated:16/03/2020 issued by the Bill Collector, Kannamangala Village Panchayat evidencing payment of taxes for the years 2016-17 to 2019-20.



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- 45) Copy of the Endorsement dated:01/09/2021 issued by the Special Land Acquisition Officer, Karnataka Housing Board, Bangalore stating that the lands comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk has not been notified / acquired for any of their development schemes.
- 46) Copy of the Endorsement dated:07/09/2021 issued by the Special Land Acquisition Officer and Competent Authority, National Highway Authority, Bangalore stating that the lands comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk has not been notified / acquired for any of their development schemes.
- 47) Copy of the Endorsement dated:08/09/2021 issued by the Special Land Acquisition Officer, Karnataka Industrial Area Development Board, Bangalore stating that the lands comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk has not been notified / acquired for any of their development schemes.
- 48) Copy of the Family Tree of late Sri.Hussain SAbi duly certified by the Village Accountant, Kannamangala Panchayat, Devanahalli.
- 49) Copy of the Family Tree of late Sri.Fakruddin @ Fakir Sab duly certified by the Village Accountant, Kannamangala Panchayat, Devanahalli.
- 50) Copy of the Family Tree of late Sri.Venkatarayappa alias Appayappa duly certified by the Village Accountant, Kannamangala Panchayat, Devanahalli.
- 51) Copy of the Encumbrance Certificate in Form No.16 for the period from 01/04/1947 to 31/03/1975.
- 52) Copy of the Encumbrance Certificate in Form No.16 for the period from 01/04/1950 to 31/03/1975.
- 53) Copy of the Encumbrance Certificate in Form No.15 for the period from 01/04/1953 to 31/03/1954.
- 54) Copy of the Encumbrance Certificate in Form No.16 for the period from 25/01/2005 to 09/06/2006.
- 55) Copy of the Encumbrance Certificate in Form No.15 for the period from 20/04/2006 to 12/07/2010.
- 56) Copy of the Encumbrance Certificate in Form No.16 for the period from 01/04/2009 to 29/06/2010.
- 57) Copy of the Encumbrance Certificate in Form No.15 for the period from 13/07/2010 to 17/07/2010.
- 58) Copy of the Encumbrance Certificate in Form No.15 for the period from 01/04/2004 to 11/02/2020.
- 59) Copy of the Akarband Extract issued by the Tahsildar, Devanahalli.
- 60) Copy of the Patta and Receipt book in the name Sri.Yousuff Sabi.
- 61) Copy of the RTC (Pahani) for the years 1979-80 to 1983-84, 1984-85 to 1988-89, 1989-90 to 1993-94, 1994-95 to 1996-97 (IHR 446/80-81), 1997-98 to 2001-02, 2003-04, 2004-05, 2005-



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06, 2006-07, 2007-08, 2008-09, 2009-10, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-20.

II. FLOW OF TITLE:

Whereas, one Sri.Fakir Sab was registered as a Permanent Tenant in respect of the immovable property being land measuring an extent of about 2 Acres comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk as duly evidenced by the entry in the Record of Rights bearing No.271 of Sadahalli Village pursuant to the Lease Deed dated:04/03/1954 executed by Sri.Venkatarayappa alias Appayappa, the predecessor in title in his favour;

Whereas, it is also evident from the Moola Tippani drawn on 21/01/1963 in respect of Sy.No.133 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk recording the name of Sri.Fakir Sab was the owner in possession of in respect of the lands denoted under Hissa No.2;

Whereas, the aforesaid Sri.Fakjrudin Sab @ Fakir Sab died intestate leaving behind his wife Smt.Mahaboob Bi and his children Maqbool Bi, Asmathunnisa, Razia Bi, Haji Shafi Hussain and Sri.Yousuff Sabi as his legal heirs;

Whereas, it is evident from the extract from Mutation Register bearing MR No.19/80-81 issued by the Shirasthedar, Devanahalli that the Khatha in respect of Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk was transferred in the name of Sri.Yousuff Sabi pursuant to the death of his father late Sri.Fakir Sab with the consent of his mother Smt.Mahaboob Bi;

Whereas, certain disputes arose between the legal heirs of late Sri.Fakjrudin Sab @ Fakir Sab and consequently, the aforesaid Smt.Mahaboob Bi and her children Maqbool Bi, Asmathunnisa, Razia Bi, Haji Shafi Hussain filed a partition suit in OS 175/1996 before the Court of the Civil Judge (Jr.Dvn) & JMFC, Devanahalli against Sri.Yousuff Sabi;



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Whereas, by virtue of an order dated:01/08/2005 in O.S.No.175/1996 of Court of the Civil Judge (Jr.Dvn) & JMFC, Devanahalli it was ordered that the suit properties which includes the land measuring an extent of 1 Acre 23 Guntas comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk are to be partitioned into 8 parts with Smt.Mahaboob Bi, Maqbool Bi, Asmathunnisa, Razia Bi becoming entitled to one share each and Haji Shafi Hussain & Sri.Yousuff Sabi becoming entitled to 2 shares each in the suit properties;

Whereas, aggrieved by the aforesaid order dated:01/08/2005, Sri.Yousuff Sabi filed an Appeal in R.A.No.243/2005 before the Court of Principal Civil Judge (Sr.Dn) at Bangalore and the said R.A.No.243/2005 was decreed as per the compromise arrived between the parties as evidenced by the order dated: 02/02/2006;

Whereas, the aforesaid Sri.Mohammed Yousufsab @ Yousufsabi thereafter executed a Deed of Absolute Sale dated:09/11/2006 to and in favour of Smt.A.Munirathnamma, which has been duly registered as Document No.DNH-1-06851/2006-07 in Book - I, stored in CD No.DNHD 115 with the Sub-Registrar, Devanahalli by means of which Smt.A.Munirathnamma purchased the agricultural land measuring an extent of 1 Acre 23 Guntas comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devenahalli Taluk, Bangalore Rural District in which the aforesaid Smt.Mahaboob Bi and others signed as Consenting Witnesses;

Whereas, in the meanwhile, one Sri.Muushabbar Hussain filed an objection with regard to transfer of Khatha in respect of agricultural land measuring an extent of 1 Acre 23 Guntas comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devenahalli Taluk, Bangalore Rural District in the name of Smt.A.Munirathnamma before the Tahsildar, Devanahalli Taluk, Devanahalli and after enquiry, the Tahsildar, Devanahalli Taluk, Devanahalli issued an order dated:10/12/2009 in Case No.RRT(DS)CR.66/2008-09 to transfer the mutation to the name of Smt.A.Munirathnamma in respect of the agricultural land measuring an extent of 1 Acre 23 Guntas comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devenahalli Taluk, Bangalore Rural District pursuant to the purchase of the same as duly evidenced by the extract



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from the Mutation Register bearing MR No.12/2009-10, dated: 22/12/2009 issued by the Revenue Inspector, Kasaba;

Whereas, the aforesaid Smt.A.Munirathnamma, being desirous of converting the land measuring an extent of 1 Acre 23 Guntas comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk, Bangalore Rural District from agricultural to non agricultural residential uses and purposes, applied for the same before the Deputy Commissioner, Bangalore Rural District, Bangalore;

Whereas, pursuant to the application filed by Smt.A.Munirathnamma and on payment of conversion fine, the Deputy Commissioner, Bangalore Rural District, Bangalore issued an Official Memorandum bearing No.ALN(D)SR.01/2010-11, dated: 07/05/2010 granting conversion of land measuring an extent of 1 Acre 23 Guntas comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk, Bangalore Rural District from agricultural to non agricultural residential uses and purposes;

Whereas, as some errors had crept into the Deed of Absolute Sale dated:09/11/2006 with regard to the boundaries of the property conveyed under the Deed of Absolute Sale dated:09/11/2006, the aforesaid Sri.Mohammed Yousufsab @ Yousufsabi executed a Deed of Rectification dated:14/07/2010 to and in favour of Smt.A.Munirathnamma, which has been duly registered as Document No.DNH-1-01435/2010-11 in Book - I, stored in CD No.DNHD 197 with the Sub-Registrar, Devanahalli under the terms of which the boundary on the southern side of the agricultural land measuring an extent of 1 Acre 23 Guntas comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk, Bangalore Rural District was duly rectified;

Whereas, thereafter the aforesaid Mrs.A.Munirathnamma entered into an Agreement of Sell dated: 09/07/2010 with Mas Investments under the terms of which, Mrs.A.Munirathnamma has agreed to sell the residentially converted land comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli to Mas Investments and/or their nominees in which Mr.C.Ashwathanarayan (husband of Mrs.A.Muknirathnamma) joined as a Consenting Witness;



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Whereas, one Mr.S.R.Venugopal & Mrs.R.Rajalakshmi, the legal heirs of late Sri.Venkatarayappa @ Appaiah executed a Deed of Release/Discharge/Confirmation Deed dated:03/08/2010 to and in favour of Mrs.A.Munirathnamma, which has been duly registered as Document No.DHN-1-01786/2010-11 in Book - I, stored in CD No.DNHD 199 with the Senior Sub-Registrar, Devanahalli under the terms of which Mr.S.R.Venugopal & Mrs.R.Rajalakshmi (legal heirs of late Sri.Venkatarayappa alias Appayappa) released and relinquished all their share, right, title & interest in the land measuring an extent of 1 Acre 23 Guntas comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk, Bangalore Rural District to and in favour of Mrs.A.Munirathnamma and also confirmed the Lease Deed dated:04/03/1954 and the Sale Deed dated:09/11/2006;

Whereas, the aforesaid Mrs.A.Munirathnamma executed an Absolute Sale Deed dated: 06/08/2010 to and in favour of MAS INVESTMENTS, a partnership firm having its office at No.23/2, Wellington Street, Richmond Town, Bangalore - 560 025 represented by its Managing Partner Mr.Azher Ahmed, which has been duly registered as Document No.DNH-1-01833/2010-11 in Book - I, stored in CD No.DNHD 199 with the Senior Sub-Registrar, Devanahalli by means of which MAS INVESTMENTS purchased the residentially converted land measuring an extent of 1 Acre 23 Guntas comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk, Bangalore Rural District;

Whereas, pursuant to the purchase of the residentially converted land measuring an extent of 1 Acre 23 Guntas comprised in Sy.No.133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk, Bangalore Rural District, the Mas Investments duly got transferred the Khatha in respect of the same to its name as duly evidenced by the Form - 11B, dated:13/07/2015 issued by the Panchayat Development Officer, Sadahalli Village, Kannamangala Village Panchayat, Devanahalli Block, Bangalore assigning Property No.150300200401202875 to the residentially converted land measuring an extent of about 6376 sq.mtrs comprised in V.P.No.379/133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk in



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the name of Mas Investments, which is more particularly described in the Schedule hereunder and hereinafter referred to as the Schedule Property;

III. CONCLUSION:

On the basis of the aforesaid documents and on verification of the documents of title, I wish to state that MAS INVESTMENTS has a clear, valid, subsisting and marketable title to the Schedule Property subject to observations made below as its sole and absolute owner thereof till date. The Encumbrance Certificates furnished for the period from 01/04/1947 to 11/02/2020 do not record any subsisting encumbrances on the Schedule Property. However, Mas Investments, the present owner herein need to furnish an Encumbrance Certificate in Form No.15 / 16 for the period from 11/02/2020 till date and the Hissa Tippani as on date for my verification.

IV. OBSERVATION:

1. Pursuant to the enactment of the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 and Notification dated 13/01/1959 bearing No.RD 3 MIN 58, the entire Sadahalli Village vested with the erstwhile Government of Mysore. Consequently, the land measuring an extent of about 6 Acres 28 Guntas (inclusive of 4 Guntas Kharab) comprised in Survey No.133 of Sadahalli Village, Kasab Hobli, Devanahalli Taluk came to be vested with the State Government. In this regard, we have been provided with the Register VIII extract issued by the Tahsildar, Devanahalli in respect of the lands comprised in Survey No.133 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk which indicates that Sri.S.Seshadri was registered as an occupant in respect of the land measuring 5 Guntas. We had sought for the Order passed by the Special Deputy Commissioner in respect of the land measuring 1 Acre 23 Guntas comprised in Survey No.133/2 and the Register VIII extract issued in respect of the land measuring 1 Acre 23 Guntas comprised in Survey No.133/2. We have been informed that the said documents are unavailable. In the absence of the said documents, we are unable to ascertain if the



land measuring 1 Acre 23 Guntas which comprises Schedule Property was ever regranted as mandated under the provisions of the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 or not.

2. However, it is pertinent to note here that the Schedule Property which forms a part of the land measuring an extent of about 6 Acres 28 Guntas (inclusive of 4 Guntas Kharab) comprised in Survey No.133 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk was and has been in uninterrupted possession in the hands of (a) Sri.Fakir Sab (from the date of execution and registration of the Lease Deed dated: 04/03/1954 in his favour); (b) Sri.Mohammed Yousufsab @ Yousufjabi (on and from the date death of his father late Sri.Fakir Sab (c) Smt.A.Munirathamma (on and from the date of execution of Sale Deed dated:09/11/2006, which has been duly registered Document No.DNH-1-06851/2006-07 in Book - I, stored in CD No.DNHD 115 with the Sub-Registrar, Devanahalli). (d) Mas Investments (on and from the date of execution of Sale Deed dated:06/08/2010, registered as Document No.DNH-1-01833/2010-11 in Book - I, stored in CD No.DNHD 199 with the Senior Sub-Registrar, Devanahalli)
3. The Khatha in respect of the Schedule Property has been mutated / transferred in the name of Mas Investments as evidenced by the Form No.11 issued by the Panchayat Development Officer, Kannamangala Village Panchayat, Devanahalli.

In this background, taking into consideration the fact that the State Government has not taken any action for recovering or forfeiting the Schedule Property till date on the grounds that regrant was never applied for and granted to Sri.Fakir Sab, inference can be drawn that the inaction on the part of the State Government would protect the present owners in view of the settled principles of *nec vi, nec clam, nec precario* (that is possession required must be adequate in continuity, in publicity and in extent to show that it is possession adverse to the competitor) and also, *animus possidendi* as laid down

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by the Hon'ble Supreme Court of India in the case of Nair Service Society Limited vs Rev.Fr.K.C.Alexander(AIR 1968 SC 1165).

4. Further, the legal position is fairly well settled by a long line of decisions of the Hon'ble Supreme Court of India enumerated below which have laid down that even when there is no period of limitation prescribed for the exercise of any power, revisional or otherwise, such power must be exercised within a reasonable period.

a) In Joint Collector, Rang Reddy District and another vs D. Narsing Rao &Ors.[2015 (3) SCC 695], the Hon'ble Supreme Court of India held that the suo motu action undertaken after a long lapse of time, even in the absence of any period of limitation was arbitrary and opposed to the concept of rule of law.

b) In the case of S.B. Gurbaksh Singh vs Union of India reported in [1976 (2) SCC 181], the Hon'ble Supreme Court held that exercise of suo motu power of revision must also be within a reasonable time and that any unreasonable delay in the exercise may affect the validity. But what would constitute reasonable time would depend upon the facts of each case.

c) In the case of Chhedi Lal Yadav vs Hari Kishore Yadav and others [2018 (12)SCC 527], the Hon'ble Supreme Court of India has held that -

"where no period of limitation is prescribed, the action must be taken, whether suo motu or on the application of the parties, within a reasonable time. Undoubtedly, what is reasonable time would depend on the circumstances of each case and the purpose of the Statute. In the case before us, we are clear that the action is grossly delayed and taken beyond reasonable time, particularly, in view of the fact that the land was transferred several times during this period, obviously, in the faith that it is not encumbered by any rights.



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5. Further, it must be noted that:
- the Revenue Authorities have entered the names of the all the persons indicated in the chain of title in the RTC (Pahani) and other revenue records and
 - that the Schedule Property has also been duly converted from agricultural to non agricultural residential uses and purposes by the Deputy Commissioner, Bangalore Rural District, Bangalore vide Official Memorandum bearing No.ALN(D)SR.01/2010-11, dated: 07/05/2010 and
 - The Khatha in respect of the Schedule Property has been issued in the name of Maas Investments as duly evidenced by the Form - 11B, dated:13/07/2015 issued by the Panchayat Development Officer, Sadahalli Village, Kannamangala Village Panchayat, Devanahalli Block, Bangalore assigning Property No.150300200401202875 to the residentially converted land measuring an extent of about 6376 sq.mtrs comprised in V.P.No.379/133/2 of Sadahalli Village, Kasaba Hobli, Devanahalli Taluk.

In view of the foregoing, we are of the opinion that the State Government cannot initiate action for forfeiture of the Schedule Property under the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 as on date and even if they choose to do so, the settled law as enumerated in the cases mentioned above, would protect the present owner from being dispossessed of the Schedule Property.

SCHEDULE PROPERTY

All that piece and parcel of the residentially converted land measuring an extent of 1 Acre 23 Guntas or about 6376 sq.mtrs comprised in Sy.No.133/2, V.P.No.379/133/2, situated at Sadahalli Village, Kasaba Hobli, Devanahalli Taluk, Bangalore Rural District (converted vide Official Memorandum bearing No.ALN(D)SR.01/2010-11, dated: 07/05/2010 issued by the Deputy Commissioner, Bangalore Rural District, Bangalore), Property No.150300200401202875



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assigned by the Panchayat Development Officer, Sadahalli Village, Kannamangala Village Panchayat, Devanahalli Block, Bangalore and bounded on the:

- East by: Property owned by Sri.Krishnaswamy
West by: Property owned by Sri.Nanjundappa
North by: Property owned by Sri.Neeleri Muniyappa
South by: Road followed by property owned by Sri.Parthasarathi

DISCLAIMER:

The above opinion has been given on the basis of the facts and documents submitted to me by MAS INVESTMENTS and understanding of the relevant statutes and case laws. This opinion given by me is not binding on the statutory authorities or any other person/s or entities as they may take a contrary view. Therefore, I shall not be liable for any claim or loss which may be incurred by my client or any other person/s or entities if he/she/they choose to act on the basis of this opinion. This opinion is subject to:

- The copies of the documents provided to me being genuine and confirm to the originals of the same.
- The fact that no independent verification and search of any documents, proceedings, claims or litigation has been conducted by me in any Courts of Law or legal forums, Government Departments including the Registration, Revenue and Survey Department, Statutory Authorities and government agencies.
- The fact that no site survey or physical verification of the Schedule Property has been undertaken by me for the purposes of verifying the description, title and boundaries of the Schedule Property.

Arvind Raghavan

ARVIND RAGHAVAN
ADVOCATE

Bangalore.
Dated:24/12/2021

