



To
Town Planning Officer
Gujarat Real Estate Regulatory Authority
4th Floor, Sahyog Sankul, Sector-11,
Gandhinagar-382010.
Ph. No. 079-23258659

Dear Sir,

Ref.: RERA Registration of the project "HIMALAYA PINNACLE"

Sub: ENCUMBRANCE STATUS

This is to certify that, I the undersigned has investigated the title of the immovable property which is more particularly described herein under "Schedule of the Land", which developed by M/s.HIMALAYA PINNACLE, a Proprietorship of Mrs. Rekhaben Rajendra bhai Joshi (Hereinafter referred as owner). By pursuing the title deeds relating thereto and taking necessary searches I am of the opinion that the titles of the owner in respect of the said land are clear, marketable and free from all encumbrances charges save and except an outcome of the civil suit no. 78/2004.

SCHEDULE OF THE Land

All that piece and parcel of the land situated at N.A. Land Plot of Final Plot No. 16/2, O.P.No.16, T.P. Scheme No. 69 (Chandkheda-Zundal-Tragad), Survey No. 249/1,250 and Mouje: Chandkheda, Taluka: Sabarmati, District & Sub-District: Ahmedabad, admeasuring about 3276.00 Sq.Mtr. in the state of GUJARAT. Upon that land M/s. HIMALAYA PINNACLE, a Proprietorship of Mrs. Rekhaben Rajendra bhai Joshi, is going to construct residential blocks under name and style of "HIMALAYA PINNACLE".

Date : 28/08/2020

Place: Ahmedabad.



Vijay Patel
(Advocate)



Ref.No.:- E/SNE/TITLE/145/16

TITLE - CLEARANCE - CERTIFICATE

WITH

SEARCH - REPORT

Re : In the matter of investigation of title of non agriculture lands bearing **Final Plot Nos. 16/1 and 16/2** admeasuring 11475 Sq. Mts. (allotted in lieu of Survey No. 249/1 admeasuring 8094 Sq. Mts. and Survey No. 250 paiki admeasuring 11028 Sq. Mts.) of **Town Planning Scheme No. 69 (Chandkheda – Zundal – Tragad)** situate, lying and being of Mouje /Village **Chandkheda**, Taluka Sabarmati, Registration District Ahmedabad and Sub-District – **Ahmedabad – 2 (Vadaj)** belonging to **Rekhaben Rajendrabhai Joshi**.

TITLE REPORT

1. Pursuant to the request of Rekhaben Rajendrabhai Joshi we have carried out the work of title investigation of the captioned land (hereinafter referred to as the “said land”) more particularly described in the Schedule hereunder written.

2. To this end and intent, we have caused the searches of the available last 30 years records of the Sub-Registrar of Assurances, Gandhinagar for year from the 1987 to 2010 and the Sub-Registrar of Assurances, Ahmedabad – 2 (Vadaj) for the years from 2010 to 2017 and have perused and scrutinized the revenue records and the information/ clarifications as are made available to us

by the owner of the land and relying upon the same to be true, we submit our title report.

3. The Devolution of the Survey No.249/1

3.1. This land bearing Survey No. 249/1 in the year 1975 belonged to Dhuliben widow of Jivabhai Ranchhodbhai and Samuben Daughter of Jivabhai Ranchhodbhai, having been devolved upon them on the death of Jivabhai Ranchhodbhai who died on 28-04-1976 which was recorded by mutation entry No. 4970 dated 01-12-1977 which was certified.

3.2 Thereafter the said co owner Dhuliben Jivabhai died intestate on 27/01/1988 therefore her name was deleted as owner / occupier from the revenue records as is evidenced by mutation entry no. 6693 recorded on 02/01/1997 which was certified.

3.3 Thereafter the said owner Samuben Jivabhai died intestate on 29/08/1998 and therefore this land was devolved in names of her legal heirs namely: (1) Jethalal Kalidas, (2) Jasumati Jethalal and (3) Kailashchandra Jethalal as is evidenced by mutation entry no. 7143 recorded on 17/12/2000 which was certified on 17/01/2000.

3.4 Thereafter the said land owners namely Jethalal Kalidas & others sold and conveyed the said land to the Amrishbhai Rambhai Patel by a sale deed dated 09/04/2004 which was registered with the Sub – Registrar, Gandhinagar on the same day under serial no. 4165, By virtue of the this sale deed name of Amrishbhai Rambhai Patel is entered as owner/ occupier in the revenue



records by mutation entry No.7870 recorded on 15/04/2004 which was certified.

3.4.1 The said mutation entry No.7870 was challenged before the Deputy Collector, Gandhinagar in RTS Case No.78/04 by Manibhai Bababhai Makwana karta against Jethabhai Kalidas Dabhi and others alleging that he had tenancy rights in this land but the said appeal was rejected by the Deputy Collector vide his order No.RTS/Appeal/SR/78/04 dated 29-06-2007 therefore the mutation entry No.7870 was certified by Mamalatdar prevails. The said order was recorded in the revenue record by mutation entry No.8687 dated 14-08-2007 which was certified on 23-10-2007.

3.4.2 It is also observed from mutation entry no. 8006 recorded on 25/11/2004 that said Manibhai Bababhai Makwana was claiming to be the tenant. He initiated proceedings in Ganot Case No.1/04 before Mamlatdar Shree and Krishipanch, Gandhinagar to decide purchase price of tenant under section 70 (B) of Tenancy Act, which was subsequently withdrawn by the applicant. We recommend that all the papers and documents of withdrawal to be verify.

3.5 The said Manibhai Bababhai Makwana karta and Manager of Late Bababhai Fusabhai H. U. F filed civil suit No. 78/2004 in the Court of Civil Judge (Senior Division) Gandhinagar, against Amrishbhai Ramabhai Patel and others to be having in ancestral land. This suit has been dismissed on 29/12/2007 as it was found to be illegal in law.

3.6 Thereafter the said land owner namely Amrishbhai Rambhai Patel sold and conveyed the said land to the Manubhai Dahyabhai Patel by a sale deed



dated 16/02/2008 which was registered with the Sub – Registrar, Gandhinagar on the same day under serial no. 2443, By virtue of the above mentioned sale deed names of Manubhai Dahyabhai Patel is entered as owner/ occupier in the revenue records by mutation entry No.8826 recorded on 24/03/2008 which was certified on 20/06/2008.

3.7 Thereafter the said land owner namely Manubhai Dahyabhai Patel sold and conveyed the said land to Parth Rajendra Joshi by a sale deed dated 30/06/2008 which was registered with the Sub – Registrar, Gandhinagar on the same day under serial no. 11514, By virtue of the above mentioned sale deed names of Parth Rajendra Joshi is entered as owner/ occupier in the revenue records by mutation entry No. 8925 recorded on 15/07/2008 which was certified on 19/09/2008.

4. The Devolution of the Survey No. 250 paiki

4.1 This land bearing Survey No. 250 paiki admeasuring 11028 Sq.Mtr., originally in the year 1970 belonged to Somabhai Bhulabhai and Dahyabhai Bhulabhai

4.2 Thereafter the said Co owner Somabhai Bhulabhai died intestate on 24/10/1962 and therefore this land was devolved in names of his legal heirs namely: (1) Bai Aval widow of Somabhai Bhulabhai, (2) Kantaben Somabhai, (3) Dhulabhai Somabhai, (4) Minor Naranbhai Somabhai and (5) Minor Ravjibhai Somabhai as is evidenced by mutation entry no. 3779 recorded on 04/02/1963 which was certified on 16/04/1963.



4.3 Thereafter the said Co owner Dahyabhai Bhulabhai died on or about nine years ago and therefore this land was devolved in names of his legal heirs namely Minor Bababhai Dahyabhai through his Guardian Bai Kasan as is evidenced by mutation entry no. 3847 recorded on 05/04/1963 which was certified on 14/06/1963.

4.4 Thereafter the said owners namely: (1) Bai Aval widow of Somabhai Bhulabhai, (2) Kantaben Somabhai, (3) Dhulabhai Somabhai, (4) Naranbhai Somabhai, (5) Ravjibhai Somabhai, (6) Bababhai Dahyabhai and (7) Bai Kasan widow of Dahyabhai during their life time they have entered the name of Chaturbhai Desaibhai as is evidenced by mutation entry no. 4492 recorded on 17/09/1968 certified on 15/12/1968.

4.5 Thereafter the said Co owner Chaturbhai Desaibhai died intestate on 24/03/1973 and therefore this land was devolved in names of his legal heirs namely (1) Bhagabhai Chaturbhai and (2) Ambalal Chaturbhai as is evidenced by mutation entry no. 4745 recorded on 13/04/1973 which was certified.

4.6 Thereafter the said owner Bhagabhai Chaturbhai and Ambalal Chaturbhai, upon the family partition on 11/05/1974 and this fallen to the share of Bhagubhai Chaturbhai and he became absolute owner/occupier of the this land bearing survey no. 250 paiki as is evidenced by mutation entry No. 4790 recorded on 27/05/1974 which was certified on 03/07/2004.

4.7 Thereafter the said co owner Dhulabhai Somabhai Patel released / relinquished his rights and share in the said land and his name was deleted in



the revenue records as is evidenced by mutation entry no. 5162 recorded on 04/04/1981 which was Certified on 27/06/1981.

4.8 Thereafter the said Co owner Bhagabhai Chaturbhai died intestate on 26/05/1990 and therefore this land was devolved in names of his legal heirs namely (1) Chimanbhai Bhagabhai, (2) JayantilaL Bhagabhai (3) Sakarben Bhagabhai, (4) Kantaben Bhagabhai and (5) Manjulaben Bhagabhai as is evidenced by mutation entry no. 5845 recorded on 29/05/1990 which was certified on 06/07/1990.

4.9 Thereafter the said Co owner Naranbhai Somabhai died intestate on 15/11/1994 and therefore this land was devolved in names of his legal heirs namely (1) Sanjaykumar Naranbhai, (2) Rajeshkumar Naranbhai, (3) Manjulaben daughter of Naranbhai and (4) Kamlaben widow of Naranbhai as is evidenced by mutation entry no. 6419 recorded on 09/12/1994 which was certified on 30/01/1995.

4.10 Thereafter the said co – owner Bababhai Dahyabhai during his life he had got entered the name of legal heirs namely: (1) Amitaben Bababhai, (2) Sunitaben Bababhai, (3) Minor Sonalben Bababhai, (4) Minor Shilpaben Bababhai, (5) Arvindbhai Bababhai and (6) Shantaben wife of Bababhai Dahyabhai were entered in the revenue records as co owners / occupiers as is evidenced by mutation entry no. 6420 recorded on 09/12/1994 which was certified on 30/01/1995.

4.11 Thereafter The said co owner Dhulabhai Somabhai Patel died and his heirs, namely Vikrambhai, Sangitaben, Sudhaben, Minaben and Shantaben



widow of Dhulabhai Somabhai filed a civil suit no. 5/2006 against Chimanbhai Bhagabhai Patel and others in court of Gandhinagar, Civil Judge, Senior Division. In such proceedings, the matter has been compromised and this suit has been unconditionally withdrawn by the parties and accordingly the Hon'ble Court has passed order on 08-02-2006 for withdrawal of this suit and the names of said Shantaben widow of Dhulabhai Somabhai and others have been entered in the revenue records with other co – owners as is evidenced by mutation entry no. 6714 recorded on 15/03/1997 which was certified.

4.12 It is observed that Shantaben widow of Dhulabhai and others had filed Civil Suit No.5/2006 against Chimanbhai Bhagabhai Patel and others in the Court of Principal Civil Judge (Senior Division) Gandhinagar. This suit has been unconditionally withdrawn by the parties and accordingly the Hon'ble Court has passed order on 08-02-2006 for withdrawal of this suit

4.13 Thereafter the said co – owner Dulabhai legal heirs namely Vikrambhai and others also filed a notice of lispendency which is registered in the sub registrar, Gandhinagar on 12/01/2006 under serial no. 334, as is evidenced by mutation entry no. 8206 recorded on 20/01/2006 which was certified on 30/08/2006 However the said lispendency has been cancelled by the Parties by executing writing of cancellation on 25/05/2006 which is registered in the Sub Registrar, Gandhinagar under serial no. 5395., as is evidenced by mutation entry no. 8646 recorded on 30/06/2007 which was certified on 21/09/2007.

4.13 Thereafter the said co – owner Avalben widow of Somabhai died and her name was deleted from the revenue records and however no any effect had been mutated in the revenue records.

4.14 Thereafter the said land owners namely Chimanbhai Bhagabhai and others sold and conveyed the said land to Manubhai Dahyabhai Patel by a sale deed dated 29/07/2006 which was registered with the Sub – Registrar, Gandhinagar on the same day under serial no. 7954, By virtue of the above mentioned sale deed names of Manubhai Dahyabhai Patel is entered as owner/ occupier in the revenue records by mutation entry No. 8393 recorded on 26/09/2006 which was certified on 22/12/2006.

4.15 Thereafter the said land owner namely Manubhai Dahyabhai Patel sold and conveyed the said land to Parth Rajendra Joshi by a sale deed dated 02/07/2008 which was registered with the Sub – Registrar, Gandhinagar on the same day under serial no. 11622. In this sale deed Vijaykumar Bhanushankar Joshi his self and Power of attorney holder of – Rekhaben Rajendrakumar, Hardik Rajendrakumar, Honey Rajendrakumar and Hina Rajendrakumar joined as confirming party and confirmed the sale. By virtue of the above mentioned sale deed names of Parth Rajendra Joshi is entered as owner/ occupier in the revenue records by mutation entry No. 8926 recorded on 15/07/2008 which was certified on 19/09/2008.

5. The land bearing Survey No. 249/1 admeasuring 8094 Sq. Mts. and Survey No. 250 admeasuring 11028 Sq. Mts. was included in Town Planning



Scheme No. 69 (Chandkheda – Zundal – Tragad) and allotted Final Plot No. 16/1 and 16/2 admeasuring 11475 Sq. Mts.

6. Thereafter the District Collector, Ahmedabad has granted non agricultural use permission for land bearing Final Plot No. 16/1 and 16/2 admeasuring 11475 Sq. Mts. (allotted in lieu of Survey No. 249/1 and 250 paiki) of Town Planning Scheme No. 69 (Chandkheda – Zundal – Tragad) for Residential Purpose vide order No. CB/Land – 1/N. A/S. R – 981/2012 dated 21/05/2012 and effect of that has been entered in the revenue records by mutation entry No. 10831 recorded on 06/07/2012 which is certified on 29/08/2012.

7. The said Parth Rajendra Joshi gifted the said land to Rekhaben Rajendrabhai Joshi by a deed of Gift dated 17/07/2015 which was registered with the Sub – Registrar, Ahmedabad – 2 (Vadaj) on the same day under serial no. 8057, By virtue of the above mentioned gift deed name of Rekhaben Rajendrabhai Joshi is entered as owner/ occupier in the revenue records by mutation entry No. 12021 recorded on 03/08/2015 which was certified on 21/04/2016.

8. This mutation entry No. 12021 was challenged before the Mamlatdar in case No.110/15 by Manibhai V. Makwana. In this matter the Mamlatdar by his order dated 21-04-2016 in case No.RTS/Takrari Nondh/Chandkheda/Case No.110/15 made order for certification of the said entry no. 12021 further litigation appear to have taken place, as per information given to me by the owner.



9. Thereafter the Deputy Collector (N. A.), Ahmedabad has granted revised non agricultural use permission for land bearing Final Plot No. 16/1 and 16/2 admeasuring 1800 Sq. Mts. out of 11475 Sq. Mts. (Allotted in lieu of Survey No. 249/1 and 250 paiki) of Town Planning Scheme No. 69 (Chandkheda – Zundal – Tragad) for Commercial Purpose vide order No. N.A./U-1/Case No. 278/2016/Sec-65A/Chandkheda/2016 dated 27/09/2016 and effect of that has been entered in the revenue records by mutation entry No. 12542 recorded on 03/10/2016 which is certified on 13/12/2016.

10. Thereafter it is mentioned that there is status quo on this land bearing Survey No. 249/1 in the entry no. 7900, the order no. Sabarmati/RTS/Sudhara Hukam/Chandkheda/S.R. – 42/2017 dated 24/04/2017 for withdrawal of the same has been recorded by Mutation Entry No. 12721 recorded on 03/05/2017 which is needs to be certified.

11. Thereafter it is mentioned that there is status quo on this land bearing Survey No. 249/1 in the entry no. 8687, the order no. Sabarmati/RTS/Sudhara Hukam/Chandkheda/S.R. – 85/2017 dated 02/05/2017 for withdrawal of the same has been recorded by Mutation Entry No. 12724 recorded on 08/05/2017 which is needs to be certified.

12. As a part of investigation, I have published a Public Notice in the daily newspaper “Gujarat Samachar” dated 21/12/2016 inviting claims or objections, if any with regard to the titles of above said land., and during the notice period I have not received any claim or objection with regard to the titles of above said land or any part thereof save and except one objection



received from M.S.Vohra, advocate for his client Manibhai Bababhai Makwana on 27/12/2016, the said Manibhai has claimed rights claiming to be an ancestral land giving reference of civil Suit No.78/2004, stating it to be pending in court. This contention of Manibhai that the suit is pending in court is made with malafide intention to mislead the matter as, this suit has been dismissed by the Court dated 29/12/2007 on the grounds that it has no merits. No further appeal appears to have been filed against this order. Therefore the objection raised by the said Manibhai through his Advocate do not have any merit. I have replied the objection on 12/01/2017. I have not received any clarification till date.

13. Nothing objectionable is found :-

13.1 In the searches of the available records of the Sub-Registrar.

13.2 In the revenue records made available to us save except in respect Village Form No. 7/12 it is mentioned that there is status quo on this land bearing Survey No. 249/1, the order for withdrawal of the same has been recorded vide Provisional Mutation Entry Nos. 12721 and 12724.

14. 11. I certify that nothing objectionable is found in respect of the said land save and except as mentioned below and the said land is found to be clear and marketable and are free from any charges or encumbrances save and except as mentioned below and also free from reasonable doubts, subject however to:-

- i) Any other law, act, rules in force from time to time;
- ii) Usual declaration at the time of creation of security or transfer.



- iii) Certification of Mutation Entry No. 12721 and 12724.
- iv) Further litigation if any and

THE SCHEDULE ABOVE REFERRED TO

All the pieces and parcels of non agriculture land bearing **Final Plot Nos. 16/1 and 16/2** admeasuring 11475 Sq. Mts. (allotted in lieu of Survey No. 249/1 admeasuring 8094 Sq. Mts. and Survey No. 250 paiki admeasuring 11028 Sq. Mts.) of **Town Planning Scheme No. 69 (Chandkheda – Zundal – Tragad)** situate, lying and being of Mouje /Village **Chandkheda**, Taluka Sabarmati, Registration District Ahmedabad and Sub-District – **Ahmedabad – 2 (Vadaj)**.

Date: Ahmedabad

Place: 02/06/2017

Vijay Patel
(Advocate)