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### LEGAL OPINION

LEGAL OPINION is sought in respect of land measuring an extent of 1 Acres 19.08 Guntas and a Kharab of 1 Gunta, in Sy. No.56/2 of Kyalasanahalli Village, Krishnarajapuram Hobli, Bangalore East Taluk, together with a common passage measuring 12 feet x 550 feet in old Sy. No 56 from the eastern side of the aforesaid property. The Schedule Property is owned by **Lt. Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY**.

The following documents have been produced:

- 1) Sale Deed Dated 25-01-1966, which is registered as Document No. 4738/1965-66 in Book 1, Volume 566, Pages 161-164, executed by Munishamappa and others in favour of Mrs. Marinnanamma in respect of property bearing Sy. No. 56 of Kyalasanahalli Village, Krishnarajapuram Hobli, Bangalore East Taluk, measuring an extent of 02 Acres 38 Guntas and a Kharab of 02 Guntas.
- 2) Gift Deed Dated 05-03-1970, registered as document No. 5232/1969-70 in Book-1, Volume 805, Pages 60 to 62, in the office of the Sub-Registrar, Bangalore South Taluk, executed by Mrs Marinnanamma in favour of her daughter, Smt. H.K. Jayamma, D/o. Sri. K. Kempaiah.
- 3) Sale Deed Dated 26-04-1995, registered as document No. 745/1995-96 in Book-1, Volume 1074, Pages 225 to 231, in the office of the Sub-Registrar, K.R. Puram, Bangalore, executed by Smt. H. K. Jayamma in favour of Sri. P. Nagaraju, S/o. Late K. Narayanappa.
- 4) Sale Deed Dated 27-10-2000, registered as document No. 7270 in Book-1, Volume 1776, Pages 156-166, in the office of the Sub-Registrar, K.R. Puram, Bangalore, executed by Sri. P. Nagaraju, S/o. Mr. Papiiah Reddy, in favour of Lt. Col. S.K Murthy to an extent of 01 Acre 20 Guntas out of the land measuring an extent of 02 acres 38 Guntas together with Kharab of 02 Guntas in Sy. No.56 of Kyalasanahalli Village.
- 5) Order Dated 13-09-2002 in the case bearing No.L.R.F(BE) 390/95-96, passed by the Assistant Commissioner, by which the name of Government was mutated Vide M.R bearing No. 13/2006-07 and **name of Jayamma** and forfeited.
- 6) Order Dated 24-08-2007, passed by the KAT setting aside and the orders of the Asst. Commissioner passed in Appeal bearing Appeal No. 3 and 4/2007 in respect of the aforesaid Sy. No. 56 and also Sy. No 57, which also belonged to Smt. Jayamma.
- 7) MR H 10/2017-18, the name of the Government was removed from the RTC, and the name of the First Party was restored in the RTC.

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- 8) Order Dated 31/12/2020 by which the BDA was pleased to permit the Schedule Property to be changed from Public Purpose to Residential Purpose.
- 9) Order Dated 12/02/2021 passed by the Deputy Commission converting the Schedule Property to an extent of 1Acre 19.08 Guntas and a Kharab of 1 Gunta from agricultural purpose to Residential Purpose.
- 10) Joint Development Agreement Dated 16-07-2021, executed by **Lt. Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY** in favour of MIMS BUILDERS PVT LTD, Registered as Document No. 1116/2021-22 in CD No. HLSD781, in the office of the Sub-Registrar, Halasuru, Bangalore.
- 11) General Power of Attorney Dated 16-07-2021, executed by **Lt. Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY** in favour of MIMS BUILDERS PVT LTD, Registered as Document No. 68/2021-22 in CD No. HLSD781, in the office of the Sub-Registrar Halasuru, Bangalore.
- 12) Sanctioned Plan Dated 19-08-2021, bearing L.P No BBMP/AD.COM/MDP/0175/21-22 for the construction of 28 Villas with Club House.
- 13) Pahanies from 1971 up to 1975-76 showing the name of Mallikarjunswamy, the husband of Jayamma.
- 14) Endorsement regarding non-availability of Pahanies from 1976-82.
- 15) Pahanies from 1982 up to 1999 showing the name of H.K Jayamma.
- 16) Pahanies from 1999-2001 showing the name of **Nagaraju**.
- 17) M.R 4/99-2000 mutating the name of Sri. **Nagarju**.
- 18) Pahanies from 2001 up to 2005 showing the name of **Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY**.
- 19) M.R 16/2002-2003 showing the name of **Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY** wherein the portion retained by Nagaraju was allotted Sy. No. 56/1 and the portion sold to **Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY** was allotted Sy. No. 56/2.
- 20) Pahanies from 2006 to 2017-18 showing the name of the Govt. because of 79A and B proceedings.
- 21) M.R 13/2006-07 showing the name of **Govt**.

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- 22) Pahanies from 2017-18 up to 2020-21 showing the name of **Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY** pursuant to the order passed by the KAT setting aside the order of the Assistant Commissioner.
- 23) M.R H10/2017-18/2002-2003 showing the name of **Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY.**
- 24) BBMP Khata bearing No. 56/2, issued on 9-3-2021.
- 25) BBMP Khata Extract issued on 09-03-2021.
- 26) BBMP Tax Paid Receipt for 2020-21 and 2021-22.
- 27) EC from 1-4-1965 up-to-date showing the above transactions.
- 28) No. 79 A and B Proceeding endorsement.
- 29) No PTCL Proceeding endorsement.
- 30) No Tenancy Proceeding endorsement.
- 31) Whereas Mrs. Marinnanamma was the absolute Owner of property bearing Sy. No. 56 of Kyalasanahalli Village, Krishnarajapuram Hobli, Bangalore East Taluk, measuring an extent of 02 acres 38 Guntas and a Kharab of 02 Guntas having acquired it by a Registered Sale Deed dated 25-01-1966, which is registered as Document No 4738/1965-66 in Book 1, Volume 566, Pages 161-164 having purchased it from Munishamappa and others.
- 32) Whereas the said Sri Marinnanamma gifted the aforesaid property in favour of her daughter, Smt. H.K. Jayamma, D/o Sri. K. Kempaiah and wife of Mallikarjunaswamy under a deed of Gift dated 05-03-1970, and the said Gift Deed was registered as document No. 5232/1969-70 in Book-1, Volume 805 at Pages 60 to 62, in the office of the Sub-Registrar, Bangalore South Taluk.
- 33) And Whereas the said Smt. H. K. Jayamma sold the aforesaid property bearing Sy. No. 56 in favour of Sri. P. Nagaraju, S/o. Mr. Papiiah Reddy by a Registered Sale Deed dated 26-04-1995, and the same was registered as document No. 745/1995-96 in Book1, Volume 1074 at Pages 225 to 231, in the office of Sub-Registrar, K.R. Puram, Bangalore.



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- 34) And Whereas Sri. P. Nagaraju, S/o. Mr. Papiiah Reddy, sold and conveyed an extent of 01 Acre 20 Guntas out of the land measuring an extent of 02 acres 38 Guntas together with Kharab of 02 Guntas in Sy. No.56 of Kyalasanahalli Village, absolutely in favour of Lt. Col. S.K Murthy, herein under a Deed of Sale dated 27-10-2000, registered as document No. 7270 in Book-1, Volume 1776 at Pages 156-166, in the office of the Sub-Registrar, K.R. Puram, Bangalore.
- 35) And Whereas in the manner stated above **Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY** has become the sole and absolute Owner of the property being land measuring an extent of 1 Acre, 20 Guntas, situated at Sy. No.56 of Kyalasanahalli Village, Krishnarajapuram Hobli, Bangalore East Taluk, which is morefully described in the Schedule given hereunder and hereinafter referred to as the SCHEDULE PROPERTY.
- 36) And Whereas the Asst .Commissioner instituted proceedings under section 79 A and B of the Land Reforms Act against the said Jayamma and forfeited the lands vide order dated 13-09-2002 in the case bearing L.R.F(BE) 390/95-96. The name of Government was mutated Vide M.R bearing No. 13/2006-07.
- 37) Whereas Smt. Jayamma filed Appeal bearing Appeal No. 4/2007 in respect of the aforesaid Sy. No 56 and also Sy. No. 57, which also belonged to Smt. Jayamma. The said Appeal was allowed by the Karnataka Appellate Tribunal vide its order dated 24-08-2007 and the orders of the Asst. Commissioner were set aside.
- 38) On an application made by the First Party and in view of the orders passed by the Hon'ble KAT, the name of the Government was removed from the RTC, and the name of the First Party was restored in the RTC vide MR H 10/2017-18.
- 39) And Whereas the Schedule Property was earmarked for Public Purpose and on an Application made by the First Party, the BDA was pleased to permit change of user from Public Purpose to Residential Purpose in respect of the Schedule Property by its order dated 31/12/2020.
- 40) And Whereas **Lt. Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY** has subsequently applied and got the Schedule Property to an extent of 1 Acre 19.08 Guntas and a kharab of 1 Gunta, converted from agricultural purpose to Residential Purpose vide order dated 12/02/2021 passed by the Deputy Commissioner.

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- 41) And Whereas **Lt. Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY** has executed a Joint Development Agreement dated 16-07-2021 in favour of MIMS BUILDERS PVT LTD, which is Registered as Document No. 1116/2021-22 in CD No. HLSD781 in the office of the Sub Registrar, Halasuru, Bangalore, for the construction of 28 Villas with a Club House.
- 42) And Whereas **Lt. Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY** executed a General Power of Attorney dated 16-07-2021 in favour of MIMS BUILDERS PVT LTD, Registered as Document No. 68/2021-22 in CD No. HLSD781 in the office of the Sub-Registrar, Halasuru, Bangalore.
- 43) And Whereas **Lt. Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY** has applied and obtained a Sanctioned Plan dated 19-08-2021 bearing L.P No. BBMP/AD.COM/MDP/0175/21-22 for the construction of 28 Villas with a Club House.
- 44) Whereas the Pahanies from 1971 up to 1975-76 show the name of Mallikarjunswamy who was none other than the husband of Jayamma.
- 45) Whereas and Endorsement has been issued regarding non-availability of Pahanies from 1976-82.
- 46) Whereas the Pahanies from 1982 up to 1999 show the name of H.K Jayamma.
- 47) Whereas the Pahanies from 1999-2001 showing the name of Nagaraju.
- 48) Whereas Pahanies from 2001 up to 2005 show the name of **Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY**.
- 49) Whereas vide M.R 16/2002-2003 the portion retained by Nagaraju was allotted Sy. No. 56/1 and the portion sold to **Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY** was allotted Sy. No. 56/2.
- 50) The property has come within the limits of BBMP and the BBMP has the Khata bearing No. 56/2 issued on 9-3-2021 and also the BBMP Khata Extract issued on 09-03-2021.
- 51) Up-to-date taxes have been paid vide BBMP Tax Paid Receipt for 2020-21 and 2021-22.
- 52) The EC from 1-4-1965 up-to-date showing the above transactions.
- 53) The No 79 A and B Proceeding endorsement, No PTCL Proceeding endorsement, No Tenancy Proceeding endorsement in respect of the Schedule Property are also produced.



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Therefore we are of the Opinion that **Col. S.K MURTHY A.K.A. S.KRISHNAMURTHY** along with **M/S MIMS BUILDERS PVT LTD** have valid title to the Schedule Property along with the Villas to be constructed on them.

### SCHEDULE PROPERTY

All that piece and parcel of the property land measuring an extent of 1 Acres 19.08 Guntas and a Kharab of 1 Gunta, in Sy. No.56/2 of Kyalasanahalli Village, Krishnarajapuram Hobli, Bangalore East Taluk, together with a common passage measuring 12 feet x 550 feet in old Sy. No. 56 from the eastern side of the aforesaid property along with all rights, appurtenances whatsoever whether underneath or above the surface and bounded by:

East by: Exclusive Passage in old. Sy. No. 56 belonging to the First Party and the remaining portion of Sy. No. 56/1 retained by Mr. Nagaraju

West by: Road, Private Property and boundary of Byrathi Village

North by: Land in Sy. Nos. 54 and 55

South by: Sy. No. 57.

Place: Bangalore  
Dated: 17/11/2021

ADVOCATE