

MUSTAK M. MALEK
(ADVOCATE) GUJ. HIGH COURT
(Sanad No. G-542/1989)

Office: Near Chora, Yakutpura, Vadodara
M: 9925913071

7th December, 2020

TO
Parkway Realty LLP.
301, Taksh Classic,
Near Taksh Bungalow, Vasna Road,
Vadodara. Gujarat.

TITLE CLEARANCE CERTIFICATE in respect of an immovable property, being Non-Agricultural land of **Block No.220/Paiki/1 (Old R.S. 383) of village Ankhol**, lying and being in Sub Registration District Vadodara and Registration District of **Vadodara**, admeasuring approximately 38398.00 Sq. Mts. from which only **8,991.40** is being held **out of which only 7909.03 Sq. Mts.** on which the scheme titled as **"TAKSH DIVINE Phase-2"** organized by the firm M/s. Divine Realty.

01. I have been asked to investigate the title of the subject property and supplied documents and papers for investigation, as under:

- a) Revenue Record.
- b) Tenancy Orders dated 11.09.2008 and 19.05.2012.
- c) Sale Deed No. 7401 dated 29.03.2008.
- d) NA Order dated 26.11.2012.
- e) Revised Dev. Permissions dated 14.06.2013, 08.05.2014, 01.03.2017 and approved plans.
- f) Public Notice dated 18.02.2014 issued by Mr. Sajid Vohra, Advocate.
- g) Dev. Agreement dated 08.05.2014.
- h) Certificate dated 01.07.14 issued by Police Inspector, Gorva PS, Vadodara.
- i) Affidavit.
- j) Search Report.
- k) TCR issued by Mr. Sajid Vohra Advocate on 22.09.2020.

02. It reflects vide Entry No. 88 that the subject land of Old R.S. No.383 of Ankhol was belonged to Babulal Girdhar and upon his


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death on 01.08.1935, the said land was mutated in the name of Bhikhabhai Bapulal, by way of succession.

03. It reflects from the Entry No. 252 dated 13.11.1959 that the aforesaid owner Bhikhabhai Bapulal sold the aforesaid land of his ownership in favour of Narsihbhai Tulsibhai and as such his name was mutated in the revenue record as stated in the said entry.
04. It reflects from Entry No. 373 dated 11.02.1964 that the Narsibhai Tulsibhai sold the subject land of his ownership in favour of Parsottambhai Narsibhai on dated 01.02.1964 as found in the said entry.
05. It reflects from Entry No. 374 dated 11.02.1964 that the Narsibhai Tulsibhai sold the subject land of his ownership in favour of Ambalal Narsibhai on dated 01.02.1964 as found in the said entry.
06. It reflects from Entry No. 858 dated 13.06.1996 that the name of Bhailalbai Narsihbhai was added as co-owner along with the names of Ambalal Narsibhai and Parsottambhai Narsibhai as found in the said entry.
07. It reflects from Entry No. 860 dated 14.06.1996 that the aforesaid land of R.S. No. 383 became block No.220 and was partitioned between co-owners. Accordingly, land adm. 40448.00 Sq. Mts. out of above came to the joint share of Ambalal Parsottam and Bhailal Narsihbhai, as found in the said entry.
08. The Entry No.876 dated 07.08.2008 is not concerning the subject land hence not discussed.
09. It reflects vide Entry No.1000 dated 09.10.2006 that the aforesaid landowners Parsottambhai Narsihbhai Patel, etc. executed Sale Deed No.5411 dated 27.09.2006 and sold the subjected land jointly in favour of Kamleshbhai Bhailalbai Patel, Ashwinbhai Ashabhai Patel and Dineshbhai Natvarlal Patel as found in the said entry.

10. It reflects vide Entry No.1021 sdated 04.10.2008 that the Collector, Vadodara granted permission under the Tenancy Act vide order No. Tenancy/A/Vashi/3902/08 dated 08.11.2008 for the subject land for selling the same in favour of Parkway Realty Pvt. Ltd., for industrial purpose, as found in the said entry.
11. It reflects vide Entry No.1122 dated 04.10.2008 that the aforesaid landowners Kamleshbhai Bhailalbhai Patel and two others executed Sale Deed at Sr. No. 7401 dated 29.03.2008 for selling/conveying subject land in favour of Parkway Realty Pvt. Ltd., as per copy of the sale deed produced in the record and as found in the said entry. However, as reported by the owner, the original Sale Deed No.7401 dated 29.03.2008 which was kept in the plastic bag has been lost on dated 01.06.2014, Sunday some where in Ellora Park Area.
12. It reflects vide Entry No.1169 dated 21.09.2010 that the ALT Mamlatdar, Vadodara conducted proceedings in Tenancy Case No.39/2010 and vide his order dated 25.06.2010, held that there is no breach of the section 63 of the Tenancy Act, as stated in the said order. The said authority has closed the proceedings and withdrawn notice as stated therein.
13. It reflects vide Entry No.1244 dated 23.04.2012 that the aforesaid order of ALT Mamlatdar was challenged before the Dy. Collector, Vadodara, who up held the decision of the ALT Mamlatdar, as stated therein.

The permission granted for industrial purpose was extended for three months as per order of the Collector, Vadodara dated 19.05.2012, as reflected in Entry No.1254 dated 18.06.2012.

14. It is found that the Collector, Vadodara vide his order No. Land/D/Sec.65 /Vashi/10221/2012 No. NA/SR/9/2011-2012 dated 26.11.2012, granted permission for non-agricultural in respect of subjected land as per conditions stated in the said


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order. The factum of said order is also reflected in the revenue record vide Entry No. 1279 dated 06.12.2012.

15. The VUDA has issued Zone Certificate dated 12.12.2012 that the subjected land falls in Special Node-2 Technology Park, as found therein.
16. Vadodara Urban Dev. Authority has issued revised Dev. Permission in continuation of original permission dated 26.12.2012 for making construction over the subjected land vide Permission No. UDA/Plan-2/ Permission/179/2013 dated 14.06.2013 and Revised Permission No. UDA/Plan-2/150/14 dated 08.05.2014 and Revised Permission No. UDA/Plan-2/2/2016 dated 01.03.2017 and scheme is organized as stated therein.
17. It is pertinent to observe that prior to execution of sale deed in your favour the various encumbrances/charges registered in the revenue record have been duly cancelled and hence no detailed discussion is made on the said point.
18. I have been orally informed that a scheme titled as **"TAKSH DIVINE PHASE II"** has been floated over the subject land. In light of this, the Ashokbhai D. Prajapati, as a partner of Divine Reality, partnership firm has executed Affidavit and declared that he is seeking title in respect of subject scheme as stated therein.
19. I have gone through public notice dated 18.02.2014 in Gujarat Samachar daily news paper inviting objections/representations from public for the subjected land at the time of issuing previous TCR by Mr. Sajid Vohra. However, no body has submitted any objection/representation within stipulated period.
20. I have taken Search in the Office of Sub Registrar, Vadodara, as per receipts produced and during the search I have not found any adverse entry, except the Sale Deed No.7401 dated 29.03.2008 in your favour as well as units agreed to be sold or already sold to different persons.


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21. As discussed in Point No.11 above, the owner has lost original Sale Deed No.7401 dated 30.03.2008 for which complaint vide St. Diary Entry No.20/14 dated 08.06.2014 has been lodged with Gorwa Police Station and the Police Inspector, Gorwa Police Station has issued Certificate dated 01.07.2014 and the same has not been still found out/recovered, as stated therein. It has been orally informed that since the date of purchase and after loss of said sale deed no any transaction has been made.
22. The aforesaid landowner Parkway Realty Pvt. Ltd. has executed Development Agreement dated 08.05.2014 in favour of Divine Realty, a partnership firm for making development over the scheme land belonging to the company. Necessary stamp duty as per law has been paid in the office of Dy. Collector, Stamp Duty Valuation organization, on dated 12.12.2014.
23. It is represented that Parkway Realty Pvt. Ltd. is declared as Limited Liability Pvt. (LLP) by the ROC by due process of law on 31.03.2015.

On perusal of the above documents as well as observations made hereinabove I am of the opinion that the title of the subject property in the hands of Parkway Realty LLP is clear and marketable and free from all encumbrances, subject to rights created in favour of Divine Realty, a partnership firm, under the Development Agreement, as per discussion made above.


(Mustak M. Malek)
ADVOCATE

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