

REPORT ON TITLE

Ref: No. 2340/2018

Re : Investigation of title to the said Old Tenure Agricultural Land situate, lying and being at Mouje : Sargasan, Taluka : Gandhinagar, District : Gandhinagar bearing Revenue Survey No. 166/1 total admeasuring 6677 sq.mts. paiki (A) Admeasuring 3338.5 sq.mts. in the Registration District and Sub-District, Gandhinagar belonging to (1) Shri Shankarbhai Motibhai (2) Shri Naranbhai Motibhai and (3) Shri Rameshbhai Motibhai and (B) Admeasuring 3338.5 sq.mts. in the Registration District and Sub-District, Gandhinagar belonging to (1) Shri Rajanikant Aatmaram (2) Shri Harshadbhai Aatmaram (3) Ratanben Wd/o. Aatmaram (4) Pushpaben D/o. Aatmaram and (5) Ritaben D/o. Aatmaram.

With reference to the above, I have investigated the title to the Land in question, more particularly described in the Schedule hereunder written and submit my opinion on title cum title clearance certificate thereon as under :

That from the search of records being maintained by the Mamlatdar Gandhinagar Taluka at Gandhinagar and that of Circle Inspector/Talati, Mouje Sargasan as also from the search of the available records being maintained by the District Registrar Gandhinagar and Sub-Registrar, Gandhinagar through my Search Clerk for the last 30 years as also from the Village Form No 7 and 12, and Village Form No. 6, for mutation entries of the last 30 years duly certified by the Talati Mouje Sargasan, produced before me and believing same to be true, correct and trust worthy and also believing the documents/ papers/ copies etc. shown to me to be true and genuine and also based upon the information given by owners that no transfer/agreement was made in respect of the said property during the period for which the record is not available which would make the title defective, I submit my opinion of title-cum-title clearance certificate thereon as



It appears that on or around the year 1984, the said Old Tenure Land, situate lying and being at Mouje : Sargasan, Taluka : Gandhinagar bearing Revenue Survey No. 166/1 admeasuring Acre-1, Gunthas-26 i.e. 6677 sq.mts. as "PIECE LAND" was originally belonged to (1) Shri Motibhai Ranchhodbhai and (2) Shri Aatmaram Mulabhai.

I further find that, Shri Motibhai Ranchhodbhai died on 10-11-1987 intestate, and his undivided proportionate share in the said land bearing Revenue Survey No. 166/1 admeasuring 6677 sq.mts. togetherwith other lands came to be owned and possessed by his only legal heirs and next of kins according to the Hindu Law under which he was governed by namely (1) Shri Shankarbhai Motibhai (2) Shri Naranbhai Motibhai (3) Shantaben D/o. Motibhai (4) Dhaniben D/o. Motibhai (5) Minor Ramesh Motibhai represented through his natural guardian Keshiben Wd/o. Motibhai Ranchhodbhai and (6) Keshiben Wd/o. Motibhai Ranchhodbhai and the entry to that effect was also entered in the revenue records of Mutation Entry book viz. Village Form No.6 under Serial No. 1633 dated 20-6-1989 duly confirmed by the concerned authority, and since then they were holding the same as an absolute co-owners and possessors of the same.

Further the said land bearing Revenue Survey No. 166/1 admeasuring 6677 sq.mts. was declared as "PIECE" land under the Bombay Prevention of Fragmentation and Consolidation of Holding Act, 1947 by order of the Government of Gujarat and the said land bearing Revenue Survey No. 166/1 was cultivated through Bore well in Sargasan Village., hence was removed as "PIECE" land as per Order bearing No. PO/Jamin/Tu.Dha./Vashi dated 18-7-1990 issued by Prant Officer Gandhinagar and the entry to that effect was also entered in the revenue records of Mutation Entry book viz. Village Form No.6 under Serial No. 1696 dated 19-11-1990 duly confirmed by the concerned authority.

Further, it appears that by mistake name of One legal heir of Late Mulabhai Ranchhodbhai i.e. Shri Mangalbhai Mulabhai was not entered in the revenue records of Mutation Entry book viz. Village Form No.6 under Serial No.456 as co-owner and possessor of the said land bearing Revenue Survey No. 166/1 paiki togetherwith other lands hence his name was entered in the revenue records of the said land bearing Revenue Survey No. 166/1 paiki togetherwith other land along with Shri Aatmaram Mulabhai and the entry to that effect was also entered in the revenue records of Mutation

ADVOCATES

303, Third Floor, Shangnila Arcade, 100 feet Road,
Shyamal Cross Road, Satellite, Ahmedabad - 380015

T : 079 26753023 : 65133024 TF : 079 26753024
M : +91 9825281495 : E : agbapat@gmail.com

Entry book viz. Village Form No.6 under Serial No. 2422 dated 28-3-2003 duly confirmed by the concerned authority on 14-5-2003, and since then Shri Mangalbai Mulabhai along with Shri Aatmaram Mulabhai were holding the same as an absolute co-owners and possessors of the same.

I further find that, Shri Aatmaram Mulabhai died on 4-9-1999 intestate, and his undivided proportionate share in the said land bearing Revenue Survey No. 166/1 admeasuring 6677 sq.mts. togetherwith other lands came to be owned and possessed by his only legal heirs and next of kins according to the Hindu Law under which he was governed by namely (1) Shri Rajanikant Aatmaram (2) Shri Harshadbhai Aatmaram (3) Pushpaben D/o. Aatmaram (4) Ritaben D/o. Aatmaram and (5) Ratanben Wd/o. Aatmaram Mulabhai and the entry to that effect was also entered in the revenue records of Mutation Entry book viz. Village Form No.6 under Serial No. 2431 dated 10-4-2003 duly confirmed by the concerned authority, and since then they are holding the same as an absolute co-owners and possessors of the same.

Further in the meantime, Minor Ramesh Motibhai became Major so his name was entered as Shri Rameshbhai Motibhai in the revenue Records of Mouje Sargasan Taluka Gandhinagar instead of Minor Ramesh Motibhai represented through his natural guardian Keshiben Wd/o. Motibhai Ranchhodbhai.

I further find that, rectification in errors and mistakes in the revenue records was carried out as per the Order of Mamlatdar, Gandhinagar vide its Order bearing No. Jamin/Vashi-/08 dated /9/2008, which accrued at the time of Computerization of revenue records i.e. Village Form No. 7 and 12 of the said land in question togetherwith other lands, and the entry to that effect was also entered in the revenue records of Mutation Entry book viz. Village Form No.6 under Serial No. 3808 dated 29-1-2009, duly confirmed by the concerned authority on 25-11-2009.

Further, by a Partition Deed which was duly registered with the office of the Sub-Registrar, Gandhinagar under Serial No. 18016 dated 23-12-2013, a partition in respect of



the said Agricultural land bearing Revenue Survey No. 166/1 admeasuring 6677 sq.mts. was made by and between (I) (1) Shri Shankarbhai Motibhai (2) Shri Naranbhai Motibhai (3) Shantaben D/o. Motibhai and wife of Natwarbhai Parmar (4) Dhaniben D/o. Motibhai and wife of Mohanbhai Parmar (5) Shri Rameshbhai Motibhai and (6) Keshiben Wd/o. Motibhai Ranchhodbhai (As One Part) (II) (1) Shri Rajanikant Aatmaram (2) Shri Harshadbhai Aatmaram (3) Ratanben Wd/o. Aatmaram (4) Pushpaben D/o. Aatmaram and wife of Ramanbhai Solanki and (5) Ritaben D/o. Aatmaram and wife of Rajnikant Parmar (As Second Part) and (III) Shri Mangalbhai Mulabhai (As Third Part) and according to the said Partition Deed (A) the said land bearing Revenue Survey No. 166/1 total admeasuring 6677 sq.mts. paiki admeasuring 3338.5 sq.mts. came to the share of (1) Shri Shankarbhai Motibhai (2) Shri Naranbhai Motibhai (3) Shantaben D/o. Motibhai and wife of Natwarbhai Parmar (4) Dhaniben D/o. Motibhai and wife of Mohanbhai Parmar (5) Shri Rameshbhai Motibhai and (6) Keshiben Wd/o. Motibhai Ranchhodbhai (As One Part) (B) the said land bearing Revenue Survey No. 166/1 total admeasuring 6677 sq.mts. paiki admeasuring 3338.5 sq.mts. came to the share of (1) Shri Rajanikant Aatmaram (2) Shri Harshadbhai Aatmaram (3) Ratanben Wd/o. Aatmaram (4) Pushpaben D/o. Aatmaram and wife of Ramanbhai Solanki and (5) Ritaben D/o. Aatmaram and wife of Rajnikant Parmar (As Second Part) and (C) As provided in the this deed of partition, right of Shri Mangalbhai Mulabhai (As Third Part) was deleted relating to the said land in question and by executing this deed of partition the said Third Part i.e. Shri Mangalbhai Mulabhai agreed and confirmed to deletion of his right and name without consideration in respect of the said land in question and accordingly name of Third Part i.e. Shri Mangalbhai Mulabhai was deleted from the Revenue Records of the said land bearing Revenue Survey No. 166/1 total admeasuring 6677 sq.mts. and the entry to that effect was also entered in the revenue records of Mutation Entry book viz. Village Form No.6 under Serial No. 5275 dated 26-12-2013 which was duly canceled by the concerned revenue authority and after again the entry to that effect was also entered in the revenue records under Serial No. 5280 dated 30-12-2013 duly confirmed by the concerned authority on 13-2-2014 and since then they are holding the same as absolute co-owners and possessors of the same.

Thereafter a Release Deed Without Consideration was duly executed by (1) Shantaben D/o. Motibhai and wife of Natwarbhai Parmar and (2) Dhaniben D/o. Motibhai and wife of Mohanbhai Parmar have released their right, title and interest in respect of

ADVOCATES

303, Third Floor, Shangrila Arcade, 100 feet Road,
Shyamal Cross Road, Satellite, Ahmedabad - 380015.

T : 079 26753023 ; 65133024 TF : 079 26753024
M : +91 9825281495 ; E : agbapat@gmail.com

said land bearing Revenue Survey No. 166 paiki togetherwith other lands in favour of (1) Shri Shankarbhai Motibhai (2) Shri Naranbhai Motibhai and (3) Keshiben Wd/o. Motibhai Ranchhodbhai which was duly registered with the Sub-Registrar, Gandhinagar under Serial No. 18022 dated 23-12-2013 and the entry to that effect was also entered in the revenue records of Mutation Entry book viz. Village Form No.6 under Serial No. 5325 dated 19-2-2014 which was duly canceled by the concerned revenue authority and after again the entry to that effect was also entered in the revenue records under Serial No. 5330 dated 26-2-2014 duly confirmed by the concerned authority on 23-5-2014 and since then (1) Shri Shankarbhai Motibhai (2) Shri Naranbhai Motibhai and (3) Keshiben Wd/o. Motibhai Ranchhodbhai are holding the same as an absolute co-owners and possessors thereof.

In the meantime the said land bearing Revenue Survey No. 166/1 total admeasuring 6677 sq.mts. (As Per Revenue Records) paiki admeasuring 6660 sq.mts. (As Per Hissa Mapani Sheet) was covered under the Town Planning Scheme No. 7 of (Sargasan-Kudasan-Por) and Final Plot No. 25 admeasuring 4329 sq.mts. was given in lieu thereof, as per Form "F" issued by Junior Town Planning, Gandhinagar Urban Development Authority, Gandhinagar.

Further, it is observed that as per revenue records i.e. Village Form No. 7/12 area of land of Revenue Survey No. 166/1 is mentioned as 6677 sq.mts. where as per Form No. "F" the said area appears as 6660 sq.mts. Therefore, clarification need to be sought from the competent relevant revenue authority as to how such mismatch in the measurement of the area of the land has occurred and in case the area stated as per Revenue Records of Village Form No. 7/12 being 6677 sq.mts. is correct then proportionate increased area of Final Plot No. 25 may be allotted because the area of Final Plot No. 25 being 4329 sq.mts. has been allotted based on land area admeasuring 6660 sq.mts. (Instead of 6677 sq.mts.) of Revenue Survey No. 166/1 and in case the area stated as per Form No. "F" being 6660 sq.mts. is correct then Revenue Record Village Form No. 7/12 where the area appears as 6677 sq.mts. may be modified.



I further find that Keshiben Wd/o. Motibhai Ranchhodbhai died on 26-5-2016 intestate and names of her legal heirs already exists in the revenue records of said land in question. So her name was deleted from the said Revenue Records. and the entry to that effect was also entered in the revenue records of mutation entry book viz. Village Form No.6 under Serial No. 6235 dated 5-4-2018 (Kachi Entry) which is yet to be certified and confirmed by the concerned authority.

Thus, (A) (1) Shri Shankarbhai Motibhai (2) Shri Naranbhai Motibhai and (3) Shri Rameshbhai Motibhai are the absolute co-owners and possessors of the said Old Tenure Agricultural Land situate, lying and being at Mouje : Sargasan, Taluka : Gandhinagar, District : Gandhinagar bearing Revenue Survey No. 166/1 total admeasuring 6677 sq.mts. paiki admeasuring 3338.5 sq.mts. in the Registration District and Sub-District, Gandhinagar and (B) (1) Shri Rajanikant Aatmaram (2) Shri Harshadbhai Aatmaram (3) Ratanben Wd/o. Aatmaram (4) Pushpaben D/o. Aatmaram and (5) Ritaben D/o. Aatmaram are the absolute co-owners and possessors of the said Old Tenure Agricultural Land situate, lying and being at Mouje : Sargasan, Taluka : Gandhinagar, District : Gandhinagar bearing Revenue Survey No. 166/1 total admeasuring 6677 sq.mts. paiki admeasuring 3338.5 sq.mts. in the Registration District and Sub-District, Gandhinagar.

As a part of the investigation of the title, I gave public notice appeared in the daily newspaper Gujarat Samachar, Gujarati Edition of 21st March, 2018 inviting claims, if any, in upon or to the said Land in question from any person whomsoever. I have not received any objection/claim in response thereto till today.

Further, an Affidavit was duly signed by Shri Rameshbhai Motibhai, on title of the said land in question which was duly signed before M.N. Chavda, Notary Public, Gandhinagar under Serial No. 175/2018 dated 3-4-2018, and Shri Rameshbhai Motibhai has informed that his actual name is "Shri Rameshbhai Motibhai" and while recording manually in the Old Village Form No. 7 and 12 of Revenue Survey No. 166/1 for the year 1986 to 1994, his name was wrongly written as "Minor Sureshbhai Motibhai" in place of "Minor Rameshbhai Motibhai" at relevant time and he has also declared that Sureshbhai and Rameshbhai is one and the same person.

Further the Land in question is not affected by the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 since the same has been repealed with effect from

ADVOCATES

303, Third Floor, Shangrila Arcade, 100 feet Road,
Shyamal Cross Road, Satellite, Ahmedabad - 380015.

T : 079 26753023 ; 65133024 TF : 079 26753024
M : +91 9825281495 ; E : agbapat@gmail.com

01/04/1999 and hence no permission thereunder or in any other Act or rule is required to be obtained.

In view of what is stated hereinabove, I hereby opine that the title to the land in question is clear, marketable, free from any charge or encumbrance and free from reasonable doubts subject to :

1. Mutation Entry No. 6235 dated 5-4-2018 (Kachi Entry) duly maintained by the Talati Mouje Sargasan Taluka Gandhinagar is being duly certified and confirmed by concerned revenue authority in due course.
2. Clarification need to be sought from the competent relevant revenue authority as to how such mismatch in the measurement of the area of the land has occurred and in case the area stated as per Revenue Records of Village Form No. 7/12 being 6677 sq. mts. is correct then proportionate increased area of Final Plot No. 25 may be allotted because the area of Final Plot No. 25 being 4329 sq.mts. has been allotted based on land area admeasuring 6660 sq.mts. (Instead of 6677 sq.mts.) of Revenue Survey No. 166/1 and in case the area stated as per Form No. "F" being 6660 sq.mts. is correct then Revenue Record Village Form No. 7/12 where the area appears as 6677 sq.mts. may be modified.
3. Actual Boundary of the said Land bearing Revenue Survey No. 166/1 is being measured, verified and approved by District Land Records Office.
4. Right of way is being established.
5. Provisions of Bombay Tenancy and Agricultural Lands Act, 1948.
6. Provisions of the Town Planning and Urban Development Act.
7. All Other Laws, Acts and Rules in force from time to time.
8. Usual Declaration on title in respect of the said land in question is being made on oath by (A) (1) Shri Shankarbhai Motibhai (2) Shri Naranbhai Motibhai and (3) Shri Rameshbhai Motibhai and (B) (1) Shri Rajanikant Aatmaram (2) Shri Harshadbhai Aatmaram (3) Ratanben Wd/o. Aatmaram (4) Pushpaben D/o. Aatmaram and (5) Ritaben D/o. Aatmaram.



Note : Please note that Search of Registration Records of the year 1988 to 2018 at the Office of the Sub-Registrar, Gandhinagar is carried out and records of the year 1988 is destroyed/torn out or in dilapidated condition, hence it could not be inspected and searches thereof is not available, I have found that, some part of available Index-II records are torn and the entries are also not up-to-date maintained and also Computerised Records for the year 2007 to 2018 at Office of Sub-Registrar, Gandhinagar are not well prepared and maintained by State Government Agency.

THE SCHEDULE ABOVE REFERRED TO

All that piece and parcel of the said Old Tenure Agricultural Land situate, lying and being at Mouje : Sargasan, Taluka : Gandhinagar, District : Gandhinagar bearing Revenue Survey No. 166/1 total admeasuring 6677 sq.mts. in the Registration District and Sub-District, Gandhinagar at Gandhinagar :

Date : 19-4-2018

Place : Ahmedabad.

For, A. G. BAPAT & CO.

(ANAND G. BAPAT)
Advocate

