

Prakash Jayantilal Parikh

B.A., LL.B. (Advocate)
Gujarat High Court

Office : 115, 1st Floor, Mahavir Complex, Limda Pole,
Raopura, Vadodra-390 001.
Mobile : 94263 02436

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Date: 18/04/2017

To,
The Manager,
Housing Development Finance Corporation Ltd.,
HDFC House, Trident, Race Course,
Vadodra - 390 007,

Dear Sir,

Reg: Title Clearance Certificate in respect of the immovable property being Non-Agricultural Land bearing Revenue Survey No.986, 987, 993/1, admeasuring 3946, 9394 and 1821 sq.mts. respectively, total 15161 sq.mts. bearing Final Plot No.19 admeasuring 12311 sq.mts. in T.P.Scheme No.2 of mouje village Padra, Taluka Padra of District Vadodra and Registration Sub District Padra.

I have been asked to investigate the title deeds of the immovable property being Non-Agricultural Land bearing Revenue Survey No.986, 987, 993/1, admeasuring 3946, 9394 and 1821 sq.mts. respectively, total 15161 sq.mts. bearing Final Plot No.19 admeasuring 12311 sq.mts. in T.P.Scheme No.2 of mouje village Padra, Taluka Padra of District Vadodra and Registration Sub District Padra, on which, a scheme named as **Akshar Heights**, consisting flats and shops in different types of towers has been organized belonging to Smt.Falguniben Kamleshbhai Shah.

I have gone through and verified the papers and documents pertaining to the above said property, and my opinion thereon, is as under:

- 1) It appears from the revenue record that the land bearing Revenue Survey No.986, 987, 993/1 and other land of village Padra were owned by Vamanrao Yashwantrao. Shankarbhai Karsanbhai Kachhiya purchased the said lands from Vamanrao Yashwantrao by installments under Section 32 (g) of the Tenancy Act and as per the order of the Agricultural Land Tribunal and the Mamlatdar, dated 06/08/1962, the name of Shankarbhai Karsanbhai Kachhiya was entered in the column of Kabjedar of the revenue record vide Mutation Entry No.2161 dated 28/12/1963.
- 2) Upon payment of the purchase price of the above said lands to Vamanrao Yashwantrao and on the basis of the Certificate to that effect issued by the A.L.T. and Mamlatdar, Padra dated 05/07/1984, the name of Shankarbhai Karsanbhai Kachhiya was entered in the revenue record as owner of the said lands vide Mutation Entry No.5826 dated 27/07/1984 and the said entry was certified by the Mamlatdar, Padra on 15/08/1984.
- 3) Shankarbhai Karsanbhai Kachhiya died on 07/03/2002 and his wife Shardaben Shankarbhai Kachhiya died on 09/09/2001, and as per the Will executed by Shankarbhai Karsanbhai Kachhiya on 27/01/1999, the land bearing Revenue Survey No.986, 987, 993/1 of village Padra entered in the name of Ghanshyambhai Shankarbhai Kachhiya and land bearing Revenue Survey No.990 of village Padra entered in the name of Manharbhai Shankarbhai Kachhiya. Mutation Entry No.10509 dated 23/05/2002 to that effect was passed in the revenue record.
- 4) It further appears that on his demise of Shankarbhai Karsanbhai Kachhiya on 07/03/2002, the above said lands were transferred and mutated by way



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of succession in the names of Ghanshyambhai Shankarbhai Kachhiya, Manharbhai Shankarbhai Kachhiya, Parsanben Shankarbhai Kachhiya, Kantaben Shankarbhai Kachhiya, Savitaben Shankarbhai Kachhiya and Lalitaben Shankarbhai Kachhiya. Mutation Entry No.10510 dated 17/05/2002 to that effect was passed in the revenue record which was certified by the Mamlatdar, Padra on 29/06/2002.

- 5) By order of the Dy. Collector, Vadodara, dated 18/06/2005, the appeal preferred by Manharbhai Shankarbhai Kachhiya and others was allowed and the Mutation Entry No.10509 dated 23/05/2002 has been confirmed. The said order is brought on revenue record vide Mutation Entry No.11207, dated 25/07/2005.
- 6) From Mutation Entry No.11426 dated 08/11/2006, it transpires that the Appeal of the appellants – Manharbhai Shankarbhai Kachhiya and others was disallowed by the Dy. Collector, Vadodara and the order of the Mamlatdar, Padra dated 31/07/2003 was confirmed.
- 7) From Mutation Entry No.11546 dated 21/02/2007, it find that by order of the Deputy Collector, Vadodara dated 29/08/2003, the appeal of Manharbhai Shankarbhai Kachhiya and others was disallowed and the order of the Mamlatdar, Padra, dated 31/07/2003 was confirmed. The said entry is certified by the C.O. Padra Vibhag, Padra on 18/05/2007. As such, Ghanshyambhai Shankarbhai Kachhiya stood as owner of the above said lands.
- 8) Mutation Entry No.12158 and 12159 dated 31/07/2008 pertain to the rectification carried out in the revenue record of various lands of moje Padra (Kasba) as per the order of the Mamlatdar, Padra, dated 29/07/2008. The said entries are certified by the C.O. Padra Vibhag, Padra on 21/11/2008 and 29/11/2008.
- 9) The Collector, Vadodara, by his order No.Tenancy/A/SR/162=11/2015 dated 28/05/2012 has order to pay 40% of the market value of the land bearing Revenue Survey No.986, 987, 993/1, admeasuring 3946, 9394 and 1821 sq.mts. respectively, total 15161 sq.mts. bearing Final Plot No.19 admeasuring 12311 sq.mts. in T.P.Scheme No.2 of mouje village Padra, Taluka Padra towards the conversion of the said land from new tenure into old tenure for non-agricultural purposes. The said order is passed in the name of Ghanshyambhai Shankarbhai Kachhiya. Thereafter, The Collector, Vadodara, by his order dated 26/03/2015 has extended the time limit for payment of premium on the above said land from 20/03/2015 till 60 days.
- 10) The Vadodara Urban Development Authority has issued Zone Certificates on 05/05/2015 certifying that the land bearing Final Plot No.19 of mouje Padra, Taluka Padra, District Vadodara is falling within the Residential Zone R-1.
- 11) The Collector, Vadodara, by his order No.N.A./S.R./20/2015-2016 No.Land/D/Section-65/Vashi/4331 to 4337/15, dated 27/07/2015 has granted the permission to use the land bearing Revenue Survey No.986, 987, 993/1, admeasuring 3946, 9394 and 1821 sq.mts. respectively, total 15161 sq.mts. bearing Final Plot No.19 admeasuring 12311 sq.mts. in T.P.Scheme No.2 of mouje village Padra, Taluka Padra of District Vadodara, subject to the conditions stipulated therein. The said order is passed in the name of Ghanshyambhai Shankarbhai Kachhiya.



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- 12) Ghanshyambhai Shankarbhai Kachhiya has sold and conveyed the old tenure land bearing Revenue Survey No.986, 987, 993/1, admeasuring 3946, 9394 and 1821 sq.mts. respectively, total 15161 sq.mts. bearing Final Plot No.19 admeasuring 12311 sq.mts. in T.P.Scheme No.2 of mouje village Padra, Taluka Padra of District Vadodara and Registration Sub District Padra to Smt.Falguniben Kamleshbhai Shah by way of sale deed, registered in the office of the Sub Registrar, Padra at Sr.No.1757 on 30/07/2015. Thus, by virtue of the said sale deed, Smt.Falguniben Kamleshbhai Shah has become the owner and occupier of the said land and her name is entered in the revenue record vide Mutation Entry No.16335 dated 04/08/2015 which is certified by the Dy.Mamlatdar, Padra on 16/09/2015.
- 13) Akshar Heights, is a partnership firm, having partners namely, Dimple Jayesh Pathak, Kevinkumar Mansukhbhai Gadhiya, Jyotikaben Ramanbhai Panchal and Kamleshkumar Jayeshbhai Shah and a Deed of Partnership entered into between them has been executed and is notarized with notary public Rajnikant J. Patel at Sr.No.0216/2016 on 21/10/2016.
- 14) Smt.Falguniben Kamleshbhai Shah has executed a Development Agreement in favour of M/s.Akshar Heights, a partnership firm, its partners, 1) Dimple Jayesh Pathak, 2) Kevinkumar Mansukhbhai Gadhiya, 3) Jyotikaben Ramanbhai Panchal and 4) Kamleshkumar Jayeshbhai Shah for development and construction in the Non-Agricultural Land bearing Revenue Survey No.986, 987, 993/1, admeasuring 3946, 9394 and 1821 sq.mts. respectively, total 15161 sq.mts. bearing Final Plot No.19 admeasuring 12311 sq.mts. in T.P.Scheme No.2 of mouje village Padra, Taluka Padra of District Vadodara and Registration Sub District Padra. The said development agreement is notarized with notary public Rajnikant J. Patel at Sr.No.12168/2016 on 08/12/2016. The deficit stamp duty towards the said development agreement has been deposited on 03/06/2016, which can be seen from the certificate issued by the Dy.Collector, Stamp Duty Valuation Organization, Vadodara Vibhag-2, dated 30/01/2017.
- 15) The Vadodara Urban Development Authority vide its Development Permission No.UDA/Plan-2/Permission/177/2016 dated 09/03/2017 has approved the layout and building plan for construction of 629 flats and 42 shops in different types of towers, in total built up area of 19696.56 sq.mts. on the Non-Agricultural Land bearing Revenue Survey No.986, 987, 993/1, admeasuring 3946, 9394 and 1821 sq.mts. respectively, total 15161 sq.mts. bearing Final Plot No.19 admeasuring 12311 sq.mts. in T.P.Scheme No.2 of mouje village Padra, Taluka Padra of District Vadodara and Registration Sub District Padra, subject to the conditions stipulated therein. The said permission is issued in the name of Ghanshyambhai Shankarbhai Kachhiya.
- 16) Thus, in view of the above discussion and documents, I am of the opinion and I hereby certify that the title to the immovable property being Non-Agricultural Land bearing Revenue Survey No.986, 987, 993/1, admeasuring 3946, 9394 and 1821 sq.mts. respectively, total 15161 sq.mts. bearing Final Plot No.19 admeasuring 12311 sq.mts. in T.P.Scheme No.2 of mouje village Padra, Taluka Padra of District Vadodara and Registration Sub District Padra, on which, a scheme named as Akshar Heights, consisting flats and shops in different types of towers



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Akash Jayantilal Parikh

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has been organized, belonging to Smt.Falguniben Kamleshbhai Shah, is clear, marketable and free from encumbrances, subject to the Development Agreements executed in favour of M/s.Akshar Heights, a partnership firm, on 08/12/2016.

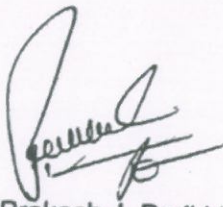
- 17) Upon execution of the sale deed by the land owner Smt.Falguniben Kamleshbhai Shah, and confirming party Akshar Heights, a partnership firm in favour of prospective/intending buyers/purchasers of the unit constructed in the scheme named Akshar Heights, he/she/they can deposit the original title deeds with your Bank for availing the loan by executing a Registered Equitable Mortgage Deed for security of the bank's interest.
- 18) As and when the flats or shops are constructed in the aforesaid scheme, such Agreements to Sell, Sale Deeds shall have to be executed by the land owner and confirming party in favour of prospective/intending purchaser/s of the flats or shops.
- 19) I would suggest to obtain the following title deeds of the above said property, towards the security of the loan/advance granted/to be granted to borrower.
 1. Original registered Sale Deed as and when executed in favour of the borrower along with original RR and Index-2.
 2. Original notarized/registered Banakhat executed in favour of Borrower.
 3. Original Construction Agreement
 4. Copy of registered sale deed, Sr.No.1757 dated 30/07/2015.
 5. Copy of N.A.Order dated 27/07/2015.
 6. Copy of Development Agreement dated 08/12/2016.
 7. Copy of Revised Development Permission dated 09/03/2017.
 8. Copy of Approved Layout and Building Plan.
 9. Copies of Revenue Record - 7/12, 8A and 6.

Schedule of the Property:

The immovable property being Non-Agricultural Land bearing Revenue Survey No.986, 987, 993/1, admeasuring 3946, 9394 and 1821 sq.mts. respectively, total 15161 sq.mts. bearing Final Plot No.19 admeasuring 12311 sq.mts. in T.P.Scheme No.2 of mouje village Padra, Taluka Padra of District Vadodara and Registration Sub District Padra, on which, a scheme named as Akshar Heights, consisting flats and shops in different types of towers has been organized. The said land is bounded as under:

East: Final Plot No.58,
West: 18.00 Mts. Road,
North: R.S.No.185, 1012, 1011,
South: Final Plot No.18, Ambalal Park Society.




(Prakash J. Parikh)
Advocate

અરજી પહોંચ

મેલકતનું વર્ણન બ્લોક નંબર - 986, 987, 993/1(એકત્ર મેલકત)

Search in : પાદરા(કસબા)/PADRA(KASBA)

પહોંચ નંબર: ૨૦૧૭૧૧૩૦૦૨૦૫૦

અરજી નંબર:

૧૧૧૪

અરજી વર્ષ:

૨૦૧૭

તા: ૧૫

માહે: એપ્રિલ

સંજો: ૨૦૧૭

રજ કરનારનું નામ એડવોકેટ પ્રકાશ.જી.પરીખ, શોધ - પાદરા

નીચે પ્રમાણે ફી પહોંચી

રૂ. પેસા

રજીસ્ટ્રેશન ફી.....

નકલ કરવા ની ફી સાઈડ / કોવીપો.....

શેરોની નકલ કરવા માટે ફી.....

ટપાલ ખર્ચ.....

નકલો અથવા પાટીઓ (કલમ ૬૪ થી ૬૭).....

શોધ અગર તપાસણી.....

Year: ૧૯૮૭ ૨૦૧૭

દંડ કલમ-૨૫.....

કલમ-૩૪ (કલમ-૫૭).....

નકલ ફી કોવીપો.....

ઈન્ડેક્સ-૨ ફી.....

અ સિવાયની બાબતોની ફી



કુલ એકદરે રૂ.

૨૬૫

અંકે રૂપિયાબસો પાસઠ પુરા. રૂ.

દસ્તાવેજ

ના દિવસે તૈયાર થશે અને

નકલ

દસ્તાવેજ રજીસ્ટર ટપાલથી નીચેના સરનામે મોકલશો.

તે રજીસ્ટર ટપાલથી મોકલવામાં

કચેરીમાં આપવામાં

આવશે.

(S R Tadvl)

સબ રજીસ્ટ્રાર

પાદરા

સુપ્રિટેન્ડેન્ટ ડેપુટી મેજિસ્ટ્રેટ અને ઇન્સપેક્ટર જનરલ ઓફ રજીસ્ટ્રેશન (મહેસાણા - ગુજરાત રાજ્ય)

નિકલ પરના બીજા અંગેનું પત્રક

અરજી નંબર : ૧૧૧૪

ગામ નું નામ : PADRA(KASBA)

અરજી નંબર - ૯૮૬, ૯૮૭, ૯૯૩/૧ (એકત્ર મિલકત)

કતનું વર્ણન બ્લોક નંબર - ૯૮૬, ૯૮૭, ૯૯૩/૧ (એકત્ર મિલકત)

દસ્તાવેજની આ શોધ એસ.આર. ઓ - પાદરા

મા - ૧૦ વર્ષના છેડે - ૨ ની ઉપલબ્ધ માહિતી અને રેકૉર્ડ ઉપર થી તૈયાર કરવામાં આવી છે. આ શોધનો ઉપયોગ નિકલ પરના બીજા અંગેનું પત્રક પુ

જો મર્યાદિત રહેશે આ શોધમાં તા સુધીના નોંધણી થયેલ દસ્તાવેજોનો સમાવેશ થયેલ છે

રેકૉર્ડ અથવા આ પ્રમાણપત્ર આપનાર સંબંધિત કચેરી આ પ્રમાણપત્રની વિગતોની ચોક્કસ અથવા ખરાપણા વિશે બાંધપાત્રી આપતા નથી અને એમાંની કોઇપણ માહિતી સંબંધમાં નુકસાની માટેના કોઇપણ ફકલવા ર રહેશે નહિ

દસ્તાવેજનો પ્રકાર અને અવેજ (લાડા પટના હિસ્સામાં આકાર પટે આપનાર અથવા પટે રાખનાર આપે છે તે જણાવવું)	સર્વે નંબર પેટા વિભાગ ક્ષેત્રફળ આકાર અથવા જુડી નંબર અને ધર નંબર (જો કંઈ પણ હોય તો) ને	દસ્તાવેજ કરી આપનાર પદાકારનું નામ અથવા દિવાની કોર્ટના ફકમનામાં અથવા આદેશના સંબંધમાં પ્રતિવાદીનું નામ	દસ્તાવેજ કરી દેનાર પદાકારનું નામ અથવા દિવાની કોર્ટના ફકમનામાં અથવા આદેશના સંબંધમાં વાદીનું નામ	સંદર્ભની તારીખ નંબર	દસ્તાવેજ તારીખ
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વિગતો ફરખત/વિચાર	ખાતા નંબર :- ૯૪૦ વાળી બિનબેતીની જુની શરતની જમીન બ્લોક નંબર :- ૯૮૬ હે.આરે.ચો.મી. :- ૦-૩૯-૪૬ આકાર :- ૪.૪૬ દી.પી.સ્કીમ નંબર :- ૨ ફાઇનલ પ્લોટ નંબર :- ૧૯	ધનશ્યામભાઈ શંકરભાઈ કાલીયા	ફાલ્ગુનીબેન કમલેશભાઈ શાહે	૩૦/૦૯/૨૦૧૫	૧૯૫૭
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૬૮૭૪૦૫૬૦

બ્લોક નંબર :- ૯૮૬ હે.આરે.ચો.મી. :- ૦-૩૯-૪૬ આકાર :- ૪.૪૬ દી.પી.સ્કીમ નંબર :- ૨ ફાઇનલ પ્લોટ નંબર :- ૧૯	બ્લોક નંબર :- ૯૮૭ હે.આરે.ચો.મી. :- ૦-૧૯-૨૧	૩૦/૦૯/૨૦૧૫	૧૯૫૭
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ખ : ૧૫/૦૪/૨૦૧૭

સહ-રજીસ્ટ્રાર એસ.આર. ઓ - પાદરા

