

H. DESAI AND COMPANY
ADVOCATES AND SOLICITORS

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Ref. No. 50/2016/HHD/43 of 2017

Date: 17/3/2017

TO,

MR. HITESHBHAI RASIKLAL VYAS
15, PROFESSOR COLONY,
NAVRANGPURA,
AHMEDABAD.



Re: IN THE MATTER OF VERIFICATION OF TITLE to the Non Agricultural Lands situate, lying and being at Shela (sim), Taluka Sanand, in the Registration District Ahmedabad and Sub District Sanand, bearing Block No. 335/2/C/2, admeasuring about 8358 sq.mts., AND Block No. 340/A, admeasuring about 4722 sq.mts., both included in Town Planning Scheme No. 1 (Shela) and given Final Plot No. 67/4/2, admeasuring about 5015 sq.mts., and Final Plot No. 72/1, admeasuring about 2833 sq.mts., respectively.

Dear Sir,

We refer to your instructions to verify the title to the lands above referred to, by taking necessary searches with the revenue and sub registry records (Index-II) for a period of last about more than thirty years. We have caused necessary searches to be taken accordingly. We have taken root of title commencing from about 1970, prior to more than thirty years from now. For detailed facts and particulars reference

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may be taken from the documents, papers, writings and records referred to herein below. Our Report on Title is as follows.

A. **Description:**

- (1) There exists land of (1) Block No. 335/2/C/2, admeasuring about 8058 sq.mts., which originally formed part of Block No. 335, admeasuring about 78914 sq.mts., AND (2) Block No. 340/A, admeasuring about 4722 sq.mts., which originally formed part of Block No. 340, admeasuring about 14164 sq.mts.,
- (2) The Entire Land of Block No. 335 has been allotted in lieu of old Survey Nos. 261/1, 261/2, 262, 263, 291 AND the entire land of Block No. 340 has been allotted in lieu of old Survey No. 289/4, under a Scheme of Consolidation of the Government, bearing No. L.R./7, dated 29th April, 1974, read with the order of DILR, bearing No. K.J.P. S.R./9/76/76, dated 27th December, 1976. (Reference: Mutation Entry No. 715, dated 11th April, 1977).
- (3)(a) The said land of Block No. 335/2/C/2, admeasuring about 8058 sq.mts., has been allotted Final Plot No. 67/4/2, admeasuring about 5015 sq.mts., upon its inclusion in Town Planning Scheme No. 1 (Shela).

AND

- (b) The land of Block No. 340/A, admeasuring about 4722 sq.mts., has been allotted Final Plot No. 72/1, admeasuring about 2833 sq.mts., upon its inclusion in Town Planning Scheme No. 1 (Shela).
(Hereinafter referred to as the "Said Lands").

B. **N.A. PERMISSION:-**

- (1) Permission for conversion into Non Agricultural Land use for residential purpose with respect to the Block No. 335/part, admeasuring about 60905 sq.mts., has been obtained, under order of Taluka Development Officer bearing No. Ta.Pan./B-AP1/48/82, dated 29th July, 1982. 



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(Reference: Mutation Entry No. 1044, dated 16th December, 1982).

- (2) Permission for conversion into Non Agricultural Land use for residential purpose with respect to the entire Block No. 340, admeasuring about 14164 sq.mts., has been obtained, under order of the District Development Officer, Ahmedabad, bearing No. MSL/BKHP/ S.R.100/Vashi 2842, to 2849, dated 19th September, 2008. (Reference: Mutation Entry No. 3384, dated 8th April, 2009).

C. **Ownership:-**

As on date in the revenue records the said two lands stand in the name of Mr. Hiteshbhai Rasiklal Vyas.

D. **Devolution:-**

- (a) **BLOCK NO. 335/2/C/2, ADMEASURING ABOUT 8358 SQ.MTS., (FINAL PLOT NO. 67/4/2, ADMEASURING ABOUT 5015 SQ.MTS.), (SAID LAND).**

- (1) Originally the Block No. 335/part, admeasuring about 60905 sq.mts., belonged to and was registered in the name of one Maganlal Joitaram Patel.
- (2) On account of his old age said Maganlal Joitaram Patel applied to enter the names of his heirs namely, Ratilal Maganlal, Dasharathbhai Maganlal, Jayantilal Maganlal and Jasubhai Maganlal in the revenue records of Block No. 335/part (Reference: Mutation Entry No. 871, dated 28th October, 1980).
- (3) Said Maganlal Joitaram Patel, Dashrathbhai Maganlal, Ratilal Maganlal, Jayantibhai Maganlal and Jashubhai Maganlal sold and conveyed the said Block No. 335/part to Savitaben Govindbhai Patel and Hasmukhbhai Govindbhai Patel, by a Sale Deed dated 6th July, 1981, registered with the office of the Sub Registrar of Assurances at Sanand, under Sr. No. 8312 (Reference: Mutation Entry No. 1018, dated 11th June, 1982).



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- (4) Said Savitaben Govindbhai Patel and Hasmukhbhai Govindbhai Patel sold and conveyed the said Block No. 335/part to (1) Dushyant Manishankar Pandya, (2) Deepak Parmanand Nimbark and (3) Mr. Hitesh Rasiklal Vyas, by a Sale Deed dated 21st June, 2007, registered with the office of the Sub Registrar of Assurances at Sanand, under Sr. No. 5138 (Reference: Mutation Entry No. 2833, dated 18th December, 2006).
- (5) Thereafter the entire Block No. 335, admeasuring about 78914 sq.mts., was bifurcated into two parts being Block No. 335/1, admeasuring about 18009 sq.mts., and Block No. 335/2, admeasuring about 60905 sq.mts., under the order of DILR, bearing No. D.S.O/D.R.K/Durasti Patrak/2011, dated 8th March, 2011. (Reference: Mutation Entry No. 3779, dated 9th March, 2011).
- (6)(a) Thereafter the said Block No. 335/2 has been further bifurcated into three parts being Block No. 335/2/A, admeasuring about 20302 sq.mts., belonging to Dushyant Manishankar Pandya, Block No. 335/2/B, admeasuring about 20302 sq.mts., belonging to Deepak Parmanand Nimbark and Block No. 335/2/C, admeasuring about 20301 sq.mts., belonging to Hitesh Rasiklal Vyas, under order of DILR Saheb, dated 30th December, 2010, bearing No. DSO/DRK/DU Patrak/11- Durasti Patrak No. 35+36. (Reference: Revenue Entry No. 3780, dated 9th March, 2011).
Note:
The said land formed part of Block No. 335/2/C.
- (b) An understanding with respect to the said bifurcation mentioned in clause (6)(a) hereinabove, effected among said (1) Dushyant Manishankar Pandya, (2) Deepak Parmanand Nimbark and (3) Hitesh Rasiklal Vyas has been reduced into writing in a Deed of Partition/Separation dated 2nd April, 2013 and the same has been registered with the office of the Sub Registrar of Assurances at Sanand, under Sr. No. 2147.
- (7) Said Hitesh Rasiklal Vyas sold and conveyed part of the said Block No. 355/2/C, admeasuring about 11943 sq.mts., to Vandana Dineshbhai Mehta, Pritipal Manubhai Shah and



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Mayur Bhavarlal Jain, by a Sale Deed dated 18th November, 2014, registered with the office of the Sub Registrar of Assurances at Sanand, under Sr. No. 7517 and the remaining land admeasuring about 8058 sq.mts., of Block No. 335/2/C/part, continued to be in the name of said Hitesh Rasiklal Vyas. (Reference: Revenue Entry No. 4692, dated 6th January, 2015).

- (8) Thereafter the said Block No. 335/2/C, admeasuring about 20301 sq.mts., was further bifurcated into two parts being Block No. 355/2/C/1 (as per 7/12) and 335/2C/part/1 (as per Hissa Form No. 4), admeasuring about 11943 belonging to Vandana Dineshbhai Mehta and others and Block No. 355/2/C/2 (as per 7/12) and 335/2C/part/2 (as per Hissa Form No. 4), admeasuring about 8058 sq.mts., (Said Land) belonging to Hiteshbhai Rasiklal Vyas under the letters of DILR, Ahmedabad, bearing Nos. D.S.O./D.R.K./S.R. No. 123/15-16, dated 29th November, 2016 and D.S.O./D.R.K./Vashi. 72/2016/ Ja. No. 4177 and order of Mamlatdar, Sanand, bearing No. E-Dhara/KJP/Kharai/Vashi 9032/10, dated 3rd December, 2016. (Reference: Revenue Entry No. 5101, dated 23rd December, 2016).
- (9) Accordingly, as on date the said land of Block No. 355/2/C/2, admeasuring about 8358 (Final Plot No. 67/4/2, admeasuring about 5015 sq.mts.) stands in the name of Mr. Hitesh Rasiklal Vyas (Yourself) in the revenue records.

(b) **BLOCK NO. 340/A, ADMEASURING ABOUT 4722 SQ.MTS., (FINAL PLOT NO. 72/1, ADMEASURING ABOUT 2833 SQ.MTS.) (SAID LAND)**

- (1) Originally the said entire Block No. 340, admeasuring about 14164 sq.mts., belonged to and was registered in the name of one Chhaganbhai Shankarbhai.
- (2) Said Chhaganbhai Shankarbhai died intestate on 3rd March, 1985, and the name of Bhikhabhai Chhaganbhai was entered in the revenue records of the entire Block No. 340. (Reference: Mutation Entry No. 1419, dated 17th July, 1987).



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- (3)(a) Said Bhikhabhai Chhaganbhai as Self and as the Karta and Manager of his HUF sold and conveyed the said entire Block No. 340 to (1) Dushyant Manishankar Pandya, (2) Deepak Parmanand Nimbark and (3) Hitesh Rasiklal Vyas, by a Sale Deed dated 23rd March, 2008, registered with the office of the Sub Registrar at Sanand, under Sr. No. 2200 (Reference: Mutation Entry No. 3173, dated 27th April, 2008).
- (b) The said Sale Deed has been confirmed by (1) Ganpatbhai Bhikhabhai Prajapati as Self and as the Karta and Manager of his HUF and as the father and natural guardian of minor son Devang and minor daughter Komalben, (2) Manjulaben wife of Ganpat Bhikhabhai Prajapati, (3) Alkabben Ganpatbhai Prajapati, (4) Manishaben Ganpatbhai Prajapati, (5) Bharatbhai Bhikhabhai Prajapati as Self and as the Karta and Manager of his HUF, (6) Minaben wife of Bharatbhai Bhikhabhai Prajapati, (7) Ramilaben daughter of Bhikhabhai Prajapati, (8) Savitaben daughter of Bhikhabhai Prajapati and (9) Gitaben daughter of Bhikhabhai Prajapati as Confirming Parties thereto.
- (4)(a) Thereafter the said Block No. 340 has been bifurcated into three parts being Block No. 340/A, admeasuring about 4722 sq.mts., belonging to Hitesh Rasiklal Vyas, Block No. 340/B, admeasuring about 4721 sq.mts., belonging to Deepak Parmanand Nimbark and Block No. 340/C, admeasuring about 4721 sq.mts., belonging to Dushyant Manishankar Pandya, under the order of DILR Saheb, dated 25th January, 2011, bearing No. D.R.K/DU/Patrak/10-11 DU Patrak-31. (Reference: Revenue Entry No. 3764, dated 4th March, 2011).
- (b) An understanding with respect to the said bifurcation mentioned in clause (4) hereinabove, effected among said (1) Mr. Hitesh Rasiklal Vyas, (2) Mr. Deepak Parmanand Nimbark and (3) Mr. Dushyant Manishankar Pandya, has subsequently been reduced into writing in a Deed of Partition/Separation dated 30th March, 2013, registered before Sub Registrar of Assurances at Sanand, under Sr. No. 2149.
- (6) Accordingly, as on date the said land of Block No. 340/A, admeasuring about 4722 sq.mts. (Final Plot No. 72/1, §



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admeasuring about 2833 sq.mts.) stands in the name of Mr. Hitesh Rasiklal Vyas (Yourself) in the revenue records.

E. LITIGATIONS.

As informed to us various litigation proceedings had been initiated in respect of the Block No. 335/part, admeasuring about 60905 sq.mts., of which the said Block No. 335/2/C/2, particulars thereof are as follows:

- (1) On 26th September, 1983, the Deputy Collector and Prant Officer, Dholka, cancelled the said Revenue Entry No. 1018, dated 11th August, 1982 and declared the sale under the Sale Deed dated 6th July, 1981, registered under Sr. No. 8312 (said Sale Deed) as void and imposed fine to the Said Maganlal Joitaram Patel and others being the Sellers therein (Said Sellers) of ₹ 250/- under his order bearing No. Con.S.R.73/82, dated 7th March, 1982. (Reference: Mutation Entry No. 1102, dated 29th November, 1983).
- (2) Before the commencement of the said proceedings the said Mrs. Savitaben Govindbhai Patel and others being the Purchasers therein (Said Purchasers) had applied for permission of conversion of the Said Land into Non Agricultural Land and pursuant thereto the said permission was granted under the Order bearing No. Ta.Pan/B-API/48/82 of Taluka Development Officer, dated 3rd August, 1982.
- (3) The said Order of Deputy Collector was challenged by the said Purchasers under an Appeal before the State Government (of Gujarat) and pursuant thereto the State Government under its Order bearing No. S.R.D.CO.No. 70-1984, dated 23rd April, 1984 directed for remand of the matter by setting aside the Order of the Deputy Collector.

Upon such order of remand by the State Government, the Deputy Collector reconsidered the matter and under his Order dated 30th September, 1986 set aside the sale under the said Sale Deed. (Reference: Mutation Entry No. 1315, dated 10th December, 1986).



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- (4) The said Purchasers again challenged the Order of the Deputy Collector before the State Government under the Revision Application and the State Government dismissed the said revision and ordered forfeiture of the Said Land into the State Government under its Order dated 20th April, 1990.
- (5) The State Government had taken Suo Motu revision against the order of Non Agricultural Use Permission referred to in clause (2) hereinabove and under its Order bearing No. SRD-BKHP-AMD-23-87, dated 30th January, 1990 set aside the said Non Agricultural Use Permission.
- (6)(a) The Sellers had initiated a Regular Civil Suit bearing No. 6 of 1986 before the Hon'ble Civil Court at Sanand against the Said Purchasers for declaring that the Purchasers have no right to forcefully take possession of the Said Land and obtaining stay order from the said court permanently restraining the Purchasers to deal with the Said Land. In the said suit, the said court in its order dated 30th April, 1986 vacated the interim stay given by the said court in its order dated 30th January, 1986.
- (b) The Sellers against the said order referred to in clause 8(a) hereinabove preferred an appeal before the Hon'ble court of 2nd Joint District Judge, Ahmedabad (Rural) at Narol which was dismissed by the said court under its order dated 11th September, 1987.
- (7) Thereafter, the said three Special Civil Applications were filed before the Hon'ble High Court of Gujarat (High Court).
- (a)(i) The Purchasers preferred SCA bearing No. 7011 of 1990 for challenging the Order of State Government dated 30th August, 1990.
- (ii) The Purchasers preferred SCA bearing No. 5183 of 1990 for challenging the Order of State Government dated 20th 



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April, 1990, so far it relates to the forfeiture of the Said Land to the State Government.

- (iii) The Purchasers preferred SCA bearing No. 5767 of 1990 for challenging the Order of State Government and Deputy Collector dated 20th April, 1990 and 30th September, 1986 for dismissal of the revision for declaration of the sale and for setting aside of the said Sale etc.
- (b) In the said three Special Civil Applications the High Court in its common judgment and Order dated 25th April, 2000 ordered for quashing of the orders passed by the State Government in both the Revision Case Nos. 3 of 1987 and 23 of 1987 and ordered revision of the said matters.

Consequent thereto, the State Government allowed revision thereof and ultimately under the Order of Secretary Revenue Department (Dispute) Gujarat Government, Ahmedabad, bearing No. MVV/BKHP/SuoMotu/AMD/1/2000 (High Court Remand) dated 7th December, 2000, approved the sale under the said Sale Deed and confirmed the said Revenue Entry No. 1018, dated 11th June, 1982 and the State Government also confirmed the order of Taluka Development Officer in respect of the Non Agricultural Use, Permission for the Said Land and also withdrew the notice for exercise of Sua Motu revisional power under Section 211 of the Gujarat (then Bombay) Land Revenue Code, dated 24th October, 1989. (Reference: Mutation Entry No. 2379, dated 6th February, 2001).

- (8)(a) Said Sellers had also initiated proceedings to challenge the Mutation Entry Nos. 2388 and 1018, however, the same had been dismissed by Deputy Collector, under his order bearing No. RTS/Appeal No. 93/07 dated 6th June, 2008. (Reference: Mutation Entry No. 3269, dated 18th August, 2008).

- (b) The Sellers preferred an appeal before District Collector against the order referred to in clause 9(a) above, and the



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District Collector dismissed the said appeal and upheld the said order under his order bearing No. LB/Re.A No. 146/2008, dated 15th December, 2009. (Reference: Mutation Entry No. 3491, dated 6th January, 2010).

(9)(a) Against the said Order of High Court the said Sellers preferred Special Civil Application No. 3134 of 2001 for quashing and setting aside the said Orders of State Government as referred to in clause 8(b) hereinabove and to declare that the said sale under the said Sale Deed as void and for confirmation of the order of the said Deputy Collector, dated 30th September, 1986 whereby the sale was declared void. The High Court in the said Application had ordered to maintain status quo. (Reference: Mutation Entry No. 2402, dated 13th September, 2001).

(b) In the said Application the High Court under its Order dated 23rd August, 2006, dismissed the said Application and vacated the status quo granted previously and also ordered the said Sellers to pay exemplary cost. (Reference: Mutation Entry No. 2825, dated 28th November, 2006).

(10)(a) Against the said Order before the Division Bench of the High Court in clause (10)(b) hereinabove the said Sellers preferred Letters Patent Appeal bearing No. 1875 of 2007 and the High Court under its Order dated 14th December, 2008 dismissed the said appeal on the ground that it does not have any merit and ordered the said Sellers to pay exemplary cost and upheld the said Order of High Court as referred to in clause (10)(b) hereinabove.

(b) As informed to us, the Appellants therein have not preferred any further appeal against the said order referred to in clause 10(a) hereinabove and they or any other person have not initiated any other legal proceedings in respect of the said lands.

Note:

Reference of the above has been taken from respective mutation entries of the particular event/s (where applicable) and from the 



judgment/s of Hon'ble High Court of Gujarat in its orders in SCA 3134 of 2001 and LPA 1875 of 2007.

F. **PUBLIC NOTICE**

As a part of investigation of title, public notice was given in the daily newspaper "NAV GUJARAT SAMAY", on 29th April, 2016, inviting claims, if any, in upon or to the said lands from any person whomsoever. We have not received any claims/objections in response thereto.

G. **GENERAL**

1.(a) The aforesaid Report is reference of revenue records and sub registry records relevant for the purposes to study devolution of title and to ascertain any charge or encumbrance, and does not contain entire revenue or sub registry records.

(b) As reported by our Search Clerk / Search Advocate, who has taken search of the revenue and sub registry records, it is found that some of the record is not maintained properly or damaged, and not available. Search may lack or miss some particulars. Therefore, it is required that usual Declaration-cum-Indemnity on Title to be made.

2. As informed to us, the said lands have not been given in security nor created any charge or encumbrance of any nature whatsoever thereon, nor the said lands are subject matter of any pending proceedings, nor any order, decree, attachment or any order of any court or authority is operating against the said lands adversely affecting the title.

3. This Certificate and Report on Title is based on the searches taken with the Revenue Records and available Records of the Sub Registrar (Index II) only.

IN VIEW OF WHAT HAS BEEN STATED HEREINABOVE, we are of the opinion that the title of **MR. HITESHBHAI RASIKLAL VYAS** (Yourself) to the lands above referred to is clear, marketable, free from all encumbrances and reasonable doubt, subject to Usual Declaration on Title 

