KUSUMA®
ADVOCATES

Kusuma R. Muniraju • Kusuma Kaushik

B. S. Shankarnarayan • S. Venkateshwara Rao • J. Ravi Sunder • T.K. Thyagaraj • M.S. Sanjeeva Kumar • B. N. Dileep Kumar • B.R. Basavaraj
N.L. Maheshwara Prasad • • Nupur Kabra Mundhra • • Amulya Sujit. B • K. S. Sushma • Geetha H. G. • .M.

Bangalore,
Dt: 08/06/2026.

M/s. PRESTIGE ESTATES PROJECTS LIMITED.,
Prestige Falcon Towers,
No.19, Brunton Road,
Bangalore – 560 025.

Sirs,

Sub : Title Opinion in respect of property measuring 01 Acre 38 Guntas and 2 Guntas of Kharab in Sy.No.96 situated at Bellahalli Village, Yelahanka Hobli, Bangalore North Taluk duly converted for non-agricultural Residential-Apartment purposes vide Conversion Order bearing No.36423 dated 02/09/2025 issued by The Deputy Commissioner, Bangalore District, Bangalore.

--*-*-*-*

I am furnished with photocopies of the documents and my opinion is as follows:-

Sl. No.	DATE	NATURE OF DOCUMENTS
1.	07/11/1978	Official Memorandum bearing No.LND.CR179/1978-79 issued by The Assistant Commissioner, Bangalore Sub-Division, Bangalore.
2.	30/05/1979	Grant Certificate/Saguvali Chit bearing No.537/1978-79 issued by The Tahsildar, Bangalore North Taluk in the name of Mr. Ameer Khan.
3.		Mutation Register Extract bearing M.R.No.30/1979-80 issued by the Village Account, Bangalore North.
4.	04/07/1994	Sale Deed executed by Mr. Ameer Khan in favour of Ms. Fahimay Taj, registered as Document No.1636/1994-95 in Book-I, Volume-495 at pages 239 to 242, in the office of the Sub-Registrar, Yelahanka.
5.		Mutation Register Extract bearing M.R.No.3/1995-96 issued by the Revenue Authorities.

No.101, "Eden Park", Opp. UB City, 20, Vittal Mallya Road, Bangalore - 560 001 (Off) 080-22217971, 080-42000249
First Floor, Office No. 26, A S V N V Bhavan, 39/2, Kempegowda Road, Bangalore - 560 009 (Off) 080-22266383
e-mail: kusumamuniraju@gmail.com
Website: www. kusumaadvocates.com

6.		Mutation Register Extract bearing M.R.No.6/1998-99 issued by the Revenue Authorities.
7.		Judgement/Order Sheet of O.S.No.10139/1998 in the Court of the XIII Addtl City Civil Judge at Mayohall Unit, Bangalore.
8.	06/07/2023	Official Memorandum bearing No.LND/NA/CR/211/ 2016-17 issued by the Tahsildar, Yelahanka.
9.		Mutation Register Extract bearing M.R.No.T11/2023-24.
10.	31/05/2025	Commencement Certificate bearing No.BDA/TPM/CLU-177/23-24/1162/2025-26 issued by Bangalore Development Authority.
11.	02/09/2025	Conversion Order bearing No.36423 issued by the Deputy Commissioner, Bangalore District, Bangalore.
12.	20/05/2026	Joint Development Agreement entered into between Mrs. Fahimay Taj and M/s. Prestige Estates Projects Limited., registered as Document No. KCH-1-00801/2026-27 in Book I and stored in Centralized Data Cell in Electronic Form in the Office of the Sub-Registrar, Gandhinagar (Kacharakanahalli), Bangalore.
13.	20/05/2026	General Power of Attorney executed by Mrs. Fahimay Taj in favour of M/s. Prestige Estates Projects Limited., registered as Document No. KCH-4-00074/2026-27 in Book IV and stored in Centralized Data Cell in Electronic Form in the Office of the Sub-Registrar, Gandhinagar (Kacharakanahalli), Bangalore.
14.		Index of Lands in respect of portion of Sy.No.55 issued by the Revenue Authorities.
15.		Record of Rights bearing R.R.No.294 issued by the Revenue Authorities.
16.		Pahanies for the period between 1994-95 and 2001-02 issued by the Revenue Authorities in respect of Survey No.55p measuring 02 Acres 00 Guntas.
17.		Pahanies for the period between 2002-03 and 2013-14 issued by the Revenue Authorities in respect of Sy.No.55/p30 measuring 02 Acres 00 Guntas.

18.		Pahanies for the period between 2023-24 issued by the Revenue Authorities in respect of Sy.No.96 measuring 02 Acres 00 Guntas.
19.		Tippani issued by the Revenue Authorities in respect of Sy.No.96.
20.		Pakka Book issued by the Revenue Authorities in respect of Sy.No.96.
21.		Phodi Sketch and Extract issued by Revenue Authorities in respect of Survey No.55.
22.		Sketch issued by revenue authorities in respect of the Schedule Property.
23.		Akharband issued by the Revenue Authorities in respect of Sy.No.96.
24.		Tax Paid Receipt for the years 1992-93, 1999-2000, and 2001-02 issued by the Revenue Authorities in respect of Survey No.55 and 55/p.
25.		Tax Paid Receipt for the years 2007-08 and 2009-10 issued by the Revenue Authorities in respect of Survey No. 55/p30.
26.		Encumbrance Certificate for the period between 01/06/1989 and 31/03/2004 issued by the Jurisdictional Sub-Registrar in respect of Survey No.55/p.
27.		Encumbrance Certificate for the period between 01/04/2004 and 10/09/2007 and from 01/04/2022 to 22/12/2023 issued by the Jurisdictional Sub-Registrar in respect of Survey No.55/p.
28.		Encumbrance Certificate from the website for the period between 01/01/2023 and 23/03/2026 available with the jurisdictional Sub-Registrar in respect of Sy.No.96.
29.	21/08/2023	Modified Official Memorandum bearing No.LND/NA/CR /211/ 2016-17 issued by The Tahsildar, Yelahanka Taluk, Yelahanka.
30.	01/09/1977	Order bearing No.RD 105 LGP 77 issued by the Government of Karnataka.
31.	17/10/1979	Circular issued by the Government of Karnataka.

DESCRIPTION OF THE PROPERTY:-

All that Property measuring 01 Acre 38 Guntas and 02 Guntas of Kharab land in Sy.No.96 (Old Sy.No.55/P-30, Originally Sy.No.55) of Bellahalli Village, Yelahanka Hobli, Bangalore North Taluk duly converted for non-agricultural Residential-Apartment purposes vide Conversion Order bearing No.36423 dated 02/09/2025 issued by The Deputy Commissioner, Bangalore District, Bangalore and bounded by:

East : Property in Sy.No.55;
West : Road;
North : Property in Sy.Nos.87 and 88; and
South : Property in Sy.No.97.

SOURCE OF TITLE:

The property detailed above will be referred to as **'Schedule Property'** for convenience.

On the applications filed by an un-authorised occupants of several portions of a Larger Property in Sy.No.55 of Bellahalli Village and based on the report of The Tahsildar, Bangalore North Taluk and directions issued by The Special Deputy Commissioner, Bangalore District, Bangalore vide his Memo dated 06/04/1978 bearing No.LND(S):SR.77/1977-78, The Assistant Commissioner, Bangalore Sub-Division, Bangalore vide his Official Memorandum bearing No.LND.CR.179/1978-79 dated 07/11/1978 appropriated/earmarked property measuring 122 Acres 20 Guntas out of 260 Acres 36 Guntas in Sy.No.55 of Bellahalli Village and de-classified the same from Gomal land and appropriated the same for being granted for the purpose of agriculture and to regularize the un-authorized cultivation of Sri. Syed Sardar and 49 others under Section 71 of Karnataka Land Revenue Act, 1964. The Tahsildar vide his Order passed in Case No.LND.SR.31/1977-78 regularised the aforesaid unauthorized cultivation of said Sri. Syed Sardar and others. In the said Official Memorandum and the Orders passed by the Tahsildar, amongst others, the un-authorised cultivation of Mr. Ameer Khan in respect of property measuring 02 Acres 00 Guntas was regularized and which was conferred with occupancy rights in respect of the said land in Sy.No.55 of Bellahalli Village and thus from the date of conferment of occupancy rights, the said

Mr. Ameer Khan started enjoying the said property as owner. However, I am not madeavailable with the copies of Memo issued by the Special Deputy Commissioner, Bangalore District, Bangalore dated 06/04/1978 bearing No.LND(S):SR.77/1977-78 and Orders passed by The Tahsildar in Case No.LND.SR.31/1977-78.

Pursuant to the regularization of unauthorized occupation, The Tahsildar, Bangalore North Taluk issued Saguvali Chit on 30/05/1979 in favour of the aforesaid Mr. Ameer Khan, which discloses regularization of unauthorized occupation of the property measuring 02 Acres 00 Guntas and thus from the date of regularization of unauthorized cultivation, the said Mr. Ameer Khan started enjoying the Schedule Property as absolute owner and his name came to be mutated in the revenue records vide Mutation Register Extract bearing M.R.No.30/1979-80.

Subsequently, Mr. Ameer Khan sold the Schedule Property in favour of Mrs. Fahimay Taj in terms of a Sale Deed dated 04/07/1994 registered as Document No.1636/1994-95 in Book-I, Volume-495 at pages 239 to 242, in the Office of the Sub-Registrar, Yelahanka, Bangalore and thus from the date of sale made in her favour said Mrs. Fahimay Taj started enjoying the Schedule Property and accordingly her name came to be mutated in the revenue records vide Mutation Register Extract bearing M.R.No.3/1995-96 and M.R.No.6/1998-99.

Later Mrs. Fahimay Taj filed a suit for permanent injunction against Mr. Ameer khan and others in O.S.No.10139/1998 on the file of the XIII Addl. City Civil Judge at Mayohall, Bangalore, which suit came to be decreed in favour of Mrs. Fahimay Taj and accordingly Mr. Fahimay Taj continued to enjoy the Schedule Property.

In the manner stated supra Mrs. Fahimay Taj became full and absolute owner of the Schedule Property i.e., 02 Acres 00 Guntas in Sy.No.55 of Bellahalli Village.

On an application filed by the said Mrs. Fahimay Taj, The Committee Constituted for re-constitution of Missing Records, headed by The Tahsildar, Yelahanka, Bangalore passed an Order/issued an Official Memorandum dated 06/07/2023 bearing No.LND/NA/CR/211/2016-17, confirming the grant in favour of Mr. Ameer Khan, directed the Assistant Director of Land Records to conduct the phodi and bifurcation of

land measuring 02 Acres 00 Guntas standing in the name of Mrs. Fahimay Taj. Mutation Register Extract bearing M.R No.T11/2023-24 confirms the details of Phodi and confirms land measuring 02 Acres 00 Gunta in Sy.No.96 standing in the name of Mrs. Fahimay Taj.

Pursuant to the said Orders, the land measuring 02 Acres 00 Guntas owned and possessed by Mrs. Fahimay Taj were subjected to survey and were assigned with Sy.No.96 and in the said phodi and bifurcation the land in Sy.No.96 measured 01 Acre 38 Guntas and 02 Guntas of Kharab land.

Later, Bangalore Development Authority issued Commencement Certificate dated 31/05/2025 bearing No. BDA/TPM/CLU-177/23-24/1162/2025-26 permitting the change of land use of the land measuring 01 Acre 38 Guntas in Sy.No.96 from Industrial purposes to Residential purposes.

Pursuant to the said order for change of land use, the said Mrs. Fahimay Taj secured conversion of the Schedule Property from non-agricultural Industrial purposes to Residential Apartment purposes in terms of Order of Conversion bearing No.36423 dated 02/09/2025 issued by The Deputy Commissioner, Bangalore District, Bangalore and thus the Schedule Property ceased to be a non-agricultural Industrial purposes and became fit for Residential Apartment purposes.

The said Mrs. Fahimay Taj Naqvi also known as Fahimay Taj (Owner) decided to entrust Schedule Property along with adjoining property to a Developer who will be willing to undertake development and accordingly had entered into the Joint Development Agreement dated 20/05/2026 with M/s.Prestige Estates Projects Limited., (Developer), registered as Document No. KCH-1-00801/2026-27 in Book I and stored in Centralized Data Cell in Electronic Form in the Office of the Sub-Registrar, Gandhinagar (Kacharakanahalli), Bangalore. Simultaneously, General Power of Attorney was executed by Mrs. Fahimay Taj appointing and constituting M/s. Prestige Estates Projects Limited., as their Attorney vide the General Power of Attorney dated 20/05/2026, registered as Document No. KCH-4-00074/2026-27 in Book IV and stored in Centralized Data Cell in Electronic Form in the Office of the Sub-Registrar, Gandhinagar (Kacharakanahalli), Bangalore.

Regarding Revenue Records: Index of Lands in respect of portion of Sy.No.55 of Bellahalli Village i.e., 02 Acres 00 Guntas issued by the Revenue Authorities discloses the name of Mr. Ameer Khan as owner and Khatedar during the relevant period of time. Records of Rights bearing R.R.No.294 issued by the Revenue Authorities also confirms the name of Mr. Ammer Khan as owner and khatedar in respect of the Schedule Property.

Pahanies for the period between 1994-95 and 2001-02 in respect of property measuring 02 Acres 00 Guntas in Sy.No.55p of Bellahalli Village issued by the Revenue Authorities discloses the names of Mr. Ameer Khan and Mrs. Fahimay Taj as owners and Khatedars during the relevant periods of time. Pahanies for the period between 2002-03 and 2013-14 in respect of property measuring 02 Acres 00 Guntas in Sy.No.55/P30 of Bellahalli Village issued by the Revenue Authorities discloses the name of Mrs. Fahimay Taj as owner and Khatedar during the relevant periods of time. Pahanies for the period between 2023-24 and 2025-26 in respect of propertymeasuring 02 Acres 00 Guntas in Sy.No.96 of Bellahalli Village issued by the Revenue Authorities discloses the name of Mrs. Fahimay Taj as owner and Khatedar during the said period of time. Tipanni in respect of Sy.No.96 issued by The Revenue Authorities discloses that the land measuring 01 Acre 38 Guntas and 02 Guntas of kharab in Sy.No.55 was bifurcated from Sy.No.55 and was assigned with Sy.No.96. Akarband in respect of Sy.No.96 issued by The Revenue Authorities reflects the extent of land in Sy.No.96 as 01 Acres 38 Guntas and 02 Guntas of Kharab Land. Phodi Sketch and Extract issued by Revenue Authorities in respect of Survey No.55 shows the details along with location of the Schedule Property in Bellahalli Village. Sketch issued by Revenue Authorities in respect of the Schedule Property shows the shape of the Schedule Property.Property taxes for the period 1992-93, 1999-2000, 2001-02 in respect of Sy.No. 55 and 55p and Property taxes for the period 2007-08 and 2009-10 in respect of Sy.No. 55/P30 have been paid as evidenced by the Tax Paid Receipts.

Encumbrance Certificate for the period between 01/06/1989 and 31/03/2004 issued by the jurisdictional Sub-Registrar in respect of Sy.No.55/p reflects the transactions referred to above. Encumbrance Certificate for the period between 01/04/2004 and 10/09/2007 and between 01/04/2022 and 22/12/2023 issued by the jurisdictional Sub-Registrar in respect of Sy.No.55/p reflects Nil encumbrance during the said period and further do not reveal any charge or encumbrance over the said property during the said

period. Encumbrance Certificate obtain from the website for the period between 01/01/2023 and 23/03/2026 available with the jurisdictional Sub-Registrar in respect of Sy.No.96 reflects Nil encumbrance during the said period and further do not reveal any charge or encumbrance over the said property during the said period. It is suggested to obtain Certificate of Encumbrance for the period between 11/09/2007 and 31/03/2022 in respect of the Schedule Property.

With regard to the terms of grant referred to above, it is observed in the Saguvali Chit, a condition is stipulated with regard to non-alienation of the granted lands in perpetuity and such a condition prima facie cannot be sustained in view of absence of such power exercised by The Tahsildar. Based upon the documents furnished to me in respect thereto, I am of the opinion that the condition is not applicable for the reasons stated below. The opinion below applies not only to the Schedule Property but also to the adjoining land. Hence, there is reference to both lands.

Two parcels of lands measuring 02 Acres 00 Guntas each in Sy.No.55 were in unauthorised possession and enjoyment of Mr. Ameer Khan and Mr. Rahim Khan respectively. The Government of Karnataka vide its various Circulars directed The Deputy Commissioners to initiate action for eviction of encroachments on government lands irrespective of the period from which the encroachment has taken place except in case of landless persons and to regularise and grant lands to such landless persons. Pursuant thereto, The Assistant Commissioner, Bangalore Sub-Division, Bangalore vide his Official Memorandum bearing No.LND.CR.179/1978-79 dated 07/11/1978, appropriated land measuring 122 Acres 20 Guntas out of 260 Acres 36 Guntas in Sy.No.55 of Bellahalli Village and de-classified the same from gomal land for being granted for the purpose of agriculture and to regularize the un-authorized cultivation of Sri. Syed Sardar and 49 others, who were the unauthorised occupants and landless persons. The Tahsildar vide his order passed in Case No.LND.SR.31/1977-78 regularised the aforesaid unauthorized cultivation of said Sri. Syed Sardar and others. In the said Official Memorandum and the Orders passed by the Tahsildar both dated 30/05/1979, amongst others, the un-authorised cultivation of Mr. Ameer Khan and

Mr. Rahim Khan in respect of property measuring 02 Acres 00 Guntas and 02 Acres 00 Guntas respectively were regularized and they were conferred with occupancy rights in respect of the said lands in Sy.No.55 of Bellahalli Village. It is pertinent to note that in the Saguvali Chit/Grant Certificate the Tahsildar imposed a condition that the same shall not be alienated in perpetuity.

The said Mr. Ameer Khan sold the land measuring 02 Acres 00 Guntas in Sy.No.55 in favour of one Mrs. Fahimay Taj in terms of a Sale Deed dated 04/07/1994 registered as Document No.1636/1994-95 in Book-I, Volume-495 at pages 239 to 242, in the Office of the Sub-Registrar, Yelahanka, Bangalore. Thus, Fahimay Taj started enjoying the said property and accordingly her name came to be mutated in the revenue records vide Mutation Register Extract bearing M.R.No.3/1995-96 and M.R.No.6/1998-99.

Similarly, Mr.Rahim Khan sold the land measuring 02 Acres 00 Guntas in favour of Mrs. Fahimay Taj in terms of a Sale Deed dated 04/07/1994 registered as Document No.1637/1994-95 in Book-I, Volume-497 at pages 138 to 142, in the Office of the Sub-Registrar, Yelahanka, Bangalore. Thus, Fahimay Taj started enjoying the said property and accordingly her name came to be mutated in the revenue records vide Mutation Register Extract bearing M.R.No.4/1995-96 and M.R.No.7/1998-99.

The Committee Constituted for re-constitution of Missing Records, headed by The Tahsildar, Yelahanka, Bengaluru passed on Order/issued an Official Memorandum dated 06/07/2023 bearing No.LND/NA/CR/211/2016-17, confirmed the grants in favour of Mr. Ameer Khan and Mr. Rahim Khan and also directed the Assistant Director of Land Records to conduct the phodi and bifurcation of land measuring 04 Acres 00 Guntas standing in the name of Mrs. Fahimay Taj. Subsequently, the said Order was modified vide Modified Official Memorandum dated 21/08/2023 to the effect that though the extent against the name of Mr. Rahim Khan is shown as 02 Acres 00 Guntas, as per the sketch and actual possession the land granted in favour of Mr. Rahim Khan was only an extent of 01 Acre 20 Guntas and accordingly directed to conduct the phodi of land measuring 02 Acres 00 Guntas and 01 Acre 20 Guntas respectively. Pursuant to the said Orders, the said Properties were assigned with Sy.Nos.96 and 97 respectively and in the said phodi and bifurcation the land in Sy.No.96 measured 01 Acre 38 Guntas and 02 Guntas of Kharab which is the Schedule Property and the adjoining land in Sy.No.97 admeasured 01 Acre 18 ½ Guntas and 1 ½ Guntas of Kharab land.

Later, Bangalore Development Authority issued Commencement Certificate dated 31/05/2025 bearing No.BDA/TPM/CLU-177/23-24/1162/2025-26 permitting the change of land use of the lands in Sy.Nos.96 and 97 from non-agricultural Industrial purposes to Residential-Apartment purposes.

The said lands in Sy.Nos.96 and 97 were converted from agricultural to non-agricultural Residential-Apartment purposes vide two Orders of Conversion bearing No.36423 and 36424 both dated 02/09/2025 issued by The Deputy Commissioner, Bengaluru District, Bengaluru.

Thus, undisputed facts being:

a) Unauthorised cultivation of Mr. Ameer Khan and Mr. Rahim Khan were regularised and the Assistant Commissioner, Bengaluru Sub-Division Bengaluru issued Official Memorandum dated 07/11/1978 bearing No.LND.CR.179/78-79.

b) Grant Certificates were issued on 30/05/1979 in Form – I.

c) The Grantees sold their respective Properties in terms of two Sale Deeds both dated 04/07/1994 i.e., after the expiry of 15 years from 30/05/1979.

The law with regard to regularisation of unauthorised cultivation and grant of lands to landless persons during 1978, as on the date of unauthorised cultivation of the subject properties were regularised is "The Land Grant Rules, 1969". In order to confirm that the said fact, a relevant portion of the Government Order dated 01/09/1977 bearing No.RD 105 LGP 77 is reproduced herewith:

"In exercise of the powers conferred under Rule 27 of the Karnataka Land Grant Rules, 1969, Government hereby direct the Deputy Commissioners of all the Districts to take immediate action to grant land to the landless unauthorised occupants in relaxation of the said rules, the maximum extent being not more that 2 hectares of dry land or its equivalent as mentioned below:-"

The Government of Karnataka issued Circular dated 17/10/1979 by way of amplification of all earlier orders on the subject and in relaxation of the Karnataka Land Grant Rules, 1969. One of the relevant order/directions issued thereunder is reproduced herewith:

"2. In the Government Order dated 01/09/1977 cited (2) above, Government directed The Deputy Commissions of the Districts to grant lands to the landless unauthorised occupants in relaxation of the Karnataka Land Grant Rules,

(i) ....

(ii) ...

(vii). Grants of lands under these orders shall be subject to the other provisions of the Karnataka Land Grant Rules, 1969 and standing instructions on the subject, not inconsistent with the above. These grants will also be subject to such other condition and/or restrictions specially placed in respect of any specified categories of lands, as for example,

(a) Catchment areas of major irrigation projects, vide Government Circular No.RD 66 LGP 74 dated 27/11/1978.

(b) Reserve forest areas, vide Government Circular No.RD 66 LGP 74 dated 12/01/1979.

(c) Tank beds, vide Government letter No.RD 392 LGY 79 dated 01/03/1979.

(d) Date Reserve lands, vide Government Letter No.FD 13 EDC 79 dated 28/08/1979.

(e) Gomal lands, vide Government Order No.RD 46 LGP 77 dated 08/08/1977.

(f) C & D Class lands, and the like."

Rule 9 of The Karnataka Land Grant Rules, 1969 deals with the conditions of the grant which states vide Rule 9 (1) that the grantee shall not alienate the land for a period of fifteen years from the date of taking possession:

Provided that he may, after a period of five years, with the previous permission of, and subject to the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 and such conditions as may be specified by the Deputy Commissioner, alienate the whole or any portion of such land. But however, the Deputy Commissioner shall not grant such permission unless he is satisfied that the alienation is for the purpose of acquiring other land or for improving the remaining land and the grantee credits to Government an amount equal to fifty per cent of the market value of such land as on the date of sanction of such alienation as determined by the Deputy Commissioner.

Thus, as per Rule 9 of The Karnataka Land Grant Rules, 1969, the grantee shall not alienate the property for a period of 15 (fifteen) years from the date of taking possession.

With reference to the condition imposed to the effect that the "Grantee shall not alienate the property in perpetuity" in the Grant Certificate by The Tahsildar, the following principles are laid down by Hon'ble High Court of Karnataka:-

1) The Hon'ble High Court of Karnataka in **"Laxmamma and others Vs State of Karnataka and others"** reported in "AIR 1983 KANT 237" observed as follows:

"67. Assuming that a granting authority had imposed a longer period than the one provided by law, it is difficult to hold that, that condition in its entirety would be a void condition and cannot be enforced for the period it should have been lawfully imposed. What is objectionable is imposition of a longer period and not the condition itself. After all the condition to the extent it violates the law is clearly severable. On the foregoing discussion, we hold that any condition imposed to the extent it is in derogation of law, would be void and the conditions to the extent they are permitted by law would be valid. We are of the view that Section 4 of the Act incorporates the same principle."

2) The Hon'ble High Court of Karnataka while passing the judgment in **"N. D. Rangappa Vs Deputy Commissioner, Davangere and others"** reported in "1999 (5) KLJ 719" referred to Judgment passed in "H A Jayaram Vs State of Karnataka" reported in "ILR 1989 KAR 2277" and made the following observation "Rules governing grants which existed on the date of grant providing restriction on alienation, they have to prevail over the mistaken entry made by the Tahsildar or by the Assistant Commissioner who in ignorance of the legal provisions either cuts down the restrictive clause or issues certificate indicating period less than what rules provide".

3) The relevant portion of the judgment passed in **"H A Jayaram Vs State of Karnataka"** reported in "ILR 1989 KAR 2277" are reproduced herewith:

"In the instant cases, the undisputed facts point towards only one direction and that is there is a violation of the rule of restriction by the original grantees as a result of which the unwary purchaser who is the petitioner in these cases, has to suffer by deprivation of the huge financial enterprise he has floated in bringing into existence, thriving and enviable coffee plantations on lands which were barren at one time, regarded as dry and lands. All these could have been avoided probably If the Tahsildar who issued the saguvali chits had taken care to incorporate or retain the condition regarding prohibition on alienation for a specified period in accordance with the prevailing Rules instead of scoring off the column which would have perhaps cautioned both the grantees and the petitioner against sale transactions before the expiry of the restrictive period. The question is who is accountable in a situation like this is the grantee accountable' or is the Tahsildar who issued the Grant Certificates accountable, - the Tahsildar in his individual capacity or the Tahsildar as a representative of the State in the discharge of official duties? The principle of accountability is one of the main characteristics of good public administration and bureaucratic resistance is a symptom of diseased administration. Public good will suffer by maladministration. It is high time for the bureaucrats to realise their responsibilities towards the citizens in whom sovereignty is supposed to reside whether the citizen is a small farmer having meagre resources or belonging to aristocracy. Unfortunately, in these cases, the petitioner will have to go without a remedy. The reason is that law has to prevail over equity. A real principle is not a magical incantation. It is imbued with a purpose. The purpose is to reach the intended bene-ficiary who is entitled to legal redress. Legal principle wades through the facts before It ultimately homes into the intended destination, - mechanics and dynamics apart; remotely controlled, by considerations of legality and justifiability; equity and good conscience."

4) The Hon'ble High Court of Karnataka in its Judgment reported in **"NAGARAPPA S. AND ANR. v. STATE OF KARNATAKA AND ORS."** Reported in "1988 KLJ 372" has held as follows:

"A cryptic entry made in the certificate contrary to the condition of law will not have the effect of over ruling the provisions of law existing then. In that view Rule 43(8) shall always prevail over any such entry made in the certificate of grant. The Deputy Commissioner ought to have seen what is the law governing the

grant of land, then. He should not have been guided by mistaken entry made in the saguvali chit. The Deputy Commissioner has not applied his mind to the then existing rules governing the grant of land. When the Assistant Commissioner specifically pointed out in the order that there had been a total ban in law in regard to transfer of granted land, I do not know how the Deputy Commissioner reached this conclusion, contrary to the express provisions without assigning any reason to do so. Therefore, the conclusion of the Deputy Commissioner in reversing the order of the Assistant Commissioner deserves to be set aside."

5) The Hon'ble High Court of Karnataka in the case of **"N. D. Rangappa Vs Deputy Commissioner, Davangere and others"** reported in "1999 (5) KLJ 719" observed as follows:

"that the Grant Certificate which is issued is prepared by the office; sometimes issuance of the same is delayed for years together. Therefore, an errant act of the Babu's or Clerk's or ignorant Tahsildar's cannot have the effect of changing the law because such person issued the certificate without knowledge of the law. When a grant is made, and conditions are imposed in such a grant, such conditions must be in accordance with the provisions of the law governing such grants."

Based upon the observations made by the Hon'ble High Court of Karnataka in the aforesaid reported judgments, it can be concluded that the Revenue Authorities i.e., The Tahsildar or the Assistant Commissioner cannot impose a condition contrary to the provisions of law which provide such a restrictions.

In the foregoing paragraphs it is settled that the law governing for granting/regularising the unauthorised cultivations prescribe period of non-alienation only for a period of 15 years from the date of taking possession. It is also observed that the Authorities cannot impose any condition contrary to the governing enactment. Thus, in my Opinion, in the present case, the condition imposed in the Grant Certificate is not supported by provisions of law.

Thus on the basis of the documents referred to above, representations made and subject to my aforesaid observations, I am of the opinion that **Mrs. Fahimay Taj** is the owner of the Schedule Property and her title to the same is clear and marketable and free from encumbrances during the periods referred to in the Encumbrance Certificates, subject to rights of M/s.Prestige Estates Projects Limited., under Joint Development Agreement and General Power of Attorney both dated 20/05/2026. While conducting the scrutiny, I have assumed that the documents provided to me for scrutiny at the time of issue of my above referred opinion, are the only documents relating to the Schedule Property and assumed the genuineness of all signatures, authenticity of all documents submitted and the conformity of photo-copies or extracts with that of the original documents. I have also assumed that copies of the documents made available to me were/are properly authorized and executed. In the event of facts in this opinion are different from my conclusions or assumptions from any documents not furnished and which may contradict my opinion, it may or may not have an impact on my opinion. Further during discussion, I have also relied upon various oral representations made to me by your representatives in respect of the Schedule Property. Other than as specifically mentioned, I have not inspected the Schedule Property or verified physically, possession or boundaries and not independently validated the information provided to me with any external sources and not independently validated with the records of the Jurisdictional Sub-Registrar, Revenue Authorities. I have not conducted any independent searches at the Courts or Forums or Government Offices in relation to the Schedule Property in respect of any litigations. This opinion is provided to you on the basis of the documents referred to above and representations and observations made etc., as aforesaid and no responsibility will be accepted by me to you or to any third party with regard to this opinion and further this opinion shall not be used as evidence in any courts or other forums or Government/authorities.

Copies of all documents referred to above are returned herewith.

Yours faithfully,

(KUSUMA R. MUNIRAJU),
ADVOCATE.

KUSUMA®
ADVOCATES

Kusuma R. Muniraju • Kusuma Kaushik

B. S. Shankarnarayan • S. Venkateshwara Rao • J. Ravi Sunder • T.K. Thyagaraj • M.S. Sanjeeva Kumar • B. N. Dileep Kumar • B.R. Basavaraj
N.L. Maheshwara Prasad • • Nupur Kabra Mundhra • • Amulya Sujit. B • K. S. Sushma • Geetha H. G. •

Bangalore,
Dt: 08/06/2026.

M/s. PRESTIGE ESTATES PROJECTS LIMITED,
Prestige Falcon Towers,
No.19, Brunton Road,
Bangalore – 560 025.

Sirs,

Sub : Title Opinion in respect of property measuring 01 Acre 18 ½ Guntas and 1½ Guntas of Kharab in Sy.No.97 situated at Bellahalli Village, Yelahanka Hobli, Bangalore North Taluk duly converted for non-agricultural Residential-Apartment purposes vide Conversion Order bearing No.36424 dated 02/09/2025 issued by The Deputy Commissioner, Bangalore District, Bangalore.

--*-*-*-*

I am furnished with photocopies of the documents and my opinion is as follows:-

Sl. No.	DATE	NATURE OF DOCUMENTS
1.	07/11/1978	Official Memorandum bearing No.LND.CR179/1978-79 issued by The Assistant Commissioner, Bangalore Sub-Division, Bangalore.
2.	30/05/1979	Grant Certificate/Saguvali Chit bearing No.538/1978-79 issued by The Tahsildar, Bangalore North Taluk in the name of Mr. Rahim Khan.
3.	04/07/1994	Sale Deed executed by Mr. Rahim Khan in favour of Ms. Fahimay Taj, registered as Document No.1637/1994-95 in Book-I, Volume-497 at Pages 138 to 142, in the Office of the Sub-Registrar, Yelahanka.
4.		Mutation Register Extract bearing M.R.No.4/1995-96 issued by the Revenue Authorities.
5.		Mutation Register Extract bearing M.R.No.7/1998-99 issued by the Revenue Authorities.

No.101, "Eden Park", Opp. UB City, 20, Vittal Mallya Road, Bangalore - 560 001 (Off) 080-22217971, 080-42000249
First Floor, Office No. 26, A S V N V Bhavan, 39/2, Kempegowda Road, Bangalore - 560 009 (Off) 080-22266383
e-mail: kusumamuniraju@gmail.com
Website: www. kusumaadvocates.com

6.	06/07/2023	Official Memorandum bearing No.LND/NA/CR/211/2016-17 issued by The Tahsildar, Yelahanka.
7.		Mutation Register Extract bearing M.R.No.T11/2023-24.
8.	31/05/2025	Commencement Certificate bearing No.BDA/TPM/CLU-177/23-24/1162/2025-26 issued by Bangalore Development Authority.
9.	02/09/2025	Conversion Order bearing No.36424 issued by the Deputy Commissioner, Bangalore District, Bangalore.
10.	20/05/2026	Joint Development Agreement entered into between Mrs. Fahimay Taj and M/s. Prestige Estates Projects Limited., registered as Document No. KCH-1-00801/2026-27 in Book I and stored in Centralized Data Cell in Electronic Form in the Office of the Sub-Registrar, Gandhinagar (Kacharakanahalli), Bangalore.
11.	20/05/2026	General Power of Attorney executed by Mrs. Fahimay Taj in favour of M/s. Prestige Estates Projects Limited., registered as Document No. KCH-4-00074/2026-27 in Book IV and stored in Centralized Data Cell in Electronic Form in the Office of the Sub-Registrar, Gandhinagar (Kacharakanahalli), Bangalore.
12.		Index of Lands in respect of portion of Sy.No.55 issued by the Revenue Authorities.
13.		Record of Rights bearing R.R.No.295 issued by the Revenue Authorities.
14.		Pahanies for the period between 1989-90 and 2001-02 issued by the Revenue Authorities in respect of Survey No.55 measuring 02 Acres 00 Guntas.
15.		Pahanies for the period between 2002-03 and 2013-14 issued by the Revenue Authorities in respect of Survey No.55/p31 measuring 02 Acres 00 Guntas.
16.		Pahanies for the period between 2023-24 and 2025-26 issued by the Revenue Authorities in respect of Sy. No.97 measuring 01 Acre 20 Guntas.

17.		Tippani issued by the Revenue Authorities in respect of Sy. No.97.
18.		Pakka Book issued by the Revenue Authorities in respect of Sy. No.97.
19.		Phodi Sketch and Extract issued in respect of Sy.No.55.
20.		Sketch issued by revenue authorities in respect of Sy.No.97.
21.		Akharband issued by the Revenue Authorities in respect of Sy.No.97.
22.		Tax Paid Receipt for the years 1992-93, 1999-2000, and 2001-02 issued by the Revenue Authorities in respect of Survey No.55 and 55/p.
23.		Tax Paid Receipt for the years 2007-08 and 2009-10 issued by the Revenue Authorities in respect of Survey No. 55/p31.
24.		Encumbrance Certificate for the period between 01/06/1989 and 31/03/2004 issued by the Jurisdictional Sub-Registrar in respect of Survey No.55/p.
25.		Encumbrance Certificate for the period between 01/04/2004 and 10/09/2007 and from 01/04/2022 to 22/12/2023 issued by the Jurisdictional Sub-Registrar in respect of Survey No.55/p.
26.		Encumbrance Certificate from the website for the period between 01/01/2023 and 23/03/2026 available with the jurisdictional Sub-Registrar in respect of Sy.No.97.
27.	21/08/2023	Modified Official Memorandum bearing No.LND/NA/CR/211/2016-17 issued by The Tahsildar, Yelahanka Taluk, Yelahanka.
28.	01/09/1977	Order bearing No.RD 105 LGP 77 issued by the Government of Karnataka.
29.	17/10/1979	Circular issued by the Government of Karnataka.

DESCRIPTION OF THE PROPERTY:-

All that Property measuring 01 Acre 18 ½ Guntas and 1½ Guntas of Kharab in Sy.No.97 (Old Sy.No.55/P-31, Originally Sy.No.55) of Bellahalli Village, Yelahanka Hobli, Bangalore North Taluk duly converted for non-agricultural Residential-Apartment purposes vide Conversion Order bearing No.36424 dated 02/09/2025 passed by The Deputy Commissioner, Bangalore District, Bangalore and bounded by:

East : Property in Sy.No.55.
West : Road;
North : Property in Sy.No.96; and
South : Property in Sy.Nos.82 and 55.

SOURCE OF TITLE:

The property detailed above will be referred to as **'Schedule Property'** for convenience.

On the applications filed by an un-authorised occupants of several portions of a Larger Property in Sy.No.55 of Bellahalli Village and based on the report of the Tahsildar, Bangalore North Taluk and directions issued by The Special Deputy Commissioner, Bangalore District, Bangalore vide his Memo dated 06/04/1978 bearing No.LND(S):SR.77/1977-78, The Assistant Commissioner, Bangalore Sub-Division, Bangalore vide his Official Memorandum bearing No.LND.CR.179/1978-79 dated 07/11/1978 appropriated/earmarked property measuring 122 Acres 20 Guntas out of 260 Acres 36 Guntas in Sy.No.55 of Bellahalli Village and de-classified the same from Gomal land and appropriated the same for being granted for the purpose of agriculture and to regularize the un-authorized cultivation of Sri. Syed Sardar and 49 others under Section 71 of Karnataka Land Revenue Act, 1964. The Tahsildar vide his Order passed in Case No.LND.SR.31/1977-78 regularised the aforesaid unauthorized cultivation of said Sri. Syed Sardar and others. In the said Official

Memorandum and the Orders passed by the Tahsildar, amongst others, the un-authorised cultivation of Mr. Rahim Khan in respect of property measuring 02 Acre 00 Guntas was regularized and which was conferred with occupancy rights in respect of the said lands in Sy.No.55 of Bellahalli Village and thus from the date of conferment of occupancy rights, the said Mr. Rahim Khan started enjoying the said property as owner. However, I am not made available with the copies of Memo issued by the Special Deputy Commissioner, Bangalore District, Bangalore dated 06/04/1978 bearing No.LND(S):SR.77/1977-78 and Orders passed by The Tahsildar in Case No.LND.SR.31/1977-78.

Pursuant to the regularization of unauthorized occupation of Mr. Rahim Khan, The Tahsildar, Bangalore North Taluk issued Saguvali Chit on 30/05/1979 in favour of the aforesaid Mr. Rahim Khan, which discloses regularization of unauthorized occupation of the property measuring 02 Acre 00 Guntas and thus from the date of regularization of unauthorized cultivation, the said Mr. Rahim Khan started enjoying the Schedule Property as absolute owner.

Subsequently, Mr. Rahim Khan sold the Schedule Property in favour of Mrs. Fahimay Taj in terms of a Sale Deed dated 04/07/1994 registered as Document No.1637/1994-95 in Book-I, Volume-497 at pages 138 to 142, in the Office of the Sub-Registrar, Yelahanka, Bangalore and thus from the date of sale made in her favour said Mrs. Fahimay Taj started enjoying the Schedule Property and accordingly her name came to be mutated in the revenue records vide Mutation Register Extract bearing M.R.No.4/1995-96 and M.R.No.7/1998-99.

In the manner stated supra Mrs. Fahimay Taj became full and absolute owner of the Schedule Property i.e., 02 Acres 00 Guntas in Sy.No.55 of Bellahalli Village.

On an application filed by the said Mrs. Fahimay Taj, The Committee Constituted for re-constitution of Missing Records, headed by The Tahsildar, Yelahanka, Bangalore passed on Order/issued an Official Memorandum dated 06/07/2023 bearing No.LND/NA/CR/211/2016-17, confirming the grant in

favour of Mr. Rahim Khan, directed the Assistant Director of Land Records to conduct the phodi and bifurcation of land measuring 02 Acres 00 Guntas standing in the name of Mrs. Fahimay Taj. Subsequently, the said Order was modified vide Modified Official Memorandum dated 21/08/2023 bearing No.LND/NA/CR/211/2016-17 to the effect that though the extent against the name of Mr. Rahim Khan is shown as 02 Acres 00 Guntas, as per the sketch and actual possession the land granted in favour of Mr. Rahim Khan was only an extent of 01 Acre 20 Guntas and accordingly directed to conduct the phodi of land measuring 01 Acre 20 Guntas. Mutation Register Extract bearing M.R No.T11/2023-24 confirms the details of Phodi and confirms land measuring 01 Acre 20 Guntas in Sy.No.97 standing in the name of Mrs. Fahimay Taj.

Pursuant to the said Orders, the land measuring 01 Acre 20 Guntas owned and possessed by Mrs. Fahimay Taj was subjected to survey and was assigned with Sy.No.97 and in the said phodi and bifurcation the land in Sy.No. 97 measured 01 Acre 18 ½ Guntas and 1 ½ Guntas of Kharab land.

Later, Bangalore Development Authority issued Commencement Certificate dated 31/05/2025 bearing No.BDA/TPM/CLU-177/23-24/1162/2025-26 permitting the change of land use of the land measuring 01 Acre 18 ½ Guntas in Sy.No.97 from non-agricultural Industrial purposes to Residential-Apartment purposes.

Pursuant to the said order for change of land use, the said Mrs. Fahimay Taj secured conversion of the Schedule Property from non-agricultural Industrial purposes to Residential-Apartment purposes in terms of Order of Conversion bearing 36424 dated 02/09/2025 issued by The Deputy Commissioner, Bangalore District, Bangalore and thus the Schedule Property ceased to be a non-agricultural Industrial land and became fit for non-agricultural Residential-Apartment Purposes.

The said Mrs. Fahimay Taj Naqvi also known as Fahimay Taj (Owner) decided to entrust Schedule Property along with adjoining property to a Developer who will be willing to undertake development and accordingly had entered into the Joint Development Agreement dated 20/05/2026 with M/s.Prestige Estates Projects Limited., (Developer), registered as Document No. KCH-1-00801/2026-27 in Book I and stored in Centralized Data Cell in Electronic Form in the Office of the Sub-Registrar, Gandhinagar (Kacharakanahalli), Bangalore. Simultaneously, General Power of Attorney was executed by Mrs. Fahimay Taj appointing and constituting M/s. Prestige Estates Projects Limited., as their Attorney vide the General Power of Attorney dated 20/05/2026, registered as Document No. KCH-4-00074/2026-27 in Book IV and stored in Centralized Data Cell in Electronic Form in the Office of the Sub-Registrar, Gandhinagar (Kacharakanahalli), Bangalore.

Regarding Revenue Records: Index of Lands in respect of another portion of Sy.No.55 of Bellahalli Village i.e., 02 Acres 00 Guntas issued by the Revenue Authorities discloses the name of Mr. Rahim Khan as owner and Khatedar during the relevant period of time. Records of Rights bearing R.R.No.295 issued by the Revenue Authorities also confirms the name of Mr. Rahim Khan as owner and khatedar in respect of the Schedule Property.

Pahanies for the period between 1994-95 and 2001-02 in respect of property measuring 02 Acres 00 Guntas in Sy.No.55 of Bellahalli Village issued by the Revenue Authorities discloses the names of Mr. Rahim Khan and Mrs. Fahimay Taj as owners and Khatedars during the relevant periods of time. Pahanies for the period between 2002-03 and 2013-14 in respect of property measuring 02 Acres 00 Guntas in Sy.No.55/P31 of Bellahalli Village issued by the Revenue Authorities discloses the name of Mrs. Fahimay Taj as owner and Khatedar during the relevant periods of time. Pahanies for the period between 2023-24 and 2025-26 in respect of property measuring 01 Acres 20 Guntas in Sy.No.97 of Bellahalli Village issued by the Revenue Authorities discloses the name of

Mrs. Fahimay Taj as owner and Khatedar during the said period of time. Tippani in respect of Sy.No.97 issued by The Revenue Authorities also discloses that the land measuring 01 Acre 18 ½ Guntas and 1 ½ Guntas of Kharab was assigned with Sy.No.97. Akarband in respect of Sy.No. 97 issued by The Revenue Authorities reflects the extent of land in Sy.No. 97 as 01 Acre 18 ½ Guntas and 1 ½ Guntas of Kharab. Phodi Sketch and Extract issued by Revenue Authorities in respect of Sy.No.55 shows the details along with location of the Schedule Property in Bellahalli Village. Sketch issued by Revenue Authorities in respect of the Schedule Property shows the shape of the Schedule Property.Property taxes for the period 1992-93, 1999-2000, 2001-02 in respect of Sy.No. 55 and 55p and Property taxes for the period 2007-08 and 2009-10 in respect of Sy.No. 55/P31 have been paid as evidenced by the Tax Paid Receipts.

Encumbrance Certificate for the period between 01/06/1989 and 31/03/2004 issued by the jurisdictional Sub-Registrar in respect of Sy.No.55/p reflects the transactions referred to above. Encumbrance Certificate for the period between 01/04/2004 and 10/09/2007 and between 01/04/2022 and 22/12/2023 issued by the jurisdictional Sub-Registrar in respect of Sy.No.55/p reflects Nil encumbrance during the said period and further do not reveal any charge or encumbrance over the said property during the said period. Encumbrance Certificate from the website for the period between 01/01/2023 and 23/03/2026 available with the jurisdictional Sub-Registrar in respect of Sy.No.97 reflects Nil encumbrance during the said period and further do not reveal any charge or encumbrance over the said property during the said period. It is suggested to obtain Certificate of Encumbrance for the period between 11/09/2007 and 31/03/2022 in respect of the Schedule Property.

With regard to the terms of grant referred to above, it is observed in the Saguvali Chit, a condition is stipulated with regard to non-alienation of the granted lands in perpetuity and such a condition prima facie cannot be sustained in view of absence of such power exercised by The Tahsildar. Based upon the documents

furnished to me in respect thereto, I am of the opinion that the condition is not applicable for the reasons stated below. The opinion below applies not only to the Schedule Property but also to the adjoining land. Hence, there is reference to both lands.

Two parcels of lands measuring 02 Acres 00 Guntas each in Sy.No.55 were in unauthorised possession and enjoyment of Mr. Ameer Khan and Mr. Rahim Khan respectively. The Government of Karnataka vide its various Circulars directed The Deputy Commissioners to initiate action for eviction of encroachments on government lands irrespective of the period from which the encroachment has taken place except in case of landless persons and to regularise and grant lands to such landless persons. Pursuant thereto, The Assistant Commissioner, Bangalore Sub-Division, Bangalore vide his Official Memorandum bearing No.LND.CR.179/1978-79 dated 07/11/1978, appropriated land measuring 122 Acres 20 Guntas out of 260 Acres 36 Guntas in Sy.No.55 of Bellahalli Village and de-classified the same from gomal land for being granted for the purpose of agriculture and to regularize the un-authorized cultivation of Sri. Syed Sardar and 49 others, who were the unauthorised occupants and landless persons. The Tahsildar vide his order passed in Case No.LND.SR.31/1977-78 regularised the aforesaid unauthorized cultivation of said Sri. Syed Sardar and others. In the said Official Memorandum and the Orders passed by the Tahsildar both dated 30/05/1979, amongst others, the un-authorised cultivation of Mr. Ameer Khan and Mr. Rahim Khan in respect of property measuring 02 Acres 00 Guntas and 02 Acres 00 Guntas respectively were regularized and they were conferred with occupancy rights in respect of the said lands in Sy.No.55 of Bellahalli Village. It is pertinent to note that in the Saguvali Chit/Grant Certificate the Tahsildar imposed a condition that the same shall not be alienated in perpetuity.

The said Mr. Ameer Khan sold the land measuring 02 Acres 00 Guntas in Sy.No.55 in favour of one Mrs. Fahimay Taj in terms of a Sale Deed dated 04/07/1994 registered as Document No.1636/1994-95 in Book-I, Volume-495 at pages 239 to 242, in the Office of the Sub-Registrar, Yelahanka, Bangalore. Thus, Fahimay Taj started enjoying the said property and accordingly her name came to be mutated in the revenue records vide Mutation Register Extract bearing M.R.No.3/1995-96 and M.R.No.6/1998-99.

Similarly, Mr.Rahim Khan sold the land measuring 02 Acres 00 Guntas in favour of Mrs. Fahimay Taj in terms of a Sale Deed dated 04/07/1994 registered as Document No.1637/1994-95 in Book-I, Volume-497 at pages 138 to 142, in the Office of the Sub-Registrar, Yelahanka, Bangalore. Thus, Fahimay Taj started enjoying the said property and accordingly her name came to be mutated in the revenue records vide Mutation Register Extract bearing M.R.No.4/1995-96 and M.R.No.7/1998-99.

The Committee Constituted for re-constitution of Missing Records, headed by The Tahsildar, Yelahanka, Bengaluru passed on Order/issued an Official Memorandum dated 06/07/2023 bearing No.LND/NA/CR/211/2016-17, confirmed the grants in favour of Mr. Ameer Khan and Mr. Rahim Khan and also directed the Assistant Director of Land Records to conduct the phodi and bifurcation of land measuring 04 Acres 00 Guntas standing in the name of Mrs. Fahimay Taj. Subsequently, the said Order was modified vide Modified Official Memorandum dated 21/08/2023 to the effect that though the extent against the name of Mr. Rahim Khan is shown as 02 Acres 00 Guntas, as per the sketch and actual possession the land granted in favour of Mr. Rahim Khan was only an extent of 01 Acre 20 Guntas and accordingly directed to conduct the phodi of land measuring 02 Acres 00 Guntas and 01 Acre 20 Guntas respectively. Pursuant to the said Orders, the said Properties were assigned with Sy.Nos.96 and 97 respectively and in the said phodi and bifurcation the land in Sy.No.97 measured 01 Acre 18 ½ Guntas and 1 ½ Guntas of Kharab which is the Schedule Property and the adjoining land in Sy.No.96 admeasured 01 Acre 38 Guntas and 02 Guntas of Kharab land.

Later, Bangalore Development Authority issued Commencement Certificate dated 31/05/2025 bearing No.BDA/TPM/CLU-177/23-24/1162/2025-26 permitting the change of land use of the lands in Sy.Nos.96 and 97 from non-agricultural Industrial purposes to Residential-Apartment purposes.

The said lands in Sy.Nos.96 and 97 were converted from agricultural to non-agricultural Residential-Apartment purposes vide two Orders of Conversion bearing No.36423 and 36424 both dated 02/09/2025 issued by The Deputy Commissioner, Bengaluru District, Bengaluru.

Thus, undisputed facts being:

a) Unauthorised cultivation of Mr. Ameer Khan and Mr. Rahim Khan were regularised and the Assistant Commissioner, Bengaluru Sub-Division Bengaluru issued Official Memorandum dated 07/11/1978 bearing No.LND.CR.179/78-79.

b) Grant Certificates were issued on 30/05/1979 in Form – I.

c) The Grantees sold their respective Properties in terms of two Sale Deeds both dated 04/07/1994 i.e., after the expiry of 15 years from 30/05/1979.

The law with regard to regularisation of unauthorised cultivation and grant of lands to landless persons during 1978, as on the date of unauthorised cultivation of the subject properties were regularised is "The Land Grant Rules, 1969". In order to confirm that the said fact, a relevant portion of the Government Order dated 01/09/1977 bearing No.RD 105 LGP 77 is reproduced herewith:

"In exercise of the powers conferred under Rule 27 of the Karnataka Land Grant Rules, 1969, Government hereby direct the Deputy Commissioners of all the Districts to take immediate action to grant land to the landless unauthorised occupants in relaxation of the said rules, the maximum extent being not more that 2 hectares of dry land or its equivalent as mentioned below:-"

The Government of Karnataka issued Circular dated 17/10/1979 by way of amplification of all earlier orders on the subject and in relaxation of the Karnataka Land Grant Rules, 1969. One of the relevant order/directions issued thereunder is reproduced herewith:

"2. In the Government Order dated 01/09/1977 cited (2) above, Government directed The Deputy Commissions of the Districts to grant lands to the landless unauthorised occupants in relaxation of the Karnataka Land Grant Rules,

(i) ....
(ii) ...

(vii). Grants of lands under these orders shall be subject to the other provisions of the Karnataka Land Grant Rules, 1969 and standing instructions on the subject, not inconsistent with the above. These grants will also be subject to such other condition and/or restrictions specially placed in respect of any specified categories of lands, as for example,

(a) Catchment areas of major irrigation projects, vide Government Circular No.RD 66 LGP 74 dated 27/11/1978.

(b) Reserve forest areas, vide Government Circular No.RD 66 LGP 74 dated 12/01/1979.

(c) Tank beds, vide Government letter No.RD 392 LGY 79 dated 01/03/1979.

(d) Date Reserve lands, vide Government Letter No.FD 13 EDC 79 dated 28/08/1979.

(e) Gomal lands, vide Government Order No.RD 46 LGP 77 dated 08/08/1977.

(f) C & D Class lands, and the like."

Rule 9 of The Karnataka Land Grant Rules, 1969 deals with the conditions of the grant which states vide Rule 9 (1) that the grantee shall not alienate the land for a period of fifteen years from the date of taking possession:

Provided that he may, after a period of five years, with the previous permission of, and subject to the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 and such conditions as may be specified by the Deputy Commissioner, alienate the whole or any portion of such land. But however, the Deputy Commissioner shall not grant such permission unless he is satisfied that the alienation is for the purpose of acquiring other land or for improving the remaining land and the grantee credits to Government an amount equal to fifty per cent of the market value of such land as on the date of sanction of such alienation as determined by the Deputy Commissioner.

Thus, as per Rule 9 of The Karnataka Land Grant Rules, 1969, the grantee shall not alienate the property for a period of 15 (fifteen) years from the date of taking possession.

With reference to the condition imposed to the effect that the "Grantee shall not alienate the property in perpetuity" in the Grant Certificate by The Tahsildar, the following principles are laid down by Hon'ble High Court of Karnataka:-

1) The Hon'ble High Court of Karnataka in **"Laxmamma and others Vs State of Karnataka and others"** reported in "AIR 1983 KANT 237" observed as follows:

"67. Assuming that a granting authority had imposed a longer period than the one provided by law, it is difficult to hold that, that condition in its entirety would be a void condition and cannot be enforced for the period it should have been lawfully imposed. What is objectionable is imposition of a longer period and not the condition itself. After all the condition to the extent it violates the law is clearly severable. On the foregoing discussion, we hold that any condition imposed to the extent it is in derogation of law, would be void and the conditions to the extent they are permitted by law would be valid. We are of the view that Section 4 of the Act incorporates the same principle."

2) The Hon'ble High Court of Karnataka while passing the judgment in **"N. D. Rangappa Vs Deputy Commissioner, Davangere and others"** reported in "1999 (5) KLJ 719" referred to Judgment passed in "H A Jayaram Vs State of Karnataka" reported in "ILR 1989 KAR 2277" and made the following observation "Rules governing grants which existed on the date of grant providing restriction on alienation, they have to prevail over the mistaken entry made by the Tahsildar or by the Assistant Commissioner who in ignorance of the legal provisions either cuts down the restrictive clause or issues certificate indicating period less than what rules provide".

3) The relevant portion of the judgment passed in **"H A Jayaram Vs State of Karnataka"** reported in "ILR 1989 KAR 2277" are reproduced herewith:

"In the instant cases, the undisputed facts point towards only one direction and that is there is a violation of the rule of restriction by the original grantees as a result of which the unwary purchaser who is the petitioner in these cases, has to suffer by deprivation of the huge financial enterprise he has floated in bringing into existence, thriving and enviable coffee plantations on lands which were barren at one time, regarded as dry and lands. All these could have been avoided probably If the Tahsildar who issued the saguvali chits had taken care to incorporate or retain the condition regarding prohibition on alienation for a specified period in accordance with the prevailing Rules instead of scoring off the column which would have perhaps cautioned both the grantees and the petitioner against sale transactions before the expiry of the restrictive period. The question is who is accountable in a situation like this is the grantee accountable' or is the Tahsildar who issued the Grant Certificates accountable, - the Tahsildar in his individual capacity or the Tahsildar as a representative of the State in the discharge of official duties? The principle of accountability is one of the main characteristics of good public administration and bureaucratic resistance is a symptom of diseased

administration. Public good will suffer by maladministration. It is high time for the bureaucrats to realise their responsibilities towards the citizens in whom sovereignty is supposed to reside whether the citizen is a small farmer having meagre resources or belonging to aristocracy. Unfortunately, in these cases, the petitioner will have to go without a remedy. The reason is that law has to prevail over equity. A real principle is not a magical incantation. It is imbued with a purpose. The purpose is to reach the intended bene-ficiary who is entitled to legal redress. Legal principle wades through the facts before It ultimately homes into the intended destination, - mechanics and dynamics apart; remotely controlled, by considerations of legality and justifiability; equity and good conscience."

4) The Hon'ble High Court of Karnataka in its Judgment reported in **"NAGARAPPA S. AND ANR. v. STATE OF KARNATAKA AND ORS."** Reported in "1988 KLJ 372" has held as follows:

"A cryptic entry made in the certificate contrary to the condition of law will not have the effect of over ruling the provisions of law existing then. In that view Rule 43(8) shall always prevail over any such entry made in the certificate of grant. The Deputy Commissioner ought to have seen what is the law governing the grant of land, then. He should not have been guided by mistaken entry made in the saguvali chit. The Deputy Commissioner has not applied his mind to the then existing rules governing the grant of land. When the Assistant Commissioner specifically pointed out in the order that there had been a total ban in law in regard to transfer of granted land, I do not know how the Deputy Commissioner reached this conclusion, contrary to the express provisions without assigning any reason to do so. Therefore, the conclusion of the Deputy Commissioner in reversing the order of the Assistant Commissioner deserves to be set aside."

5) The Hon'ble High Court of Karnataka in the case of **"N. D. Rangappa Vs Deputy Commissioner, Davangere and others"** reported in "1999 (5) KLJ 719" observed as follows:

> "that the Grant Certificate which is issued is prepared by the office; sometimes issuance of the same is delayed for years together. Therefore, an errant act of the Babu's or Clerk's or ignorant Tahsildar's cannot have the effect of changing the law because such person issued the certificate without knowledge of the law. When a grant is made, and conditions are imposed in such a grant, such conditions must be in accordance with the provisions of the law governing such grants."

Based upon the observations made by the Hon'ble High Court of Karnataka in the aforesaid reported judgments, it can be concluded that the Revenue Authorities i.e., The Tahsildar or the Assistant Commissioner cannot impose a condition contrary to the provisions of law which provide such a restrictions.
In the foregoing paragraphs it is settled that the law governing for granting/regularising the unauthorised cultivations prescribe period of non-alienation only for a period of 15 years from the date of taking possession. It is also observed that the Authorities cannot impose any condition contrary to the governing enactment. Thus, in my Opinion, in the present case, the condition imposed in the Grant Certificate is not supported by provisions of law.

Thus on the basis of the documents referred to above, representations made and subject to my aforesaid observations, I am of the opinion that **Mrs. Fahimay Taj** is the owner of the Schedule Property and her title to the same is clear and marketable and free from encumbrances during the periods referred to in the Encumbrance Certificates, subject to rights of M/s. Prestige Estates Projects Limited., under Joint Development Agreement and General Power of Attorney both dated 20/05/2026. While conducting the scrutiny, I have assumed that the documents provided to me for scrutiny at the time of issue of my above referred opinion, are the only documents relating to the Schedule

Property and assumed the genuineness of all signatures, authenticity of all documents submitted and the conformity of photo-copies or extracts with that of the original documents. I have also assumed that copies of the documents made available to me were/are properly authorized and executed. In the event of facts in this opinion are different from my conclusions or assumptions from any documents not furnished and which may contradict my opinion, it may or may not have an impact on my opinion. Further during discussion, I have also relied upon various oral representations made to me by your representatives in respect of the Schedule Property. Other than as specifically mentioned, I have not inspected the Schedule Property or verified physically, possession or boundaries and not independently validated the information provided to me with any external sources and not independently validated with the records of the Jurisdictional Sub-Registrar, Revenue Authorities. I have not conducted any independent searches at the Courts or Forums or Government Offices in relation to the Schedule Property in respect of any litigations. This opinion is provided to you on the basis of the documents referred to above and representations and observations made etc., as aforesaid and no responsibility will be accepted by me to you or to any third party with regard to this opinion and further this opinion shall not be used as evidence in any courts or other forums or Government/authorities.

Copies of all documents referred to above are returned herewith

Yours faithfully,

(KUSUMA R. MUNIRAJU),
ADVOCATE.