

Title Report

The Title Report dealt with the converted land bearing Survey No.53/3, measuring 3 acres 17 ½ guntas, situated at Halanayakanahalli Village, Varthur Hobli, Bangalore East Taluk, Bangalore (morefully described in the schedule hereunder and hereinafter referred to as the “Schedule Property”).

SCHEDULE

All that piece and parcel of the undeveloped converted land bearing Survey No.53/3, measuring 3 acres 17 ½ guntas, situated at Halanayakanahalli Village, VarthurHobli, Bangalore East Taluk, Bangalore and bounded on:

- East by** : Property belonging Survey No.54/2A;
West by : Road;
North by : Property belonging Survey No.53/2; and
South by : Property belonging Survey No.53/4.

Annexure –A

List of documents reviewed by us:

Sl No	Description of the Documents;
1.	Order dated 23.07.1971 in Case No. HOA (S) 503/68-69 passed by the Assistant Commissioner, Bangalore Sub-division, Bangalore.
2.	Endorsement dated 10.08.1971 in Case No. HOA (S) 503/68-69.
3.	Mutation Register extract MR No.2/1982-83.
4.	Gift deed dated 15.12.1980 registered as document No.9358/1980-81 by Kenchappa son of K.Narayanappa in favour of Munivenkatappa and her minor children namely Govindharaju, Manjunatha and Murthy.
5.	Encumbrance Certificate for the period 01.04.1980 to 31.03.2005.
6.	Mutation Register extract bearing MR No.5/1986-87.
7.	Form III no objection certificate dated 29.10.2005 issued by the Tahsildar, Bangalore.
8.	Mutation Register extract bearing MR No.27/2005-06.
9.	Sale deed dated 10.02.2006 registered as document No.15558/2005-06 executed by Munivenkatamma along with her husband K.Narayanappa and their children namely Shanthamma, Govindaraju representing his minor children Hemanth and Naveen, Vijaya, Jayalakshmi, Jyothi, Sakamma, Manjunath, Trimurthy and Rekha in favour of Ambli Yogesh son of AmbliKotrappa represented by his general power of attorney holder B.M.Karunesh.
10.	General Power of Attorney dated 10.11.2003 registered as document No.448/2003-04 by Ambli Yogesh son of AmbliKotrappa appointed and nominated B.M.Karunesh son of late B.M.Madiah.
11.	Encumbrance Certificate for the period 01.04.2004 to 03.03.2013.

12.	Mutation Register extract bearing MR No. 36/2005-06.
13.	O.S.No.13/2008 dated 01.01.2008 filed in the Court of City Civil Judge, Bangalore by Parvathamma wife of Narayanappa along with her children against Narayanappa son of Kenchappa.
14.	Conversion order No. ALN(EVH)SR 478/2007-08 dated 22.02.2013 issued by Deputy Commissioner.
15.	Sale deed dated 08.04.2013 registered as document No. 123/2013-14 executed by Ambli Yogesh son of AmbliKotrappa as vendor along with Adarsh Developers a partnership firm represented by its partner B.M.Karunesh as confirming party in favour of Shivakar Developers Private Limited.
16.	Encumbrance Certificate for the period 01.03.2013 to 25.06.2019.
17.	Endorsement dated 16.08.2019 issued by the Tahsildar bearing non availability of record of rights and index of land extracts.
18.	Karnataka Revision Settlement Akarband.
19.	Atlas extract.
20.	Village Map.
21.	RR BalabagadhaNakalu (RR Pakka Book).
22.	RTC extracts for the period 1967-68 to 1971-72, 1977-78 to 1995-96, 2001-02 to 2014-15.
23.	RTC extracts for the period 1972-73 to 1976-77, 205-16 to 2019-20.

Flow of title:

The order passed by the Assistant Commissioner, Doddaballapura dated 23.07.1971 in case No.HOA(S)503/1968-69 bears out that land measuring 7 acres 19 guntas in Survey No.53 situated at Halanayakanahalli Village, VarthurHobli, Bangalore East Taluk (“Survey No.53”) amongst other land parcels were initially owned by Kaverappa. Under the said order the portion of land in Survey No.53 measuring 3 acre 29 ½ guntas was regranted to Muniyappa (few documents refer the name as Thoti Muniyappa) and the remaining portion measuring 3 acres 29 ½ guntas was re-granted to Kenchappa (few documents refer the name as ThotiKenchappa). The factum of said regrantee is recorded in the endorsement dated 10.08.1971.

The mutation register extract bearing MR No.2/1982-83 bears out that in terms of the order passed in case No.HOA(S)503/1968-69 the katha in respect of Survey No.53 was transferred and registered in the names of Thoti Muniyappa and Thoti Kenchappa.

Subsequently, the said Kenchappa gifted the portion of Survey No.53 measuring 3 acres 24guntas in favour of his daughter in law Munivenkatamma wife of K.Narayanappa and her minor children namely Govindharaju, Manjunatha and Murthy represented by their mother and natural guardian Munivenkatamma under a gift deed dated 15.12.1980 registered as document No.9358/1980-81. The registration details of the said gift deed is borne out in the encumbrance certificate for the period 01.04.1980 to 31.03.2005.

The mutation register extract bearing MR No.5/1986-87 bears out that in terms of the gift deed dated 15.12.1980 bearing document No.9358/1980-81 the katha in respect of portion of Survey No.53 measuring 3 acres 20 guntas was transferred and registered in the name of Munivenkatamma and her minor children.

The no objection certificate Form No.III dated 29.10.2005 issued by the Tahsildar, Bangalore bears out that there is no objections for alienating Survey No.53/3 measuring 3 acres 17 ½ guntas under Karnataka Schedule Caste and Schedule Tribes Prohibition of Transfer of Certain Lands Act, 1978 as the land parcel was an inam land.

The mutation register extract bearing MR No.27/2005-06 bears out that in terms of the order dated 17.01.2006 passed in RRT(1)CR1645/2005-06 the katha in respect of the portion of Survey No.53/3 measuring 3 acres 17 ½ guntas was transferred and registered in the name of Munivenkatamma.

Thereafter, the said(1) Munivenkatamma wife of K.Narayanappa along with her husband (2) K.Narayanappa son of Kenchappa and children namely (3) Shanthamma and (4) Govindaraju representing as kartha of HUF along with his minor children namely Hemanth and Naveen (being minors represented by their father Govindaraju) (5) Vijaya, (6) Jayalakshmi, (7) Jyothi, (8) Sakamma, (9) Manjunatha, (10) Trimurthy and (11) Rekha conveyed the land bearing Survey No.53/3 measuring 3 acres 17 ½ guntas and 10 guntas of kharab land in favour of Ambli Yogesh son of Ambli Kotrappa represented by his general power of attorney holder B.M Karunesh son of late B.M Madaiah under the sale deed dated 10.02.2006 registered as document No.15558/2005-06. Ambli Yogesh authorized and nominated B.M Karunesh as his general power of attorney holder to purchase and convey his properties located in and around Bangalore and to do all other pertinent acts and deeds on his behalf under a general power of attorney dated 10.11.2003 registered as document No.448/2003-04.The registration details of the said sale deed is borne out in the encumbrance certificate for the period 01.04.2004 to 03.03.2013.We note that the name of Murthy is also known as Trimurthy.

The mutation register extract bearing MR No.36/2005-06 in terms of the sale deed dated 10.02.2006 bearing document No.15558/2005-06 the katha in respect of 3 acres 17 ½ guntas in Survey No.53/3 was transferred and registered in the name of Ambli Yogesh.

Parvathamma being another wife of Narayanappa along with her children filed the suit claiming for partition of her ½ share and separate possession in the land bearing Survey No.53/3 measuring 3 acres 17 guntas against her husband Narayanappa son of Kenchappa, Munivenkatamma wife of Narayanappa and her children and Ambli Yogesh under the plaint dated 01.01.2008 in O.S No.13/2008 filed before the court of the City Civil Judge, Bangalore. And the said suit was disposed for non prosecution on 24.07.2012.

The conversion order dated 22.02.2013 bearing No.ALN(EVH)SR478/2007-08 bears out that land bearing Survey No.53/3 measuring 3 acres 17 ½ guntas was converted from agricultural use to non-agricultural industrial hi-tech use and an extent measuring 10 guntas of B kharab land was reserved for Government use.

Zoning: We have verified the Master Plan, 2015 and the zoning of Survey No.53 is identified as High Tech and the non buildable:High Tension Line (HTL) Pipeline: Oil/ Water passes on the southern side of Survey No.53.

The sale deed dated 08.04.2013 registered as document No.123/2013-14 bears out that Ambli Yogesh son of Ambli Kotrappa as vendor along with Adarsh Developers a partnership firm represented by its partner B.M Karunesh as confirming party conveyed land bearing Survey No.53/3 measuring 3 acres 17 ½ guntas in favour of Shivakar Developers Private Limited a company represented by its Director B.M Jayeshankar. The registration details of the said sale deed is borne out in the encumbrance certificate for the period 01.03.2013 to 25.06.2019. On a review of the said sale deed we note that Ambali Yogesh had borrowed some monies from M/s. Adarsh Developers and since he could not repay the debt Adarsh Developers was made party to this sale deed.

We have seen the copy of the Incorporation certificate issued by the Registrar of Firms and Memorandum of Association/Articles of Association of M/s.Shivakar Developers Private Limited.

The endorsement dated 16.08.2019 issued by the Tahsildar bears out the non-availability of record of rights and index of land extracts in respect of Survey No.53/3.

The akarbadh extract bears out that the land in Survey No.53/3 measures 1 acre 39 ½ guntas excluding 10 guntas of kharab land.

The atlas bears out the shape and location of Survey No.53/3.

The village map of Halanayakanahalli bears out that Survey No.53 forms the part of said village.

The RR balabagadhanakalu (RR pakka book) bears out that the land in Survey No.53 was bifurcated into three portions as Survey No.53/1, 53/2 and 53/3.

RTC extracts:

The RTC extracts for the period 1967-68 to 1981-82 bears out the name of Muniyappa and Government thotiinam as the owner and occupant in relation to land in Survey No.53/3 measuring 1 acre 02guntas including 02 guntas of kharab land.The RTC extracts for the period 1982-83 to 1986-87 bears out the name of Muniyappa and ThotiKenchappa as the owners and occupants in relation to land in Survey No.53/3 measuring 1 acre 02 guntas including 02 guntas of kharab land.The RTC extracts for the period 1988-89 to 1995-96 bears out the name of Muniyappa and Munivenkatamma as the owners and occupants in relation to land in Survey No.53/3 measuring 1 acre 02 guntas including 02 guntas of kharab land in terms of the mutation register extract bearing MR No.5/1986-87.The RTC extracts for the period 2001-02 to 2003-04 bears out the name of Munivenkatamma(for 1 acre 39 ½ guntas in terms of the dhurasti order bearing No.ADLR MPR 59/95-96 TQMR(U)UH58/88-89) as the ownerand occupant in relation to Survey No.53/3.

The RTC extracts for the period 2005 to 2006 bears out the name of Munivenkatamma as the owner and occupant in relation to land in Survey No.53/3 measuring 3 acres 27 ½ guntas including 10 guntas of kharab land in terms of the dhurasti order bearing No.ADLR MPR 59/95-96 TQMR(U)UH58/88-89.

The RTC extracts for the period 2006-07 to 2019-20 bears out the name of Ambli Yogesh as the owner and occupant in relation to land in Survey No.53/3 measuring 3 acres 27 ½ guntas including 10 guntas of kharab land in terms of the mutation register extract bearing MR No.36/2005-06. The RTC extracts for the said period bears out the reference to the court stay order in O.S No.13/2008 dated 04.01.2008. We have reviewed the status of the matter and the same has been disposed of.

Encumbrance Certificates:

The encumbrance certificate for the period 01.04.1980 to 31.03.2005 bears out Gift deed dated 15.12.1980 executed by Kenchappa in favour of Munivenkatamma in the said period in relation to the Schedule Property. The encumbrance certificate for the period 01.04.2004 to 03.03.2013 bears out the sale deed dated 10.02.2006 executed by Munivenkatamma and others in favour of Ambli Yogesh and for the period 01.03.2013 to 25.06.2019 bears out the sale deed dated 08.04.2013 executed by Ambli Yogesh in favour of M/s Shivakar Developers Pvt. Ltd.,.

CONCLUSION

Based on review of the documents detailed above and subject to our observations, we are of the opinion that Shivakar Developers Private Limited is the owner of the land in Survey No.53/3 measuring 3 acres 17 ½ guntas, situated at Halanayakanahalli Village, Varthur Hobli, Bangalore East Taluk, Bangalore Urban District.

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