

LEGAL OPINION

UKN Properties Private Limited have represented to me that they are developing a Residential Group Housing project in Survey No. 7/1 and Survey No. 20, Navarathana Agrahara, Jala Hobli, Bangalore North Taluk.

It has been represented by them that the Schedule Properties are owned by Mr. Gautam U. Nambisan, Mr. Arjun U. Nambisan, Mr. Byas U. Nambisan, Dr. Kamala Unnikrishnan and 12 others, viz., (1) Mrs. Imtiaz Dharkar, (2) Mr. Tej Lalvani, (3) Mr. Denis Joseph, (4) Mrs. Irene Joseph, (5) Mr. Vinod Kumar & Mrs. Rekha Kumar, (6) Mr. Govindappa Jayaram, (7) Mr. Madhusudhan Jayaram, (8) Mr. Nirmla Vimal Kumar, (9) Mr. Jagdishwaran Menon, (10) Mrs. Geetha Kesavan, (11) Mrs. Sunitha Kondur & Mrs. Vinitha Kondur and (12) Mr. Sanjay Vazandar,

I have examined photocopies of the following documents:



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LIST OF DOCUMENTS WITH RESPECT TO THE SCHEDULE A PROPERTY

Sl. No.	Date.	Particulars
1.	18-08-1956	Sale Deed No. 1074/1956-57 executed by K. Nagaraju in favour of N. Krishnamma with respect to Survey No. 7,
2.	02-07-1964	Sale Deed No. 1142/1964-65 executed by K. Nagaraj in favour of N. Krishnamma with respect to Survey No. 7,
3.	03-01-1992	Sale Deed No. 3221/1991-92 executed by N. Krishnamma in favour of Byas U. Nambisan for Survey No. 7/1 to an extent of 2 acres 12.5 guntas
4.	03-01-1992	Sale Deed No 3417/1991-92 executed by N. Krishnamma in favour of K. Shameen Mohamed for 2 acres 12.5 guntas in Survey No. 7/1
5.	26-09-1994	Unregistered Agreement of Sale executed by K. Shameen Mohamed in favour of Arjun U. Nambisan



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6.	20-08-2014	Sale Deed No. 1572/2014-15 executed by K. Shameen Mohamed in favour of Arjun U. Nambisan for 2 acres 12.5 guntas in Survey No. 7/1
7.	04-08-1997	Conversion Order No. B Dis AALN SR (NA) 628/1996-97 passed by Special Deputy Commissioner, Bangalore District to change of land use from agricultural to residential in Survey No. 7/1 to an extent of 4 acres 25 guntas
8.	15-11-1968 to 1972-73	RTC with respect to Survey No. 7 in the name of N. Krishnamma
9.	1975-76 to 1978-79	RTC with respect to Survey No. 7 in the name of N. Krishnamma
10.	1983-86	RTC with respect to Survey No. 7 in the name of N. Krishnamma
11.	1985-86	RTC with respect to Survey No. 7 in the name of N. Krishnamma



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12.	1986-87	RTC with respect to Survey No. 7 in the name of N. Krishnamma
13.	1987-88	RTC with respect to Survey No. 7/1 in the name of N. Krishnamma
14.	1988-89	RTC with respect to Survey No. 7/1 in the name of N. Krishnamma
15.	1990-91	RTC with respect to Survey No. 7/1 in the name of N. Krishnamma
16.	1991-92	RTC with respect to Survey No. 7/1 in the name of N. Krishnamma
17.	1992-93	RTC with respect to Survey No. 7/1 in the name of K. Shameen Mohamed and Byas U. Nambisan
18.	1995-96 to 1996-97	RTC with respect to Survey No. 7/1 in the name of K. Shameen Mohamed and Byas U. Nambisan
19.	2007-08	RTC with respect to Survey No. 7/1 in the name of K. Shameen Mohamed and Byas U. Nambisan
20.	2010-11	RTC with respect to Survey No. 7/1 in the name of K. Shameen Mohamed



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		and Byas U. Nambisan
21.	2013-14	RTC with respect to Survey No. 7/1 in the name of K. Shameen Mohamed and Byas U. Nambisan
22.		MR No. 1/1992-93 for conveyance in favour of K. Shameen Mohamed <i>vide</i> Sale Deed No 3417/1991-92
23.		MR No. 2/1992-93 for conveyance in favour of Byas U. Nambisan <i>vide</i> Sale Deed No. 3221/1991-92
24.	15-09-2014	MR No. 16/2007-08 for change of land use <i>vide</i> Conversion Order No. B Dis AALN SR (NA) 628/1996-97
25.	08-12-2005	Survey Sketch for Survey No. 7
26.	08-04-2006	Survey Sketch for Survey No. 7
27.	29-01-2006	Survey Sketch for Survey No. 7
28.	31-07-1986 to 01-04-1970	Encumbrance Certificate
29.	01-08-1986 to	Encumbrance Certificate



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	31-05-1989	
30.	01-06-1989 to 31-03-2004	Encumbrance Certificate for 2 acres 12 guntas describing transaction <i>vide</i> Sale Deed No. 3221/1991-92
31.	01-06-1989 to 31-03-2004	Encumbrance Certificate for 2 acres 12.5 guntas describing transaction <i>vide</i> Sale Deed No 3417/1991-92
32.	01-04-2004 to 04-12-2014	Encumbrance Certificate

**LIST OF DOCUMENTS
WITH RESPECT TO THE SCHEDULE B PROPERTY**

Sl. No.	Date.	Particulars
33.	25-11-1958	Order passed in Case No. 16 of 1958-1959 by the Special Tahsildar for Abolition of Inams thereby conferring permanent tenancy on Appayanna alias Appaiah
34.	31-10-1992	Compromise decree by the Court of the Munsiff and JMFC, Devanahalli in O. S. No. 30/1990 between



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		Narayanappa, Thirumalappa, Gundappa, Thimmaiah, Nagamma [since dead by her LR's] and Narayanappa
35.	20-09-1995	Sale Deed No. 4330/1995-96 executed by Narayanappa and 4 others in favour of Gautam U. Nambisan with respect to 1 acres 17 guntas in Survey No. 20
36.	20-09-1995	Sale Deed No. 4331/1995-96 executed by Narayanappa and 4 others in favour of Byas U. Nambisan with respect to 1 acres 23 guntas in Survey No. 20
37.	20-09-1995	Sale Deed No. 4332/1995-96 executed by Narayanappa and 4 others in favour of Arjun U. Nambisan with respect to 1 acres 23 guntas in Survey No. 20
38.	15-09-2012	Endorsement for non-availability of Sepecial Deputy Commissioner's



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		records in INA/PR/421/66-67 dated 14-09-1966
39.	30-12-1994	Family Tree of Appaiah
40.	04-01-1997	Conversion Order No. B Dis AALN SR (NA) 627/1996-97 passed by Special Deputy Commissioner, Bangalore District to change of land use from agricultural to residential in Survey No. 20 to an extent of 4 acres 25 guntas
41.	1975-76 to 1979-80	RTC with respect to Survey No. 20 in the name of Gundappa
42.	1977-78 to 1979-80	RTC with respect to Survey No. 20 in the name of Gundappa
43.	1980-81	RTC with respect to Survey No. 20 in the name of Gundappa
44.	1981-82 to 1983-84	RTC with respect to Survey No. 20 in the name of Gundappa



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45.	1985-86 to 1986-87	RTC with respect to Survey No. 20 in the name of Gundappa
46.	1988-89 to 1992-93	RTC with respect to Survey No. 20 in the name of Gundappa
47.	1993-94	RTC with respect to Survey No. 20 in the name of Narayanappa, Thirumallappa and Narayanaswamy
48.	1995-96	RTC with respect to Survey No. 20 in the name of Narayanappa, Thirumalappa and later Narayanappa, Gundappa and Thimmaiah and subsequently Gautam, Arjun and Byas U. Nambisan
49.	1996-97	RTC with respect to Survey No. 20 in the name of Gautam, Arjun and Byas U. Nambisan
50.	2007-08	RTC with respect to Survey No. 20 in the name of Narayanappa, Gundappa and Thimmaiah and Gautam, Arjun



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		and Byas U. Nambisan
51.	2013-14	RTC with respect to Survey No. 20 in the name of Narayanappa, Gundappa and Thimmaiah and Gautam, Arjun and Byas U. Nambisan
52.	29-12-1994	MR No. 12/1993-94 for conveyance on account of O. S. No. 30/1990
53.	12-03-1996	MR No. 29/1995-96 for conveyance in favour of Gautam U. Nambisan <i>vide</i> Sale Deed No. 4330/1995-96
54.	12-03-1996	MR No. 30/1995-96 for conveyance in favour of Arjun U. Nambisan <i>vide</i> Sale Deed No. 4331/1995-96
55.	12-03-1996	MR No. 31/1995-96 for conveyance in favour of Byas U. Nambisan <i>vide</i> Sale Deed No. 4330/1995-96
56.	15-09-2014	MR No. 15/2007-08 for change of land use <i>vide</i> Conversion Order No. B Dis AALN SR (NA) 627/1996-97
57.	01-04-1966 to	Encumbrance Certificate for 4 acres 31 guntas in Survey No. 20



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	31-07-1986	
58.	01-08-1986 to 31-05-1989	Encumbrance Certificate for 4 acres 31 guntas in Survey No. 20
59.	01-06-1989 to 31-03-2004	Encumbrance Certificates for 1 acre 17 guntas 1 acre 23 guntas and 02 guntas kharab 1 acre 23 guntas and 02 acres kharab Total 4 acres 27 guntas in Survey No. 20
60.	91-04-2004 to 04-12-2014	Encumbrance Certificate for 4 acres 25 guntas in Survey No. 20
61.	30-09-1987	Record of Rights No. 475

LIST OF DOCUMENTS COMMON TO SCHEDULE A PROPERTY AND SCHEDULE B PROPERTY

Sl. No.	Date.	Particulars
62.		Village Map of Navarathna Agrahara
63.		Akarband for Survey No. 7 and Survey No. 20



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64.		Tax paid receipts
65.	10-03-2008	Sale Deed No. 3147/2007-2008 executed by Byas U. Nambisan, Arjun U. Nambisan and K. Shameen Mohamed in favour of Unnikrishnan Nambisan and 18 others
66.	24-09-2008	Deed of partition No. BNG(U) JAL/1851/2008-2009 executed by Unnikrishnan Nambisan and 18 others
67.	29-06-2011	Deed of Family Settlement bearing No. 8265/2011 - 12 executed by Mr. Unnikrishnan Nambisan, Mrs. Kamala Unnikrishnan, Mr. Byas U. Nambisan, Mr. Arjun U. Nambisan and Mr. Gautam U. Nambisan
68.	20-08-2014	Supplemental Deed No. MLS-4-00189-2014-15 executed by legal representatives of Unnikrishnan Nambisan, viz., Kamala Unnikrishnan, Byas U. Nambisan, Arjun U. Nambisan and Gautam U. Nambisan



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		in favour of 18 others
69.	20-08-2014	Rectification Deed No. MLS-1-1570-2014-15 executed by Arjun U. Nambisan, Byas U. Nambisan and K. Shameem Mohamed in favour of Unnikrishnan Nambisan and 18 others
70.	23-04-2015	Deed of Relinquishment bearing No. 600/2015 – 16 executed by Gautam U. Nambisan, Arjun U. Nambisan and Byas U. Nambisan in favour of the Bangalore International Airport Area Planning Authority (BIAAPA)
71.	27-04-2015	BIAAPA plan approval No. BIAAPA/TP1/DP/23/2014-15 for construction of residential complex on Survey No. 7, No. 20 and No. 21/2
72.	27-04-2015	Plan Sanction No. BIAAPA/TP01/DP/23/2014-15
73.		Tax paid receipts



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DESCRIPTION OF PROPERTY SCHEDULE A PROPERTY

All that piece and parcel of the immovable property bearing Survey No. 7/1, Navarathna Agrahara Village, Jala Hobli, Bangalore North Taluk measuring 4 acres 25 guntas including 7 guntas kharab converted for residential use *vide* Conversion Order No. B. Dis. AALN SR (NA) 628/96-97 and bounded on the

East by	Canal
West by	Remaining lands in Survey No. 7
North by	Road
South by	Canal

SCHEDULE B PROPERTY

All that piece and parcel of the immovable property bearing Survey No. 20, Navarathna Agrahara Village, Jala Hobli, Bangalore North Taluk measuring 4 acres 23 guntas including 4 guntas kharab converted for residential use *vide* Conversion Order No. B. Dis. AALN SR (NA) 627/96-97 and bounded on the



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East by	Nala and Survey No. 19
West by	Remaining portion of Survey No. 20 retained by Vendors
North by	Survey No. 7/1 belonging to Byas U. Nambisan
South by	Survey No. 21/2

DISCUSSION

1. The lands in Survey No. 7/1, Navarathna Agrahara Village, Jala Hobli, Bangalore North Taluk measuring 4 acres 25 guntas including 7 guntas kharab (hereinafter *Schedule A Property*) was acquired by N. Krishnamma by way of two sale deeds dated 18-08-1956 and 02-07-1964.
2. Subsequently, N. Krishnamma executed two sale deeds dated 03-01-1992 in favour of Byas U. Nambisan and K. Shameen Mohamed by which she conveyed the entire Schedule A Property to Byas U. Nambisan and K. Shameem Mohamed.



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3. That on 20-08-2014, K. Shameem Mohamed executed a sale deed in favour of Byas U. Nambisan by which he conveyed 2 acres 12.5 guntas of land in the Schedule A Property to Byas U. Nambisan. By this sale deed, Byas U. Nambisan became the sole owner in possession of the Schedule A Property.
4. The RTC's and the extracts from the Mutation Register for the period 1968 to 2013-014 confirm the above transactions by which Byas U. Nambisan became the sole owner of the Schedule A Property. The above transactions are also confirmed by the Encumbrance Certificates for the period.
5. On 04-08-1997, the then owner secured an order for conversion of land use from agricultural to residential to the entire extent of lands in the Schedule A Property. Hence the Schedule A Property came to be converted for residential use by the Conversion Order No. B Dis AALN SR (NA) 628/1996-97.



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6. The Survey Sketches also indicate that the land has been surveyed and the boundaries fixed.

In a similar manner, with respect to the Schedule B Property:

7. The lands in Survey No. 20, Navarathna Agrahara Village, Jala Hobli, Bangalore North Taluk measuring 4 acres 23 guntas including 4 guntas kharab (hereinafter *Schedule B Property*) were originally obtained by Appayanna alias Appaiah *vide* an order of the Special Thasildar for Abolition of Inams in Case No. 16 of 1958-59 dated 25-11-1958. Upon the death of Appiyanna, the Schedule B Property remained with his joint family comprising of Narayanappa, Thirumalappa, Gundappa, Thimmaiah, Nagamma [since dead by her LR's] and Narayanappa. The Schedule B Property was the subject matter of a partition suit in O. S. No. 30/1990 on the file of the Court of the Munsiff and JMFC at Devanahalli.
8. The suit came to be decreed on 10-07-1995 in terms of a compromise entered into between the plaintiffs and



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defendants whereby the plaintiffs Narayanappa and Thirumalappa were allotted 4 acres and 33 guntas including 2 guntas *phut kharab* land in Survey No. 20 and the defendants were allotted 3 acres 10 guntas in the same survey number.

9. By three sale deeds dated 20-09-1995, the owners conveyed the Schedule B property to Gautam U. Nambisan, Arjun U. Nambisan and Byas U. Nambisan in such proportions as described in the list of documents as above.
10. The RTC's and the Mutation Register extract for the period 1975-76 to 2013-2014 confirm the above transactions by which Gautam U. Nambisan, Arjun U. Nambisan and Byas U. Nambisan became the owners of the Schedule B Property. The encumbrance certificates also reflect the above transactions.
11. On 04-01-1997, the then land owner secured an order of conversion of the Schedule B Property for



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change of land use from agricultural to residential to an extent of 4 acres 25 guntas in Survey No. 20. Hence the Schedule A Property came to be converted for residential use by the Conversion Order No. B Dis AALN SR (NA) 627/1996-97.

12. The survey sketches also indicate that the Schedule B Property has been surveyed and the boundaries fixed.
13. It is to be noted here that Gautam U. Nambisan, Arjun U. Nambisan and Byas U. Nambisan, are siblings and are acting in concert with respect to the Schedule A Property and the Schedule B Property.
14. By way of a Sale Deed dated 10-03-2008, Byas U. Nambisan, Arjun U. Nambisan and one K. Shameem Mohamed sold portions of undeveloped and undemarcated lands in the Schedule A Property, the Schedule B Property and in abutting Survey No. 21/2, Navarathna Agrahara to Unnikrishnan Nambisan and 18



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other purchasers. The boundaries being incorrectly mentioned in the said sale deed, a Rectification Deed was executed on 20-08-2014.

15. On 24-09-2008, Unnikrishnan Nambisan by way of a Deed of Partition demarcated the boundaries of the undeveloped lands conveyed by the Sale Deed dated 10-03-2008 and the Rectification Deed dated 20-08-2014. Further upon the demise of Unnikrishnan Nambisan, his legal representatives executed a Supplemental Deed dated 20-08-2014 to confirm the boundaries of the undeveloped lands sold to the 18 individuals acting as 14 parties.

16. It is observed that of the 18 individual purchasers (who acted as 14 parties to aforementioned deeds), four parties, viz., Mr. Venkatarama Iyer, Mr. Rahul Dravid, Mrs. Megha Ranganath and Mrs. Deepa Ranganath were demarcated holdings in Survey No. 21/2, Navarathan Agrahara Village, which is not part of the Schedule A Property or the Schedule B Property.



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17. On 29-06-2011, Unnikrishnan Nambisan and his family members, viz., Kamala Unnikrishnan, Byas U. Nambisan, Arjun U. Nambisan and Gautam U. Nambisan entered into a Deed of Family Settlement, by which Deed, Unnikrishnan Nambisan settled the Schedule B Property on his wife and children, viz., Kamala Unnikrishnan, Byas U. Nambisan, Arjun U. Nambisan and Gautam U. Nambisan.

18. Upon the demise of Unnikrishnan Nambisan, on 19-08-2011 his legal heirs, entered into a supplemental Deed dated 20-08-2014 in favour of 18 individual purchasers (acting as 14 parties) to fully describe the properties obtained by them under the Deed of Partition dated 24-09-2008 and the Rectification Deed dated 20-08-2014.

19. Subsequently on 23-04-2015, a Deed of Relinquishment was executed in favour of the Bangalore International Airport Area Planning Authority (BIAAPA)



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for relinquishment of Civic Amenities, drive ways, parks and playgrounds, visitors' parking area, roads, etc., as a prelude to securing plan approval on 27-04-2015 for a Residential Group Housing Development plan in the Schedule A and Schedule B Properties.

20. Taxes have been paid up to date with respect to the Schedule A Property and the Schedule B Property to the Doddajala Village Panchayath (Village Navarathna Agrahara).

21. Mr. Byas U. Nambisan, Mr. Arjun U. Nambisan and Mr. Gautam U. Nambisan have been registered as the kathedars of the Schedule A and Schedule B Properties.

From the above facts, it is clear that the aforesaid Mr. Gautam U. Nambisan, Mr. Arjun U. Nambisan, Mr. Byas U. Nambisan and 12 others have been in possession of the lands in question as owners.



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CERTIFICATE

In the light of the documents examined, the facts stated, the discussion and the information furnished to me, I am of the following opinion:

- a. Mr. Gautam U. Nambisan, Mr. Arjun U. Nambisan, Mr. Byas U. Nambisan and 12 others have a marketable title to the Schedule A Property and the Schedule B Property.

Bangalore
08-03-2016



Ian Lewis
Advocate