

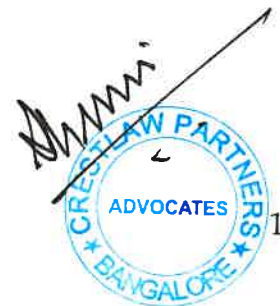
**TITLE DUE DILIGENCE REPORT****A. DESCRIPTION OF THE PROPERTY :-**

All that piece and parcel of the immovable property being converted lands bearing Survey No. 77/1A measuring 22<sup>3</sup>/<sub>4</sub> Guntas; Survey No. 77/3 measuring 1 Acres 13 Guntas; and Survey No. 77/5 measuring 21 Guntas, totally measuring 2 Acres 16<sup>3</sup>/<sub>4</sub> Guntas, situated at Pattandur Agrahara Village, K. R. Puram Hobli, Bangalore East Taluk, Bangalore Urban District and bearing Municipal No. 445 / Old Sy. No. 77/3, 77/5, 77/1A in the records of the Bruhat Bengaluru Mahanagara Palike and bounded as under :-

- East by : Remaining lands in Survey Nos. 77/1A and 77/3 retained by Jogee S. Bhar;
- West by : Lands bearing Survey Nos. 77/1B and 85;
- North by : Road, lands bearing Survey Nos. 77/1B and 77/1C and land in Survey No. 77/3 retained by Jogee S. Bhar; and
- South by : Land bearing Survey No. 76 owned by Ecumenical Christian Centre.

**B. DISCLAIMER :-**

The information in this title report is derived solely from a review of the available documents and the information furnished to us and has not been independently validated in any statutory or other offices. Except where apparent from the available documents, we have assumed that (a) all copies provided to us conform to the originals and are accurate and complete; (b) where relevant, all documents provided to us were validly authorized and executed so that they are valid and binding on each party thereto; and (c) apart from the available documents, there are no other relevant documents or information that would impact our observations and conclusions reflected in this title report.



**C. LIST OF DOCUMENTS EXAMINED :-**

In connection with scrutiny of title to Property we have been provided with and have examined the following documents:

- | No. | Particulars  |
|-----|--|
| 1.  | Moola Tippani and Karda in respect of land bearing Survey No. 77;  |
| 2.  | Sale Deed dated July 16, 1928 executed by Thimmaiah, son of Bachchappa in favour of Pallappa alias Palyappa, son of Lingappa registered as Document No. 235/1928-29, Book – I, Volume 117, at Pages 468 to 471, in the office of the Sub-Registrar, Bengaluru Taluk, in respect of land bearing Survey No. 25 measuring 2 Acres 34 Guntas;             |
| 3.  | Settlement Deed dated July 15, 1960 executed by Pallappa alias Palyappa, son of Lingappa, in favour of Gangamma, wife of Mallappa registered as Document No. 1908/1960-61, Book – I, Volume 196, at Pages 246 to 250, in the office of the Sub-Registrar, Bengaluru South Taluk, in respect of land bearing Survey No. 25 measuring 2 Acres 34 Guntas; |
| 4.  | Order dated February 3, 1962 in Case No. 71/59-60, passed by the Special Deputy Commissioner for Abolition of Inams, Bengaluru, in respect of land bearing Survey No. 77 measuring 2 Acres in favour of Pallappa alias Palyappa, son of Lingappa;  |
| 5.  | Endorsement bearing No. 95/71 dated February 11, 1963, issued by the Special Deputy Commissioner for Abolition of Inams, Bengaluru in respect of land bearing Survey No. 77 measuring 2 Acres in favour of Pallappa alias Palyappa, son of Lingappa;   |



6. Extract of Register VIII in respect of land bearing Survey No. 77 measuring 2 Acres in the name of Pallappa alias Palyappa, son of Lingappa;
7. Hissa Tippani in respect of land bearing Survey No. 77;
8. Sale Deed dated May 23, 1986 executed by Gangamma, wife of Late Mallappa in favour of Murali Vasudevan, son of V. T. Vasudevan registered as Document No. 994/1986-87, Book – I, Volume 2433, at Pages 225 to 233, in the office of the Sub-Registrar, Bengaluru South Taluk, in respect of land bearing Survey No. 77/3 measuring 2 Acres 21 Guntas;
9. Extract of the Mutation Register reflecting entry bearing MR No. 10/1986-87;
10. Order dated February 3, 1962 in Case bearing No. 63/59-60, passed by the Special Deputy Commissioner for Abolition of Inams, Bengaluru, in respect of land bearing Survey No. 77 measuring 2 Acres 39 Guntas in favour of Era Reddy alias Annaiah Reddy;
11. Endorsement bearing No. 88/63 dated March 18, 1963 issued by the Special Deputy Commissioner for Abolition of Inams, Bengaluru in respect of land bearing Survey No. 77 measuring 2 Acres 39 Guntas in favour of Era Reddy alias Annaiah Reddy;
12. Extract of Register VIII in respect of land bearing Survey No. 77 measuring 2 Acres 39 Guntas, in the name of Era Reddy alias Annaiah Reddy;
13. Sale Deed dated April 14, 1967, executed by Era Reddy, son of Yella Reddy in favour of Hosallappa, son of Dasappa, registered as Document No. 172/1967-68, Book – I, Volume 638, at Pages 135 to 137, in the office



- of the Sub-Registrar, Bengaluru South Taluk, in respect of land bearing Survey No. 77/1 measuring 31 Guntas;
14. Sale Deed dated July 13, 1967 executed by Hosallappa, son of Dasappa in favour of T. Thimmaiah, son of Thimmaiah and Kanthamma, wife of T. Thimmaiah, registered as Document No. 1629/1967-68, Book – I, Volume 650, at Pages 137 to 139, in the office of the Sub-Registrar, Bengaluru South Taluk, in respect of land bearing Survey No. 77/1 measuring 31 Guntas;
  15. Hissa Tippani in respect of land bearing Survey No. 77/1;
  16. Sale Deed dated May 23, 1986 executed by T. Thimmaiah, son of Thimmaiah and Kanthamma, wife of T. Thimmaiah in favour of Murali Vasudevan, son of V. T. Vasudevan registered as Document No. 995/1986-87, Book – I, Volume 2442, at Pages 59 to 65, in the office of the Sub-Registrar, Bengaluru South Taluk, in respect of land bearing Survey No. 77/1A measuring 28 Guntas;
  17. Extract of the Mutation Register reflecting entry bearing MR No. 11/1986-87;
  18. Sale Deed dated December 26, 1992 executed by Murali Vasudevan, son of V. T. Vasudevan in favour of Jogee S. Bhar alias Joginder Singh, son of Balwant Singh registered as Document No. 6846/1992-93, Book – I, Volume 625, at Pages 170 to 176, in the office of the Sub-Registrar, Krishnarajapura, Bengaluru in respect of lands bearing Survey No. 77/3 measuring 2 Acres 21 Guntas and Survey No. 77/1A measuring 28 Guntas;
  19. Power of Attorney dated November 22, 1991 executed by Murali Vasudevan, son of V. T. Vasudevan in favour of Naina J. Bhar, wife of Jogee S. Bhar alias Joginder Singh, registered as Document No. 659/1991-



- 92, Book – IV, Volume Add 243, at Pages 172 to 173, in the office of the Sub-Registrar, Shivajinagar, Bengaluru in respect of lands bearing Survey No. 77/3 measuring 2 Acres 21 Guntas and Survey No. 77/1A measuring 28 Guntas;
20. Extract of the Mutation Register reflecting entry bearing MR No. 13/1992-93;
  21. Extract of the Mutation Register reflecting entry bearing MR No. 16/2002-03;
  22. Order dated April 8, 2011, in proceedings bearing Appeal No. 1366/2006, passed by the Karnataka Appellate Tribunal, Bengaluru;
  23. Order dated February 1, 2017, in proceedings bearing WP No. 32554/2011 & WP No. 43198/2011 (KLR-RR/SUR), passed by the Hon'ble High Court of Karnataka, Bengaluru;
  24. Extract of the Mutation Register reflecting entry bearing MR No. H9/2017-18;
  25. Official Memorandum bearing No. ALN(EKHW)SR/77/17-18, dated September 14, 2018, issued by the Deputy Commissioner, Bengaluru District, in respect of land bearing Survey No. 77/3 measuring 2 Acres 21 Guntas;
  26. Sketch in respect of land bearing Survey No. 77/3 issued by the Taluk Surveyor;
  27. Official Memorandum bearing No. ALN(EKHW)SR/76/17-18, dated September 14, 2018, passed by the Deputy Commissioner, Bengaluru District, in respect of land bearing Survey No. 77/1A measuring 28 Guntas;



28. Sketch in respect of land bearing Survey No. 77/1A issued by the Taluk Surveyor;
29. Commencement Certificate bearing No. BDA/TPM/CLU-121/3319/2022-23 dated February 21, 2023, in respect of Survey No. 77/1A measuring 28 Guntas and Survey No. 77/3 measuring 1 Acre 11 Guntas, issued by the Bangalore Development Authority;
30. Order bearing No. BDA/TPM/CLU-121/2021-22/2132/2022-23 dated December 5, 2022, issued by the Bangalore Development Authority, in respect of Survey No. 77/3 measuring 1 Acre 10 Guntas;
31. Certificate bearing No. BDA/TPM/CLU-121/2021-22/1264/2022-23 dated September 12, 2023 issued by the Bangalore Development Authority;
32. Hissa Tippani of land bearing Survey No. 77/3;
33. Extract of the Mutation Register reflecting entry bearing MR No. T8/2023-24;
34. Official Memorandum bearing No. 577343, dated January 18, 2024, issued by the Deputy Commissioner, Bengaluru Urban District, in respect of Survey No. 77/5 measuring 21 Guntas;
35. Sketch in respect of land bearing Survey No. 77/5 issued by the Taluk Surveyor;
36. Official Memorandum bearing No. 577346, dated January 20, 2024, issued by the Deputy Commissioner, Bengaluru Urban District, in respect of Survey No. 77/1A measuring 22 $\frac{3}{4}$  Guntas;



37. Sketch in respect of land bearing Survey No. 77/1A issued by the Taluk Surveyor;
38. Official Memorandum bearing No. 627036, dated April 6, 2024, issued by the Deputy Commissioner, Bengaluru Urban District, in respect of Survey No. 77/3 measuring 1 Acre 13 Guntas;
39. Sketch in respect of land bearing Survey No. 77/3 issued by the Taluk Surveyor;
40. Joint Development Agreement dated January 29, 2024 executed by Jogee S. Bhar in favour of M/s Coevolve East End Ventures LLP registered as Document No. KRI-1-17294-2023-24, Book – I, in the office of the Sub-Registrar, K. R. Puram, Bengaluru;
41. General Power of Attorney dated January 29, 2024 executed by Jogee S. Bhar in favour of M/s. Coevolve East End Ventures LLP, registered as Document No. KRI-4-00600-2023-24, Book – IV, in the office of the Sub-Registrar, K. R. Pura, Bengaluru;
42. Extract of Record of Rights, Tenancy and Crop Inspection (RTC's) in respect of land bearing Survey No. 77/3 measuring 2 Acres 21 Guntas for the years 1974-75 to 1979-80, 1981-82 to 1985-86, 1989-90, 1992-93 to 1996-97, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22 and 2023-24;
43. Extract of Record of Rights, Tenancy and Crop Inspection (RTC's) in respect of land bearing Survey No. 77/5 measuring 21 Guntas for the years 2023-24;



44. Extract of Record of Rights, Tenancy and Crop Inspection (RTC's) in respect of land bearing Survey No. 77/1 measuring 2 Acres 2 Guntas for the years 1974-75 to 1979-80;
45. Extract of Record of Rights, Tenancy and Crop Inspection (RTC's) in respect of land bearing Survey No. 77/1A measuring 28 Guntas for the years 1981-82 to 1985-86, 1989-90, 1992-93 to 1996-97, 1998-99, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21;
46. Record of Rights bearing RR No. 91 & 93 in respect of lands bearing Survey No. 77/1 and 77/3;
47. Mysore Settlement Register in respect of land bearing Survey No. 77;
48. Karnataka Revision Settlement Akarband in respect of land bearing Survey No. 77/3 measuring 2 Acres 21 Guntas;
49. Karnataka Revision Settlement Akarband in respect of land bearing Survey No. 77/1A measuring 28 Guntas;
50. Village Map of Pattandur Agrahara village;
51. Endorsement bearing No. RK/CR/2098/2022-23, dated August 2, 2022, issued by the Tahsildar, Bengaluru East Taluk;
52. Endorsement bearing No. RK/CR/2102/2022-23, dated August 2, 2022, issued by the Tahsildar, Bengaluru East Taluk
53. Nil- Tenancy Certificate dated August 30, 2022, issued by the Tahsildar, in respect of the Property;



54. Receipt dated May 23, 2024 issued by the Bruhat Bengaluru Mahanagara Palike for having paid betterment charges;
55. Khata Certificate dated May 31, 2024 issued by the Bruhat Bengaluru Mahanagara Palike in respect of the Property in the name of Jogee S. Bhar alias Joginder Singh;
56. Khata Extract dated May 31, 2024 issued by the Bruhat Bengaluru Mahanagara Palike in respect of the Property in the name of Jogee S. Bhar alias Joginder Singh;
57. Receipts for having paid property tax in respect of the Property for the years 2023-24 and 2024-25 issued by the Bruhat Bengaluru Mahanagara Palike;
58. Encumbrance certificate in respect of lands bearing Survey No. 77/1A measuring 28 Guntas and Survey No. 77/3 measuring 2 Acres 21 Guntas for the period April 1, 1960 to March 31, 1977;
59. Encumbrance certificate in respect of lands bearing Survey No. 77/1A measuring 28 Guntas and Survey No. 77/3 measuring 2 Acres 21 Guntas for the period April 1, 1977 to May 31, 1989;
60. Encumbrance certificate in respect of lands bearing Survey No. 77/1A measuring 28 Guntas and Survey No. 77/3 measuring 2 Acres 21 Guntas for the period June 1, 1989 to March 31, 2004;
61. Encumbrance certificate in respect of lands bearing Survey No. 77/1A and Survey No. 77/3 for the period April 1, 2004 to July 30, 2024;
62. Encumbrance certificate in respect of land bearing Survey No. 77/5 measuring 21 Guntas for the period April 1, 2023 to July 30, 2024;



63. Public Notice dated August 6, 2023 issued in Times of India and Prajavani newspapers;
64. Certificate dated August 30, 2023 issued by CrestLaw Partners, Advocates.

**D. COMMENTS ON THE DOCUMENTS EXAMINED :-**

1. The Property forming the subject matter of this title report are converted lands, currently bearing Survey No. 77/1A measuring 22<sup>3</sup>/<sub>4</sub> Guntas, Survey No. 77/3 measuring 1 Acres 13 Guntas and Survey No. 77/5 measuring 21 Guntas, totally measuring 2 Acres 16<sup>3</sup>/<sub>4</sub> Guntas, situated in Pattandur Agrahara Village, K. R. Puram Hobli, Bengaluru East Taluk, Bengaluru Urban District, currently bearing Municipal No. 445 / Old Sy. No. 77/3, 77/5, 77/1A in the records of the Bruhat Bengaluru Mahanagara Palike (herein after referred to as "**Property**").
2. The Property formed part of a larger extent of land measuring 6 Acres 39 Guntas situated in Pattandur Agrahara village and was earlier bearing Survey No. 25. The Moola Tippani and Karda in respect of land bearing Survey No. 77 (Document No. 1) indicates that the aforesaid land bearing Survey No. 25 was subsequently renumbered as Survey No. 77. The Tippani also indicates the names of Era Reddy, M. Ramaiah and Palyappa as the Kardadars of the said land.
3. We have been provided with a copy of Sale Deed dated July 16, 1928 under which one Thimmaiah, son of Bachchappa sold and conveyed a portion of the aforesaid land bearing Survey No. 25 measuring 2 Acres 34 Guntas in favour of Pallappa alias Palyappa, son of Lingappa (Document No. 2). The said Pallappa executed a Settlement Deed dated July 15, 1960 (Document No. 3), under which he conveyed the aforesaid land bearing Survey No. 25 measuring 2 Acres 34 Guntas in favour of his daughter-in-law Gangamma, wife of Mallappa.



4. It is observed from the documents furnished for our scrutiny that Pattandur Agrahara village is a Inam village and the aforesaid lands were Inam lands. Upon abolition of Inams in the State of Karnataka under the Karnataka (Personal & Miscellaneous) Inams Abolition Act, 1954 ("Inams Abolition Act"), all lands attached to Inams coming under the Inams Abolition Act stood vested in the Government, with a right vested in the tenants / occupants to make an application for grant of the land in their favour.
5. Under Order dated February 3, 1962 passed by the Special Deputy Commissioner for Abolition of Inams under the Inams Abolition Act and the rules made thereunder, in Case bearing No. 71/1959-60 (Document No. 4), a portion of land bearing Survey No. 77 measuring 2 Acres was granted in favour of Pallappa, son of Lingappa. Pursuant to the aforesaid order dated February 3, 1962, the Special Deputy Commissioner for Abolition of Inams, Bangalore issued an Endorsement dated February 11, 1963 (Document No. 5) in the name of the said Pallappa in respect of land bearing Survey No. 77 measuring 2 Acres. The extract of Register VIII in respect of land bearing Survey No. 77 measuring 2 Acres (Document No. 6) reflects the name of Pallappa alias Palyappa, son of Lingappa as the grantee thereof.
6. Land bearing Survey No. 77 was sub-divided into three portions, namely, lands bearing Survey No. 77/1 measuring 2 Acres 2 Guntas, Survey No. 77/2 measuring 2 Acres 16 Guntas and Survey No. 77/3 measuring 2 Acres 21 Guntas. The Hissa Tippani in respect of land bearing Survey No. 77 of Pattandur Agrahara village (Document No. 7) reflects the name of Era Reddy, son of Yellappa Reddy as the owner of land bearing Survey No. 77/1, the name of M. Ramaiah, son of Muniveerappa as the owner of land bearing Survey No. 77/2 and the name of the aforesaid Gangamma, wife of Mallappa as the owner of land bearing Survey No. 77/3.

7. As noted above, the Inams Abolition Act came into force on January 13, 1959, and by operation of law, the lands comprised in the inams concerned vested in the State Government with effect from the said date. As noted in para 3 above, Gangamma acquired title to land bearing Survey No. 77 from Pallappa, son of Lingappa under Settlement Deed dated July 15, 1960. Upon the re-grant of land bearing Survey No. 77 in favour of Pallappa, son of Lingappa therefore, Gangamma perfected her title to land bearing Survey No. 77 by virtue of operation of law.
8. It is pertinent to note that Gangamma, wife of Mallappa was in possession of land measuring 2 Acres 21 Guntas in Survey No. 77/3, notwithstanding that the re-grant in favour of her predecessor-in-title, namely, Pallappa, son of Lingappa was in respect of land measuring 2 Acres. Accordingly, the name of Gangamma was recorded as the owner in possession of land measuring 2 Acres 21 Guntas in Survey No. 77/3, as can be observed from the Hissa Tippani and other revenue records such as the RTCs during the relevant period. Further, Gangamma was the owner in possession of land bearing Survey No. 77 for a considerable period of time until she sold the same in the year 1986 as noted below and therefore, title to the said land in her hands became unassailable.
9. The aforesaid Gangamma, wife of Mallappa sold and conveyed land bearing Survey No. 77/3 measuring 2 Acres 21 Guntas in favour of Murali Vasudevan, son of V. T. Vasudevan under a Sale Deed dated May 23, 1986 (Document No. 8). Pursuant thereto, the Khata in respect of land bearing Survey No. 77/3 measuring 2 Acres 21 Guntas was transferred to the name of said Murali Vasudevan, vide an entry in the Mutation Register bearing MR No. 10/1986-87 (Document No. 9).
10. Another portion of land bearing Survey No. 77 measuring 2 Acres 39 Guntas was re-granted in favour Era Reddy alias Annaiah Reddy by the Special Deputy Commissioner for Abolition of Inams under the Inams Abolition Act and the rules made thereunder vide Order dated February

3, 1962 in Case bearing No. 63/1959-60 (Document No. 10). Pursuant to the aforesaid order dated February 3, 1962, the Special Deputy Commissioner for Abolition of Inams, Bangalore also issued Endorsement dated March 18, 1963 (Document Nos. 11) in the name of Era Reddy alias Annaiah Reddy. The extract of Register VIII in respect of land bearing Survey No. 77 measuring 2 Acres 39 Guntas (Document No. 12) reflects the name of Era Reddy alias Annaiah Reddy as the grantee thereof.

11. The aforesaid Era Reddy sold and conveyed land bearing Survey No. 77/1 measuring 28 Guntas in favour of Hosallappa, son of Dasappa under a Sale Deed dated April 14, 1967 (Document No. 13). Thereafter, the aforesaid Hosallappa sold and conveyed the said land bearing Survey No. 77/1 measuring 28 Guntas in favour of T. Thimmaiah, son of Thimmaiah and his wife Kanthamma under a Sale Deed dated July 13, 1967 (Document No. 14). Although the aforesaid sale deeds dated April 14, 1967 and July 13, 1967 above record the conveyance of an extent of 31 Guntas, it is seen in the subsequent sale deed that the land available within the boundaries conveyed under the aforesaid two sale deeds was only 28 Guntas, and possession of only 28 Guntas was transferred from Era Reddy to Hosallappa and then from Hosallappa to Thimmaiah and Kanthamma. It is seen from the RTC in respect of land bearing Survey No. 77 for the years 1974-75 to 1979-80 that the name of T. Thimmaiah is shown to be the owner of an extent of 28 Guntas.
12. Land bearing Survey No. 77/1 measuring 2 Acres 2 Guntas was further sub-divided and assigned with sub-numbers bearing Survey Nos. 77/1A, 77/1B and 77/1C (Document No. 15). Land bearing Survey No. 77/1A is shown to be containing by admeasurement an extent of 28 Guntas.
13. Subsequently, the aforesaid T. Thimmaiah and his wife Kanthamma sold and conveyed land bearing Survey No. 77/1A measuring 28 Guntas in

favour of Murali Vasudevan, son of V. T. Vasudevan under a Sale Deed dated May 23, 1986 (Document No. 16). The Khata in respect of land bearing Survey No. 77/1A measuring 28 Guntas was transferred in favour of the aforesaid Murali Vasudevan, vide an entry in the Mutation Register bearing MR No. 11/1986-87 (Document No. 17).

14. The said Murali Vasudevan had purchased an extent of 2 Acres 21 Guntas in land bearing Survey No. 77/3 under Sale Deed dated May 23, 1986 as noted in para 9 above. Thus, the aforesaid Murali Vasudevan became the owner of lands bearing Survey No. 77/1A measuring 28 Guntas and Survey No. 77/3 measuring 2 Acres 21 Guntas (hereinafter collectively referred to as the "Composite Property").
15. Subsequently, Murali Vasudevan sold and conveyed the Composite Property in favour of Jogee S. Bhar alias Joginder Singh, son of Balwant Singh under a Sale Deed dated December 26, 1992 (Document No. 18). It is seen that Murali Vasudevan was represented by his power of attorney holder Naina J. Bhar, wife of Jogee S. Bhar, who was appointed vide Power of Attorney dated November 22, 1991 (Document No. 19). Pursuant thereto, the Khata in respect of the Composite Property was transferred to the name of Jogee S. Bhar alias Joginder Singh vide an entry in the Mutation Register bearing MR No. 13/1992-93 (Document No. 20).
16. It appears that the Assistant Commissioner concerned had initiated proceedings under the provisions of Section 79A, 79B and 80 of the Karnataka Land Reforms Act, 1961 against Jogee S. Bhar, and had passed an order dated August 2, 2002 in proceedings bearing No. LRF (83) BE/560/95-96 under which land bearing Survey No. 77/3 measuring 21 Guntas and Survey No. 77/1A measuring 28 Guntas was ordered to be resumed in favour of the Government. The aforesaid fact is evidenced from a copy of Mutation Register bearing MR No. 16/2002-03 (Document No. 21) furnished to us.

17. In an Appeal bearing No. 1366/2006 preferred by Jogee S. Bhar against the aforesaid Order dated August 2, 2002 passed by the Assistant Commissioner, the Karnataka Appellant Tribunal, vide Judgment dated April 8, 2011 (Document No. 22) set aside the said Order dated August 2, 2002, and remitted the case back to the Assistant Commissioner for a fresh trial.
18. Against the aforesaid Judgment dated April 8, 2011 passed by the Karnataka Appellate Tribunal, Jogee S. Bhar filed Writ Petitions bearing Nos. 32554/2011 & 43198/2011, challenging the same before the High Court of Karnataka. The High Court of Karnataka vide its Order dated February 1, 2017 (Document No. 23), set aside the impugned order passed by the Karnataka Appellant Tribunal and quashed the proceedings initiated by the Assistant Commissioner under the provisions of Section 79A, 79B and 80 of Karnataka Land Reforms Act, 1961.
19. In terms of the aforesaid order passed by the High Court of Karnataka, the entries in revenue records pertaining to resumption of land in favour of the Government were removed and the Khata in respect of land bearing Survey No. 77/3 measuring 21 Guntas and Survey No. 77/1A measuring 28 Guntas was restored in the name of Jogee S. Bhar, vide an entry in the Mutation Register bearing MR No. H9/2017-18 (Document No. 24).
20. Jogee S. Bhar alias Joginder Singh secured conversion of a portion of land measuring 1 Acre 11 Guntas in Survey No. 77/3 from agricultural use to non-agricultural Hi-Tech use and another portion of land measuring 1 Acre 10 Guntas in Survey No. 77/3 from agricultural use to non-agricultural public and semi-public use vide Official Memorandum bearing No. ALN(EKHW)SR/77/2017-18, dated September 14, 2018, issued by the Deputy Commissioner, Bangalore District (Document Nos. 25 & 26). Jogee S. Bhar alias Joginder Singh also secured conversion of



land bearing Survey No. 77/1A measuring 28 Guntas from agricultural use to non-agricultural Hi-Tech use vide Official Memorandum bearing No. ALN(EKHW)SR/76/2017-18 dated September 14, 2018 issued by the Deputy Commissioner, Bangalore District (Document Nos. 27 & 28).

21. Under the Revised Master Plan 2015, the land use in respect of land bearing Survey No. 77/1A and a portion of land bearing Survey No. 77/3 was classified as Industrial (Hi-Tech) use and the land use in respect of the remaining portion of land bearing Survey No. 77/3 was classified as public/semi-public use. Upon an application made by Jogee S. Bhar alias Joginder Singh, the land use in respect of land bearing Survey No. 77/1A measuring 28 Guntas and Survey No. 77/3 measuring 1 Acre 11 Guntas was changed from Industrial (Hi-Tech) use to residential use vide Commencement Certificate bearing No. BDA/TPM/CLU-121/3319/2022-23 dated February 21, 2023, issued by the Bangalore Development Authority (Document No. 29) and the land use in respect of land bearing Survey No. 77/3 measuring 1 Acre 10 Guntas was changed from public/semi-public use to residential use vide Order bearing No. BDA/TPM/CLU-121/2021-22/2132/2022-23 dated December 5, 2022, issued by the Bangalore Development Authority (Document No. 30). Vide Rectification Order bearing No. BDA/TPM/CLU-121/2021-22/1264/2022-23 dated September 12, 2023 (Document No. 31) an error in the name of the village specified in the aforesaid order dated December 5, 2022 was rectified by the Bangalore Development Authority.
22. Land bearing Survey No. 77/3 measuring 21 Guntas was sub-divided and was assigned Survey No. 77/5 in the name of Jogee S. Bhar (Document No. 32). The remaining extent of 2 Acres was retained with Survey No. 77/3 in the name of Jogee S. Bhar. The said sub-division was incorporated into the revenue records vide an entry in the Mutation Register bearing MR No. T8/2023-24 (Document No. 33).



23. Land bearing Survey No. 77/5 measuring 21 Guntas was converted from agricultural use to non-agricultural residential use vide Official Memorandum bearing No. 577343, dated January 18, 2024 (Document Nos. 34 & 35), issued by the Deputy Commissioner, Bangalore District. Out of the total extent of 28 Guntas in land bearing Survey No. 77/1A, an extent measuring  $22\frac{3}{4}$  Guntas was converted from agricultural use to non-agricultural residential use vide Official Memorandum bearing No. 577346, dated January 20, 2024 (Document Nos. 36 & 37). Jogee S. Bhar secured conversion of land bearing Survey No. 77/3 measuring 1 Acre 13 Guntas from agricultural use to non-agricultural residential use vide Official Memorandum bearing No. 627036, dated April 6, 2024 (Document Nos. 38 & 39).
24. Jogee S. Bhar has constructed a residential building in a portion of land bearing Survey No. 77/3 and has been residing in the said residential building, with access thereto through a portion of land bearing Survey No. 77/1A. The portion of land retained by Jogee S. Bhar in land bearing Survey No. 77/3 has been carved out with access therein and the same measures 27 Guntas leaving behind the remaining portion measuring 1 Acre 13 Guntas available for development. Similarly, in land bearing Survey No. 77/1A, an extent of  $5\frac{1}{4}$  Guntas has been earmarked for access to the aforesaid extent of 27 Guntas in Survey No. 77/3 from the main road, and the remaining portion  $22\frac{3}{4}$  Guntas has been made available for development.
25. Jogee S. Bhar (hereinafter referred to as the "Owner") entered into a Joint Development Agreement dated January 29, 2024 ("JDA") (Document No. 40) with M/s. Coevolve East End Ventures LLP (hereinafter referred to as the "Developer"), for the development of the aforesaid converted lands bearing Survey No. 77/1A measuring  $22\frac{3}{4}$  Guntas, Survey No. 77/3 measuring 1 Acres 13 Guntas and Survey No. 77/5 measuring 21 Guntas, totally measuring 2 Acres  $16\frac{3}{4}$  Guntas, situated at Pattandur Agrahara Village, K. R. Puram Hobli, Bangalore



East Taluk, Bangalore Urban District, i.e., the Property. It is seen that the development envisaged under the JDA is development of the Property by the construction thereon of a multi-storied residential apartment complex comprising of several apartment units of various dimensions with common areas, amenities, utilities and facilities (hereinafter referred to as the "Project").

26. In terms of the said JDA, the Developer has agreed to construct and deliver to the Owner, 43% of the super built-up area in the form of apartment units in the Project and in consideration thereof, the Owner has agreed to convey 57% undivided share, right, title and interest in the Property corresponding to the remaining 57% of the super built-up area in the Project in favour of the Developer or its customers.
27. The Owner also executed a General Power of Attorney dated January 29, 2024 (hereinafter referred to as the "POA") (Document No. 41), in favour of the Developer, inter alia, empowering the Developer to develop the Property, to sell the Developer's share in the Property in the form of undivided share corresponding to super built up area of apartment units allocated to the share of the Developer pursuant to the JDA.
28. We have been provided with copies of the extract of Record of Rights, Tenancy and Crop Inspection (RTC's) in respect of land bearing Survey No. 77/3 measuring 2 Acres 21 Guntas for the years 1974-75 to 1980-81, 1981-82 to 1985-86, 1989-90, 1992-93 to 1996-97, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22 and 2023-24 (Document No. 42). The RTC's for the years 1974-75 to 1979-80 reflect the name of Pallappa as owner and T. Thimmaiah as cultivator thereof. The RTC's for the years 1981-82 to 1985-86 reflects the name of Gangamma as owner and T. Thimmaiah as cultivator thereof. The RTC's for the years 1989-90 reflect the name of Murali Vasudevan

as owner and cultivator thereof. The RTC's for the years 1992-93 to 1996-97 reflect the name of Jogee S. Bhar as owner and cultivator thereof. The RTC's for the years 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16 and 2016-17 reflect the names of Jogee S. Bhar as owner to an extent of 2 Acres and Government as owner to an extent of 21 Guntas and cultivators thereof. The RTC's for the years 2017-18 2018-19, 2019-20, 2020-21, 2021-22 and 2023-24 reflect the name of Jogee S. Bhar as the owner and cultivator thereof.

29. We have been provided with a copy of the extract of Record of Rights, Tenancy and Crop Inspection (RTC's) in respect of land bearing Survey No. 77/5 measuring 21 Guntas for the year 2023-24 which reflects the name of Jogee S. Bhar as the owner of the said land (Document No. 43).
30. We have been provided with copies of the extract of Record of Rights, Tenancy and Crop Inspection (RTC's) in respect of land bearing Survey No. 77/1 measuring 2 Acres 2 Guntas for the years 1974-75 to 1979-80 (Document No. 44). The RTC's for the years 1974-75 to 1979-80 reflect the name of Era Reddy and B. Kenchappa as the owners and cultivators thereof.
31. We have been provided with copies of the extract of Record of Rights, Tenancy and Crop Inspection (RTC's) in respect of land bearing Survey No. 77/1A measuring 28 Guntas for the years 1981-82 to 1985-86, 1989-90, 1992-93 to 1996-97, 1998-99, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2018-19, 2019-20 and 2020-21 (Document No. 45). The RTC's in respect of 1981-82 to 1985-86 and the year 1989-90 reflect the name of T. Thimmaiah as earlier owner and the name of Murali Vasudevan as subsequent owner and cultivator thereof. The RTC's for the years 1992-93 to 1996-97 and 1998-99 reflect the name of Murali Vasudevan as owner and cultivator thereof. The RTC's for the years

2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17 and 2017-18 reflect the name of Government as owner and cultivator thereof. The RTC's for the years 2018-19 and 2019-20 reflect the name of Jogee S. Bhar as owner and Government in the cultivator column. The RTC's for the years 2020-21 reflect the name of Jogee S. Bhar as owner and cultivator thereof.

32. We have been provided with copies of Record of Rights bearing RR Nos. 91 and 93 (Document No. 46) which reflects the name of Era Reddy, son of Yellappa Reddy as occupant of land bearing Survey No. 77/1 and Gangamma, wife of Mallappa as occupant of land bearing Survey No. 77/3. We have been provided with a copy of Mysore Settlement Register in respect of land bearing Survey No. 77 (Document No. 47) which indicates the name Era Reddy, son of Yella Reddy as cultivator in respect of land bearing Survey No. 77/1. It also reflects the name of Ramaiah as the cultivator of land bearing Survey No. 77/2 and the name of Gangamma as the cultivator of land bearing Survey No. 77/3.
33. The Karnataka Revision Settlement Akarbandh in respect of land bearing Survey No. 77/3 (Document No. 48) indicates that said Survey No. 77/3 measures 2 Acres 21 Guntas of arable land and that no kharab land is located therein. The Karnataka Revision Settlement Akarbandh in respect of land bearing Survey No. 77/1A (Document No. 49) indicates that said land measures 28 Guntas of arable land and that no kharab land is located therein.
34. The village map of Pattandu Agrahara village (Document No. 50) reflects the shape of land bearing Survey No. 77 and the location thereof in the said village.
35. Endorsement bearing No. RK/CR/2098/2022-23, dated August 2, 2022, issued by the Tahsildar, Bengaluru East Taluk (Document No. 51)



indicates that RTC's for the years 1960 to 1974, 1986 to 1993, 1997 to 2001, Index of Lands and Preliminary Records in respect of land bearing Survey No. 77/3 are mutilated and are therefore, not available in the records of the Tahsildar, Bengaluru East Taluk. We have also been provided with a copy of endorsement bearing No. RK/CR/2102/2022-23, dated August 2, 2022, issued by the Tahsildar, Bengaluru East Taluk (Document No. 52) indicates that RTC's for the years 1960 to 1974, 1986 to 1993, 1997 to 2001, Index of Lands and Preliminary Records in respect of land bearing Survey No. 77/1 and 77/1A are mutilated and are therefore, not available in the records of the Tahsildar, Bengaluru East Taluk.

36. We have been furnished with a copy of Certificate dated August 30, 2022, issued by the Tahsildar (Document No. 53) which indicates that no tenancy applications have been filed or are pending under the provisions of the Karnataka Land Reforms Act, 1961 in respect of the Property.
37. We have been provided with a copy of Receipt dated May 23, 2024 (Document No. 54) issued by the Bruhat Bengaluru Mahanagara Palike which indicates that the requisite betterment charges in respect of the Property has been paid by Jogee S. Bhar. Pursuant thereto, the said Jogee S. Bhar has obtained a Khata certificate and Khata extract in respect of the Property in his name in the records of the Bruhat Bengaluru Mahanagara Palike (Document Nos. 55 & 56). It is seen that the Property has been assigned Municipal No. 445 / Old Sy. No. 77/3, 77/5, 77/1A.
38. It is seen that Jogee S. Bhar has paid the property taxes in respect of the Property for the years 2023-24 and 2024-25 (Document No. 57).
39. We have been provided with a copy of encumbrance certificate in respect of lands bearing Survey No. 77/1A measuring 28 Guntas and Survey No. 77/3 measuring 2 Acres 21 Guntas for the period April 1,



1960 to March 31, 1977 (Document No. 58) which reflects the transactions listed at Nos. 13 & 14 of Part C above. The said encumbrance certificate does not reflect any other transaction or encumbrance in respect of the lands comprised therein.

40. We have been provided with a copy of encumbrance certificate in respect of lands bearing Survey No. 77/1A measuring 28 Guntas and Survey No. 77/3 measuring 2 Acres 21 Guntas for the period April 1, 1977 to May 31, 1989 (Document No. 59) which reflects the transactions listed at Nos. 8 & 16 of Part C above. The said encumbrance certificate does not reflect any other transaction or encumbrance in respect of the lands comprised therein.
41. We have been provided with a copy of encumbrance certificate in respect of lands bearing Survey No. 77/1A measuring 28 Guntas and Survey No. 77/3 measuring 2 Acres 21 Guntas for the period June 1, 1989 to March 31, 2004 (Document No. 60) which reflects the transaction listed at No. 19 of Part C above. The said encumbrance certificate does not reflect any other transaction or encumbrance in respect of the lands comprised therein.
42. We have obtained encumbrance certificates in respect of lands bearing Survey No. 77/1A measuring 28 Guntas and Survey No. 77/3 measuring 2 Acres 21 Guntas for the period April 1, 2004 to July 30, 2024 and in respect of land bearing Survey No. 77/5 measuring 21 Guntas for the period April 1, 2023 to July 30, 2024 (Document Nos. 61 & 62) which reflect the transaction listed at No. 38 of Part C above. The said encumbrance certificates do not reflect any other transaction or encumbrance in respect of the Property.
43. We had issued a Public Notice of the proposed development of the Property by the Developer in Times of India and Prajavani newspapers on August 6, 2023 (Document No. 63). We did not receive any objections



in response to the aforesaid public notice and accordingly, we have issued a certificate dated August 30, 2023 in this regard (Document No. 64).

**E. CONCLUSION :-**

Based on the documents and information provided to us, we are of the opinion that Jogee S. Bhar alias Joginder Singh has a clear and marketable title to the Property.

The aforesaid Jogee S. Bhar has vested in favour of M/s Coevolve East End Ventures LLP, rights to develop the Property and have executed a Joint Development Agreement dated January 29, 2024, in respect of the Project; Jogee S. Bhar has further authorized M/s Coevolve East End Ventures LLP to act on his behalf to develop the Property and sell or otherwise alienate the share of Coevolve East End Ventures LLP in the Project vide General Power of Attorney dated January 29, 2024.

As per the Joint Development Agreement dated January 29, 2024, Jogee S. Bhar alias Joginder Singh is entitled to 43% of the total super built-up area in the Project together with 43% undivided share, right, title, interest and ownership in the Property corresponding thereto; and M/s Coevolve East End Ventures LLP is entitled to the remaining 57% of the super built-up area in the Project together with 57% undivided share, right, title, interest and ownership in the Property corresponding thereto.

August 1, 2024  
Bengaluru

Prashant Shenoi  
Partner

  
CRESTLAW PARTNERS  
