

Rajendra Prasad Tripathi

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High Court of M.P.

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Date 04.03.2024

Title & Search Report

To,
Aditya Birla Housing Finance Ltd.,
Bhopal (M.P.).

Dear Sir,

**Sub: Legal Opinion on title to the proposed property of file of Mr. Bhanu Pratap
S/o Mr. Bhagirath Singh Baghel (No.3000017606)**

In pursuance of your instructions I have investigated title to the under mentioned property offered to the company by way of mortgage. I have investigated the title after following guidelines in the checklist provided by the company and my report is as under-

1.	Name of proposed title holder/s- Mr. Bhanu Pratap S/o Mr. Bhagirath Singh Baghel	
2.	Constitution	Individual
3.	Details of the property- Plot No.78, area 700 Sq.ft., which is a part of land khasra no. 137 situated at Himanshu Greens Phase-2, Campus colony, Gram Kotra, Suraiya Nagar Panchayat, Tehsil Huzur, Distt. Bhopal (M.P.), which is bounded as under- East by - Colony road, West by - Open space, North by - Plot no.79, South by - Colony road,	
4.	Nature of property	Free hold

5.	List of title deeds/documents perused-
	<ol style="list-style-type: none"> 1. Copy of registered gift deed dated 10.12.1973, which is registered with office of Sub registrar Bhopal, vide book no. A-1, volume no. 1425, document no. 3556 dated 10.12.1973 executed by Mr. Mohanlal S/o Mr. Shivlal in favour of Mr. Ganga Ram & Mr. Kunjilal, both S/o Mr. Bhola Prasad. 2. Copy of page of mutation register (namantaran panji) issued by revenue deparmtne in favour of Mr. Ganga Ram & Mr. Kunjilal. 3. Copy of registered sale deed dated 06.01.2015, which is registered with office of Sub registrar Bhopal, vide book no. A-1, volume no.464, document no. 1128/4 dated 06.01.2015 executed by Mr. Ganga Ram & Mr. Kunjilal, both S/o Mr. Bhola Prasad in favour of Shri Parasnath Builders & Developers India Pvt. Ltd. through Director Mr. Pramod Kumar Jain S/o Late Mr. Virendra Kumar Jain. 4. Copy of diversion order U/p of M.P. Land Revenue Code, 1959 from Court of the S.D.O. Bhopal, vide its case no. 10/A-2/2015-16 dated 17.11.2015. 5. Copy of lay out approval from Town & Country Planning Department, Bhopal, vide its letter no. 723/Diversion-12/Abhimat/Jika/NaGraNi/2015 dated 20.10.2015. 6. Copy of colonizer registration certificate from S.D.O. Bhopal, vide registration no. 29/13, vide its case no. 583/B-121/12-13 dated 29.06.2013 in the name of Shri Parasnath Builders & Developers India Pvt. Ltd. 7. Copy of registered mortgage deed dated 18.02.2016, which is registered with office of Sub registrar, Bhopal, vide E registration no. MP059702016A1090788 dated 18.02.2016 executed by Shri Parasnath Builders & Developers India Pvt. Ltd. in favour of Collector, Bhopal. 8. Copy of allotment letter dated 31.01.2024 issued by Shri Parasnath Builders & Developers India Pvt. Ltd. through Director Mr. Priyank Kumar Jain S/o Mr. Pramod Kumar Jain in favour of Mr. Bhanu Pratap S/o Mr. Bhagirath Singh Baghel.

6.	<p>Tracing of title and investigation of title-</p> <ol style="list-style-type: none"> 1. That initially the land of revenue khasra no. 137 rakba 2.450 hectare situated at Gram Kotra, Suraiya Nagar Panchayat, Tehsil Huzur, Distt. Bhopal (M.P.) owned and possessed by Mr. Mohanlal S/o Mr. Shivlal. 2. That Mr. Mohanlal S/o Mr. Shivlal gifted aforesaid land khasra no. 137 rakba 2.450 hectare situated at Gram Kotra, Suraiya Nagar Panchayat, Tehsil Huzur, Distt. Bhopal (M.P.) in favour of Mr. Ganga Ram & Mr. Kunjilal, both S/o Mr. Bhola Prasad through a registered gift deed dated 10.12.1973, which is registered with office of Sub registrar Bhopal, vide book no. A-1, volume no. 1425, document no. 3556 dated 10.12.1973. After purchasing of aforesaid land Mr. Ganga Ram & Mr. Kunjilal, both S/o Mr. Bhola Prasad got mutated their name in revenue record vide case no. 44/A-6/2010-11 dated 25.12.2010. Thus Mr. Ganga Ram & Mr. Kunjilal, both S/o Mr. Bhola Prasad derived a valid title over the aforesaid land. 3. That Mr. Ganga Ram & Mr. Kunjilal, both S/o Mr. Bhola Prasad sold aforesaid land khasra no. 137 rakba 2.450 hectare situated at Gram Kotra, Suraiya Nagar Panchayat, Tehsil Huzur, Distt. Bhopal (M.P.) in favour of Shri Parasnath Builders & Developers India Pvt. Ltd. through Director Mr. Pramod Kumar Jain S/o Late Mr. Virendra Kumar Jain through a registered sale deed dated 06.01.2015, which is registered with office of Sub registrar Bhopal, vide book no. A-1, volume no. 464, document no. 1128/4 dated 06.01.2015. Thus Shri Parasnath Builders & Developers India Pvt. Ltd. have derived a valid title over the aforesaid land. 4. That the said land got diverted for other than agriculture purpose U/p of M.P. Land Revenue Code, 1959 from Court of the S.D.O. Bhopal, vide its case no. 10/A-2/2015-16 dated 17.11.2015. 5. That necessary layout for residential colony over the said land has also been got approved from Town & Country Planning Department, Bhopal, vide its letter no. 723/Diversion-12/Abhimat/Jika/NaGraNi/2015 dated 20.10.2015.
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	<p>6. That necessary colonizer registration certificate has already been obtained by Shri Parasnath Builders & Developers India Pvt. Ltd. from S.D.O. Bhopal, vide registration no. 29/13, vide its case no. 583/B-121/12-13 dated 29.06.2013.</p> <p>7. That for security of development of aforesaid land, Shri Parasnath Builders & Developers India Pvt. Ltd. mortgaged plot nos. 13 to 17, 120 to 123, 128 to 131, 136 to 139, 144 to 147, 150 to 161, total 33 plots, total area 2406.56 Sq.mtr. out of plots situated on aforesaid land in favour of Collector, Bhopal through a registered mortgage deed dated 18.02.2016, which is registered with office of Sub registrar, Bhopal, vide E registration no. MP059702016A1090788 dated 18.02.2016, but aforesaid plot is not mortgaged with this mortgage deed.</p> <p>8. That Shri Parasnath Builders & Developers India Pvt. Ltd. have developed the entire aforesaid land into a residential colony in the name of "Himanshu Greens Phase-2".</p> <p>9. That from the area so developed Shri Parasnath Builders & Developers India Pvt. Ltd. through Director Mr. Priyank Kumar Jain S/o Mr. Pramod Kumar Jain is agreed to sale aforesaid plot in favour of Mr. Bhanu Pratap S/o Mr. Bhagirath Singh Baghel, vide an allotment letter dated 31.01.2024.</p> <p>10. That, similarly Mr. Bhanu Pratap S/o Mr. Bhagirath Singh Baghel on making compliance of the agreement for sale and on getting the sale deed Registered will also get clear, marketable and free from all encumbrances title over the aforesaid plot and there by he would be able to create legal equitable mortgage by depositing the original title deed thereof in favour of your company as a security for the loan applied for.</p>	
7.	Whether any additional document is required to complete the report	Not Applicable
8.	Particulars of tax/revenue receipts studied	Not Applicable
9.	Particulars of Encumbrance Certificates/Search Notes	Not

		Applicable
10.	Particulars of any charges/encumbrances found to be recorded/registered on the property	Not Applicable
11.	Documents perused in support of possession of property/premises by the mortgagor	Sale deed yet to be executed in the name of mortgagor/s
12.	Minor's Interest , if any	Not Applicable
13.	Permission/NOC from society/builder in case of premises/flat in a Co-operative Society	Not Applicable
14.	Permission of Lessor in case of leasehold property	Not Applicable
15.	Any Income Tax proceedings or other proceedings pending against the mortgagor affecting title of the property/premises	Plz. obtain an affidavit from borrower in support of this fact
16.	Land is Agricultural Land or Non Agricultural Land	Non Agricultural Land
17.	If Agricultural Land, permission of Revenue Authority is required	Not Applicable
18.	Any other deficiency or restriction in title	No
19.	Application of	
	(a) Urban Land (Ceiling & Regulation) Act	Not Applicable
	(b) Tenancy Laws (Both agricultural and city tenants)	Not Applicable
	(c) State and Central enactments	Not Applicable
20.	Any charges registered with Registrar of Companies under the Companies Act, 1956 (applicable if the	Not

	mortgagor is a limited company)	Applicable
21.	Property falling within the jurisdiction of the Sub-Registrar Office and stamp duty applicable for the Mortgage	Sub registrar Office Bhopal, 0.25% on housing loan 0.5% on other than housing loan
22.	<p><u>List of all Chain title documents and Title documents-</u></p> <p>Pre Disbursal Document-</p> <ol style="list-style-type: none"> 1. Copy of registered gift deed dated 10.12.1973, which is registered with office of Sub registrar Bhopal, vide book no. A-1, volume no. 1425, document no. 3556 dated 10.12.1973 executed by Mr. Mohanlal S/o Mr. Shivlal in favour of Mr. Ganga Ram & Mr. Kunjilal, both S/o Mr. Bhola Prasad. 2. Copy of page of mutation register (namantaran panji) issued by revenue deparmtne in favour of Mr. Ganga Ram & Mr. Kunjilal. 3. Copy of registered sale deed dated 06.01.2015, which is registered with office of Sub registrar Bhopal, vide book no. A-1, volume no.464, document no. 1128/4 dated 06.01.2015 executed by Mr. Ganga Ram & Mr. Kunjilal, both S/o Mr. Bhola Prasad in favour of Shri Parasnath Builders & Developers India Pvt. Ltd. through Director Mr. Pramod Kumar Jain S/o Late Mr. Virendra Kumar Jain. 4. Copy of diversion order U/p of M.P. Land Revenue Code, 1959 from Court of the S.D.O. Bhopal, vide its case no. 10/A-2/2015-16 dated 17.11.2015. 5. Copy of lay out approval from Town & Country Planning Department, Bhopal, vide its letter no. 723/Diversion-12/Abhimat/Jika/NaGraNi/2015 dated 20.10.2015. 6. Copy of colonizer registration certificate from S.D.O. Bhopal, vide registration no. 29/13, vide its case no. 583/B-121/12-13 dated 29.06.2013 in the name of Shri 	

Parasnath Builders & Developers India Pvt. Ltd.

7. Copy of registered mortgage deed dated 18.02.2016, which is registered with office of Sub registrar, Bhopal, vide E registration no. MP059702016A1090788 dated 18.02.2016 executed by Shri Parasnath Builders & Developers India Pvt. Ltd. in favour of Collector, Bhopal.

(All aforesaid documents No.1 to 7 have already been kept with your company with another loan case 1. Mr. Dinesh Lodhi & 2. Mrs. Sunita Lodhi, so its not need to kept with this file all those papers No. 1 to 7)

8. Original allotment letter dated 31.01.2024 issued by Shri Parasnath Builders & Developers India Pvt. Ltd. through Director Mr. Priyank Kumar Jain S/o Mr. Pramod Kumar Jain in favour of Mr. Bhanu Pratap S/o Mr. Bhagirath Singh Baghel.

Post Disbursal Document-

1. Original registered sale deed executed by Shri Parasnath Builders & Developers India Pvt. Ltd. through Director Mr. Priyank Kumar Jain S/o Mr. Pramod Kumar Jain in favour of Mr. Bhanu Pratap S/o Mr. Bhagirath Singh Baghel (sale deed yet to be executed).
2. Original affidavit from the title holder/s regarding non encumbrance of the said property and he/she/they has/have not sold the said property in favour of anybody to till date and no any case is pending against the said property in any Court/Department and all document/s submitted to your company are not fake. "because the search of online registration deed/e-registry (effective from 01.08.2015 in the State of Madhya Pradesh) is not possible, because the records in index-II are not available for scrutiny and it is made clear that after 01.08.2015, no index has been prepared by the respective Sub-registrar office, as all registration process shifted to automation. There is no module available for search for property details wise, till date, so I have not searched the documents which registered

	through online".
23.	<p><u>Final Certificate-</u></p> <p>In view of the foregoing, I certify that Shri Parasnath Builders & Developers India Pvt. Ltd. has/have clear, marketable and free from encumbrances title to the property described hereinabove and that the company can accept the original title deeds as listed at Serial No.22 above to create valid equitable mortgage by deposit of title deeds in favour of Aditya Birla Housing Finance Ltd.</p>

Thanking you,

Yours faithfully,

(Rajendra Prasad Tripathi)
Advocate

Encl : Search Receipt for last 13 years.