

GYANENDRA AGRAWAL
ADVOCATE SUPREME COURT
Enrl: D/277@/96

1064B, WARD 7, 1ST FLOOR, NIRANKARI
SATSANG BHAWAN, MEHRAULI
NEW DELHI 110030 Mobile:9811263729

Op5179

The Branch Manager
Indian Overseas Bank
Janpath Branch
New Delhi

04.06.2022

Sub: Supplementary legal opinion w.r.t Part of farm house no. 3, Khullar Farms land measuring 8 Bigha 17 biswa out of Khasra no. 266 min (0-17) , 266 min (01-07) , 266 min (1-7) , 266 min (0-15) , 273 min (0-10) , 267 min (0-12) , 267 min (1-07) , 267 min (1-7) , 267 min (0-15) situated at Village Sultanpur , Tehsil Hauz Khas (Mehrauli) , New Delhi in the name of Sh. Rajan Handa

This is in continuation of my search & legal opinion dated 15.03.2022 given for the above mentioned property . In legal opinion dated 15.03.2022 the undersigned opined that the above mentioned property will be registered mortgage by the bank.

Now the Bank has raised a query whether an equitable mortgage can be created w.r.t above mentioned property.

On dated 31.05.2022 and on 01.06.2022 the undersigned visited the tehsil office where the above mentioned property is situated. Upon enquiry it was found that the entire estate of village Sultanpur , Tehsil Hauz Khas (Mehrauli) , New Delhi was urbanized vide Gezette notification dated 20.11.2019 issued by Government of NCT Delhi , Urban Development Department . The entire files have been transferred to DDA by the revenue office of Delhi government. At present no mutation has been done by the revenue authorities w.r.t land parcels comes under the revenue estate of Village Sultanpur , Tehsil Hauz Khas (Mehrauli) , New




Delhi. It is further seen that the revenue estate Village Sultanpur , Tehsil Hauz Khas (Mehrauli) , New Delhi is no longer rural but it has been converted to Urban. Upon further enquiry it is also transpired that the said area has been declared as low density residential area in year 2013 under Delhi Master Plan 2021. The above said revenue estate of Village Sultanpur , Tehsil Hauz Khas (Mehrauli) , New Delhi has been converted to Urban area as such the municipal laws and DDA laws are applicable over the same .

The name of the Bank will not be recorded as a mortgagee in the revenue records as the mutation or any entry in revenue records are stopped by revenue authorities. The purpose of registered mortgage is only to mutate the name of the Bank as mortgagee in the revenue records but same is not possible due to mutation has been stopped by the revenue authorities. In the present case Sh. Rajan Handa is the owner and title holder of the above mentioned property and Sh. Rajan Handa is having a valid title w.r.t above mentioned property and the same can be deposited with the intention to create mortgage as a security in favour of the bank by sh. Rajan Handa in other words an equitable mortgage can be created w.r.t above said property .

In view of the above the bank can creates an equitable mortgage w.r.t above mentioned property. The equitable mortgage of the said property will also not contravene the provisions of Delhi Land Reforms Act 1954 .

It is further stated that the interest of the bank is fully protected if the bank crates an equitable mortgage over the above mentioned property. It is further stated that the equitable mortgage does not affect the enforceability under the SARFAESI Act 2002 .



The Bank shall obtain all the documents as mentioned in para 22 except sub clause V (Original registered mortgage) of my legal opinion dated 15.03.2022. Except registered mortgage to equitable mortgage no change has been made to my previous legal opinion dated 15.03.2022. The detail of documents to be obtained from mortgagor i.e Sh. Rajan Handa in order to create equitable mortgage in favour of the Bank are mentioned below:


- A. Certified true copy of Fird showing Smt. Rampati Khaitan as the recorded owner of
- B. agricultural land measuring 8 Bigha 17 biswa out of Khasra no. 266 min (0-17) , 266 min (01-07) , 266 min (1-7) , 266 min (0-15) , 273 min (0-10) , 267 min (0-12) , 267 min (1-07) , 267 min (1-7) , 267 min (0-15) situated at Village Sultanpur , Tehsil Hauz Khas (Mehrauli) , New Delhi .
- C. Original sale deed dated 07.01.1980 executed by Smt. Rampati Khaitan through her GPA Sh. Om Prakash Khaitan in favour of Sh. Sanjiv Khullar (minor) through his mother and natural guardian Smt. Shashi Khullar w.r.t agriculture land measuring 1 bigha 7 biswa out of khasra no. 267 MIN (1-7) situated in the revenue estate of village Sultanpur Tehsil Hauz Khas (mehrauli) New Delhi duly registered as no. 56 in addl. Book I volume 4216 at pages 145-148 dated 08.01.1980
- D. Certified true copy of sale deed dated 07.01.1980 executed by Smt. Rampati Khaitan through her GPA Sh. Om Prakash Khaitan in favour of Sh. Hemant Khullar (minor) through his mother and natural guardian Smt. Ranjana Khullar w.r.t agriculture land measuring 1 bigha 7 biswa out of khasra no. 267 MIN (1-7) situated in the revenue estate of village Sultanpur Tehsil Hauz Khas (mehrauli) New Delhi duly registered as no. 57 in addl. Book I volume 4216 at pages 149-152 dated 08.01.1980.
- E. Certified true copy of sale deed dated 07.01.1980 executed by Smt. Rampati Khaitan through her GPA Sh. Om Prakash Khaitan in favour of



Sh. Hemant Khullar (minor) through his mother and natural guardian Smt. Ranjana Khullar w.r.t agriculture land measuring 1 bigha 7 biswa out of khasra no. 267 MIN (1-7) situated in the revenue estate of village Sultanpur Tehsil Hauz Khas (mehrauli) New Delhi duly registered as no. 60 in addl. Book I volume 4216 at pages 161-164 dated 08.01.1980.

- F. Original sale deed dated 07.01.1980 executed by Smt. Rampati Khaitan through her GPA Sh. Om Prakash Khaitan in favour of Sh. Satish Khullar w.r.t agriculture land measuring 1 bigha 7 biswa out of khasra no. 266 MIN (0-15), 267 min (0-12) situated in the revenue estate of village Sultanpur Tehsil Hauz Khas (mehrauli) New Delhi duly registered as no. 54 in addl. Book I volume 4216 at pages 137-140 dated 08.01.1980
- G. Original sale deed dated 07.01.1980 executed by Smt. Rampati Khaitan through her GPA Sh. Om Prakash Khaitan in favour of Sh. Jagdish Khullar w.r.t agriculture land measuring 1 bigha 7 biswa out of khasra no. 266 MIN (1-7) situated in the revenue estate of village Sultanpur Tehsil Hauz Khas (mehrauli) New Delhi duly registered as no. 59 in addl. Book I volume 4216 at pages 157-160 dated 08.01.1980.
- H. Original sale deed dated 07.01.1980 executed by Smt. Rampati Khaitan through her GPA Sh. Om Prakash Khaitan in favour of Smt. Ranjana Khullar w.r.t agriculture land measuring 1 bigha 7 biswa out of khasra no. 266 MIN (1-7) situated in the revenue estate of village Sultanpur Tehsil Hauz Khas (mehrauli) New Delhi duly registered as no. 61 in addl. Book I volume 4216 at pages 165-168 dated 08.01.1980.
- I. Original sale deed dated 07.01.1980 executed by Smt. Rampati Khaitan through her GPA Sh. Om Prakash Khaitan in favour of Smt. Shashi Khullar w.r.t agriculture land measuring 1 bigha 7 biswa out of khasra no. 266 MIN (0-17), 273 min (0-10) situated in the revenue estate of village Sultanpur Tehsil Hauz Khas (mehrauli) New Delhi duly registered as no. 58 in addl. Book I volume 4216 at pages 153-156 dated 08.01.1980.



- J. Original Sale deed dated 09.06.1997 executed by Sh. Sanjeev Khullar , Sh. Hemant Khullar , and Sh. Vikram Khullar in favour of Justice Tilak Raj Handa and Smt. Usha Handa w.r.t agriculture land measuring 3 bigha 9 biswa out of khasra no. 267 MIN (1-7), 267 min (1-7) , 267 min (0-15) situated in the revenue estate of village Sultanpur Tehsil Hauz Khas (mehrauli) New Delhi duly registered as no. 6273 in addl. Book I volume 1162 at pages 191-197 dated 09.06.1997.
- K. Original Sale deed dated 09.06.1997 executed by Sh. Satish Khullar in favour of Justice Tilak Raj Handa w.r.t agriculture land measuring 1 bigha 7 biswa out of khasra no. 266 MIN (0-15), 267 min (0-12) situated in the revenue estate of village Sultanpur Tehsil Hauz Khas (mehrauli) New Delhi duly registered as no. 6262 in addl. Book I volume 1162 at pages 66-72 dated 09.06.1997
- L. CTC of Sale deed dated 09.06.1997 executed by Sh. Jagdish Khullar in favour of Smt. Usha Handa w.r.t agriculture land measuring 1 bigha 7 biswa out of khasra no. 266 MIN (1-7) situated in the revenue estate of village Sultanpur Tehsil Hauz Khas (mehrauli) New Delhi duly registered as no. 6256 in addl. Book I volume 1161 at pages dated 09.06.1997.
- M. Original Sale deed dated 09.06.1997 executed by Smt. Ranjana Khullar in favour of Justice Tilak Raj Handa w.r.t agriculture land measuring 1 bigha 7 biswa out of khasra no. 266 MIN (1-7) situated in the revenue estate of village Sultanpur Tehsil Hauz Khas (mehrauli) New Delhi duly registered as no. 6252 in addl. Book I volume 1161 at pages 196-202 dated 09.06.1997.
- N. Original Sale deed dated 09.06.1997 executed by Smt. Shashi Khullar in favour of Smt. Usha Handa w.r.t agriculture land measuring 1 bigha 7 biswa out of khasra no. 266 MIN (0-17) , 273min (0-10) situated in the revenue estate of village Sultanpur Tehsil Hauz Khas (mehrauli) New
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Delhi duly registered as no. 6249 in addl. Book I volume 1161 at pages 174-180 dated 09.06.1997.

- O. Certified true Copy of fird showing that the name of Sh. Tilak Raj Handa and Smt. Usha Handa has been mutated in the revenue records w.r.t Farmland measuring 8 Bigha 17 biswa out of Khasra no. 266 min (0-17) , 266 min (01-07) , 266 min (1-7) , 266 min (0-15) , 273 min (0-10) , 267 min (0-12) , 267 min (1-07) , 267 min (1-7) , 267 min (0-15) situated at Village Sultanpur , Tehsil Hauz Khas (Mehrauli) , New Delhi
- P. Original gift deed dated 03.11.2009 executed by Justice Tilak Raj Handa and Smt. Usha Handa in favour of Sh. Rajan Handa w.r.t Farmland measuring 8 Bigha 17 biswa out of Khasra no. 266 min (0-17) , 266 min (01-07) , 266 min (1-7) , 266 min (0-15) , 273 min (0-10) , 267 min (0-12) , 267 min (1-07) , 267 min (1-7) , 267 min (0-15) situated at Village Sultanpur , Tehsil Hauz Khas (Mehrauli) , New Delhi duly registered as no. 14255 in additional book I volume no. 9610 at page 77-83 dated 03.11.2009 .
- Q. Certified true Copy of fird showing that the name of Sh. Rajan Handa has been mutated in the revenue records w.r.t Farmland measuring 8 Bigha 17 biswa out of Khasra no. 266 min (0-17) , 266 min (01-07) , 266 min (1-7) , 266 min (0-15) , 273 min (0-10) , 267 min (0-12) , 267 min (1-07) , 267 min (1-7) , 267 min (0-15) situated at Village Sultanpur , Tehsil Hauz Khas (Mehrauli) , New Delhi
- R. Copy of building sanction letter dated 04.12.1980 w.r.t farmhouse over khasra no. 266 , 267 , 273, 264 , 265/2 , 265/1 situated at Village Sultanpur , Tehsil Hauz Khas (Mehrauli) , New Delhi passed by MCD New Delhi
- S. Copy of completion certificate issued by MCD.
- T. Copy of FIR w.r.t loss of above said documents i.e sale deed mentioned at clause iii) , iv) and xi) of para 9 of the present report.

- U. Public notice to be published in two daily Newspaper one in Hindi and one in English Vernacular language w.r.t loss of original documents as mentioned above.
- V. Original No dues and NOC to be obtained from M/s JM Financial Products Ltd.
- W. Copy of latest paid house tax and electricity bill.
- X. Sanctioned building plan duly passed from SDMC.
- Y. Copy of Sizra of village Sultanpur, New Delhi .

It is opined accordingly.



(Gyanendra Agrawal)