

SUNIL KUMAR JAIN
Advocate

Courts chamber no.7
Resi. & office
1-A, Mahavir Paradise,
Near St. Andrew's
School, Karamyogi
Enclave,
Kamla Nagar, AGRA-5
Mobile :94120-10861

To,
The Chief Manager,
Bank of India,
New Agra Branch,
Agra.

JP
03/07/2019
3

Dt. 13-05-2019

Subj: - Bill Regarding NEC of the following
Properties.

Sl. No.	Name of Title holder	Property details	Amount
1.	Smt. Hemlata Gaetam 4000/- DIL 3011-131	53, Roshan Bagli II, Agra.	Rs 5000/-
2.	Sh. Anurag Gaetam 4000 DIL	Khasra No. 234 Bamrauli Katara Agra 9005 Sq. Mts	Rs 5000/-
3.	Sh. Anurag Gaetam 4000 DIL	Khasra No. 234 Bamrauli Katara Agra 418.05 Sq. Mts.	Rs 5000/-
4.	Sh. Bhagwati Pr. Gaetam Sh. Uday Lal Singh & Sh. Dhruv Kumar 5000 DIL	Khasra No. 234 Bamrauli Katara Agra 9051.95 Sq Mts NEC + Certified Copy of Order of 143 with Map & Khatauni	Rs 6000/-
			Rs 21,000/-

Pl. Cr to my SB A/c
72531010 0012402

Yours Faithfully
S. Jain
Advocate

UNIL KUMAR JAIN
Advocate

Courts chamber no.7
Resi. & office

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Resi. & office
1-A, Mahavir Paradise,
Yamuna Vihar
Near St. Andrew's School,
Karamyogi Enclave,
Kamla Nagar, AGRA-5
Mobile :94120-10861

Ref...

Date: 13.05.2019.

To,
The Chief Manager,
Bank of India,
New Agra Branch,
Agra.

Dear Sir,

Re: Supplementary Title opinion on the Property being Plot of land
Situated at Mauja Bamrauli Katara Tehsil and Distt. Agra Part of
Khasra No. 234, Area 418.05 Sq. Meter.(48'4" X 93')

With reference to your letter No. _____ dated _____, I, on the basis of
the original title deed of which copies has been forwarded to me pertaining to the said
immovable property/ies and the other information submitted by you, have conducted a
detailed search and investigation and submit my report as under :-

1. Name(s) and Address(es) of the Mortgagor(s)/Title holder(s)

Sh. Anurag Gautam S/o Sh. Radha Raman Gautam residing at 37-A/322/A, Durga Nagar,
Agra.

----- Title holders.

2. **Original Title Deed is seen by me:- (as original is in your Bank).**

- (i) Original Sale deed Dt. 28.05.2015 Regd. on same day at Book No. I Zild No. 7160
Page No. 301 to 320 Sl. No. 5513 executed by Smt. Ranjan Rana Fvg. Applicant.
- (ii) Original Sale Deed Dt. 03.12.2010 Regd. on same day at Book No. I Zild No. 3479
Page No. 289 to 330 Sl. No. 10764 Executed by Sh. Uday Pal Singh Fvg. Smt.
Ranjana Rana.
- (iii) Original Correction deed Notarised Dt. 22.05.2015 executed by Sh. Uday Pal Singh
Fvg. Smt. Ranjana Rana regarding correction of Boundaries of the property in
question..
- (iv) Certified Copy of Original Sale Deed Dt. 22.12.2007 Regd. on same day at Book No.
I Zild No. 1875 Page No. 133 to 174 Sl. No. 7488 executed by Sh. Girraj Singh Fvg.
Sh. Bhagwati Prasad Gautam, Sh. Uday Pal Singh & Sh. Dhruv Kumar.
- (v) Copy of Khatauni.
- (vi) Certified Copy of order U/s 143 of UPZALR Act passed by the SDM, Agra on
07.02.2008 with Map.
- (vii) Certified copy of Sazra Plan.

3. **Description of immovable property :-**

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Survey No./Nagar Nigam No.	Extent Area	Location	Boundaries as per sale deed.
A Property being Plot of land Situated at Mauja Bamrauli Katara Tehsil and Distt. Agra Part of Khasra No. 234.	418.05 Sq. Mts. (48'4" X 93') approxi.	A Property being Plot of land Situated at Mauja Bamrauli Katara Tehsil and Distt. Agra Part of Khasra No. 234.	East:- Land of Sh. Bhagwati Prasad Gautam. West:- Rasta 25 feet wide. North :- another Plot Sh. Anurag Gautam. South:- Land of Sh. Dhruv Kumar.

4. Search in Sub-Registrar's Office

(i). Location of the Property :-

A Property being Plot of land Situated at Mauja Bamrauli Katara Tehsil and Distt. Agra Part of Khasra No. 234 The sale deed has been executed & registered in the office of S.R. office, (III), Agra.

(ii). Search and Investigation:-

In index No. 2 in S.R. Office (III) Distt. Agra, for the period 13.06.2015 to 05.05.2019. available records. No regd. encumbrance has been found as is evident from the search Certificates issued by the S.R., (III). Agra.. Since the property in question is already mortgaged with your Branch and the complete 30 years opinion Dt. 12.06.2015 issued by Mr. Rajeev Kumar Sharma Advocate ,is in your Bank's records with Search Certificates upto the period 12.06.2015. Thus it is a supplementary opinion .

(Particulars of the district/sub-district within which the property is located and the address of the registering officer - In case the property is situated in more than one sub-district/district, the particulars of all the concerned sub-districts/districts and address of the registering offices to be given)

(iii). Investigation, flow / tracing of Title and Search:-

That Sh. Girraj Singh S/o Sh. Lakhmi Singh & others are the co-Bhumidhars of the land of Khasra No. 234 area admeasuring 8.0690 Hactres of mauja Bhamrauli Katara Tehsil & Distt. Agra w.e.f. 1360 Fasli i.e. from the year 1954 onwards.

That on 22.12.2007, the said Sh. Girraj Singh sold his land area 1.0370 Hactres of the said khasra to Sh. Bhagwati Prasasd Gautam, Sh. Uday Pal Singh & Sh. Dhruv Kumar vide sale deed Dt. 22.12.2007 duly regd. on same day in the S.R. office (III) , Agra. Thereafter the name of the said persons is recorded in the Revenue records as Co-owners. Thereafter on 07.02.2008, in case No. 233/2007-08, the SDM, Agra declared the said land of the said persons as non -agricultural U/s. 143 of U.P.ZALR Act as is evident from the copy of order enclosed herewith.

That thereafter on 03.12.2010, the said Sh. Uday Pal Singh sold his part of land area admeasuring 418.05 Sq. Mts. to Smt. Ranjana Rana vide sale deed Dt. 03.12.2010 duly regd. on same day in the S.R. office, Agra.

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Thereafter on 22.05.2015, the said Sh. Uday Pal Singh executed a Correction deed (Notarised) in favour of Smt. Ranjana Rana with a view to correct the boundaries of the property in question (wrongly mentioned in the sale deed Dt. 03.12.2010). The said correction deed is not registered in the S.R. office, Agra.

That thereafter on 28.05.2015, the said Smt. Ranjana Rana sold her plot of land to Sh. Anurag Gautam (applicant) vide sale deed Dt. 28.05.2015 duly Regd. on same day in the S.R. office, Agra.

Thereafter the applicant Sh. Anurag Gautam mortgaged his Property in question with Bank equitably..

N.B.:- (i). After perusal of the Khatauni of 1419 Fasli to 1424 Fasli, and 1425 Faali to 1430 Fasli, it has been revealed that there are various Co-Bhumidhars of the land of Gata Nos. 234 total area 8.0690 Hacters but one of the Co-Bhumidhar Sh. Girraj Singh sold his undivided part of land to Sh. Bhagwati Prasad Gautam, Sh. Uday Pal Singh & Sh. Dhruv Kumar, without requisite partition U/s. 176 of UPZALR Act, which is illegal..

(ii). As per Certified copy of Khatauni, it has been revealed that the said Sh. Girraj Singh mortgaged his land of Khasra No. 234 etc. with Union Bank of India, Malpura Branch, Agra, to secure the loan of Rs. 5.00 Lacs taken by him in the year 2010 as is evident from the copy of khatauni enclosed herewith. (Thus Pl. check the present position of the said loan & mortgage of land of Khasra No. 234 from UBI, Malpura).

(ii). On perusal of the order Dt. 07.02.2008 passed by the SDM, Agra regarding declaration of the land area 1.0370 Hactres as non-agricultural but the map which was the part & parcel of the said order, has not been taken.

Thus now I have obtained the Certified copy of order passed by the SDM Agra U/s 143 of UPZALR Act with map from the record room, showing the location of the property in question and after perusal of the documents abovesaid I observed as under:-

(i). That since Sh. Uday Pal Singh sold his undivided part of land to Smt. Ranjana Rana without partition between the Co-owners. Thus the said sale (transfer) is illegal in the eye of Law.

(ii). That Sh. Uday Pal Singh executed a Correction deed Dt. 22.05.2015 (Notarised) in favour of Smt. Ranjana Rana, with a view to Correct the boundaries of the property in question (wrongly mentioned in the sale deed Dt. 03.12.2010). which is illegal. The said correction deed must be registered in the S.R. Office, Agra,

Under the circumstance abovesaid, the land so purchased by Sh. Anurag Gautam (mortgagor) can not be identified at spot by 4 boundaries..

Thus the mortgage of the property in question is not perfect in the present scenario.

(The search in the records such as Index No.1, Index No.2, Book No.1/Supplementary Book No.1 should be made for the past 30 years to trace any encumbrance is created on the property. A narration of the root and chain of

Supri

title atleast for 30 years and how the title is conferred on the mortgagor should be given. The details of the books/ indexes searched by Advocate to be stated. In the event of any break in the chain of title or in case of any mortgage, charge or encumbrance subsists over the property, the details thereof specifying how the break in the chain of title took place to be stated).

- i) Confirm and state that the original title deeds submitted are the originals registered before the Registrar of Assurance:
Yes. Certified Copy of the title deed is in Bank's records..
- ii) Whether the property is ancestral and/or under joint ownership. If so, details of the co-parceners/ Karta and/or the co-owners. The respective shares should be incorporated specifically:

Yes. Joint ownership Property. Mr. Mahendra Singh, Girraj Singh , Ranveer Singh, Bachchu Singh & Smt. Kastoori Devi, Gurukrupa Ice & Cold Storage warehousing (India) Pvt. Ltd; , Dhurav Kumar & Bhagwati Prasad Gautam & Udaipal Singh and Shri Anurag Gautam are the co-Owners of the land of Gata No. 234. .

- iii) Minor's interest if any:.....
(Imp: Any minor's interest if involved in the property proposed to be mortgaged or any other claims. If minor's interest is involved, what precautions are to be taken to protect Bank's interest as a mortgagee to be stated? Please note that if the property belongs to a minor, permission of competent Court is required to create the mortgage of the property).

- iv) Documents pending for registration:
None.

(Enquiry is to be made whether any document creating mortgage, charge or encumbrance is pending registration in the concerned Sub-Registrar's/Registrar's office are to be stated. If so, full details of such charge etc. of charge holders' should be specified).

- 5) Whether Urban Land (Ceiling and Regulation) Act 1976 is applicable in the State where the property is located. If applicable whether the immovable property(ies) fall(s) within the purview of the Act, verification and investigation should be made under sections 26, 27 and 28 of the Act to ensure that mortgagor(s) has/have obtained necessary permission from the competent authority under the Act. Documentary evidence showing such permission is obtained has to be attached with the report:

No. The said act has already been repealed.

- 6) Whether the property is acquired under Land Acquisition Act, 1894/2014 and applicability of other State Legislations:
N. A.

- 7) Leasehold immovable Property (Where land/building is leasehold, please verify the terms of lease, whether any permission/NOC from the lessors/competent



authority is required for creation of mortgage of such leasehold property and advice the precautions to be taken while obtaining such property in mortgage):
N.A. It is a freehold property.

- 8) Investigation under Income Tax Act 1961, pending litigation related to property if any:

Pl. obtain Income Tax clearance Certificate from the Income Tax Department.

(Any permission of the concerned Assessing Officer under any of the provisions of I.T. Act is required for creating mortgage or any Certificate to be submitted to the Bank to show that no dues are outstanding to Income Tax Dept.)

- 9) Investigation in regard to agricultural land:

Yes. Copy of Khatauni has been obtained. However the land so purchased by the applicant has been declared as non-agricultural.

(Investigate and search the necessary records etc. with specific reference to the land if it is surplus, self-cultivated, if consolidation of holdings/acquisition proceedings etc. is in progress in the area, whether Government loan/any loan raised against the land and details about the charges/encumbrances may be specified, specifically with reference to the Agricultural Land Laws).

- 10) The details of the certified copies of the revenue records obtained to confirm that no dues are outstanding by the Mortgagor.
N.A.

- 11) Any other special enactment which is applicable to the property proposed to be mortgaged and affects the title.

Yes. Since the applicant purchased undivided share of the land of one of the Co-owner Smt. Ranjana Rana and prior to this, the SDM, Agra declared the land in question as-non agricultural u/s 143 of UPZALR Act. Thus as per law, requisite partition of property by metes and bounds has not been take place. However Valuer's opinion in this regard be taken for location and correct identification of mortgaged property with 4 boundaries.

- 12) If it is a property owned by the Company the additional safeguards like search before the Registrar of Companies to be obtained be stated
N.A.

- 13) Whether the records of sub-registrar office or revenue authorities relevant to the property in question are available for verification through any online portal or computer system. If so, whether any verification or cross checking are made and the comments/ findings in this regard.
No.

- 14) In case of partition / family settlement deeds, whether the partition made is valid in law, whether the original deed is available for deposit, whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his/her/their



share. The modality/ procedure to be followed to create a valid and enforceable mortgage. Whether any of the documents in question are executed in counterparts or in more than one set? If so, additional precautions to be taken for avoiding multiple mortgages.

Yes. Partition among the Co-owners is necessary.

- 15) Whether the property belongs to any trust or is subject to the rights of any trust? Whether the trust is a private or public trust and whether trust deed specifically authorizes the mortgage of the property? Is there any bar under local laws for creation of mortgage? The additional precautions/ permissions to be obtained for creation of valid mortgage as per the respective state/central laws.
No.
- 16) In case of partnership firm, whether the property belongs to the firm and the partnership deed is properly registered. Whether the partners have authority to create mortgage for and on behalf of the firm.
N.A.
- 17) If the property belongs to a Limited Company, Advocate to check the Borrowing powers, Board resolution, and authorization to create mortgage / execution of documents, registration of any prior charges with the Company Registrar (ROC), Memorandum of Association and Articles of Association etc. and submit details.
N.A.
- an 18) In case of Societies, Association, check the required authority/ power to borrow and whether the mortgage can be created as per their constitutional documents and applicable laws, and the requisite resolutions, bye-laws etc. The additional precautions/ permissions to be obtained for creation of valid mortgage as per the respective state/central laws to be stated.
N.A.
- 19) If the property is a flat/ apartment or residential/ commercial complex, Advocate to inter alia check/verify a) Promoter's / Land owner's title to the land/ building; b) Development Agreement/ Power of Attorney c) Independent title verification of the Land and/or building in question; d) Agreement for sale(duly registered); e) Payment of proper stamp duty; f) Approval of building plan, permission of appropriate/ local authority, etc.; g) conveyance in favour of Society/ Condominium concerned; h) Occupancy Certificate/ allotment letter/ letter of possession; i) membership details in the Society etc. j) Share Certificates k) No Objection Letter from the Society; l) All legal requirements under the local/ Municipal laws, regarding ownership of flats/ Apartments/ Building Regulations, Development Control Regulations, Co-operative Societies' Laws etc.; m) requirements for noting the Bank charges on the records of the Housing Society, etc. and comment.
tifi N.A.
- 20) Advocate also to check whether the name of mortgagor is reflected as owner in the revenue/ Municipal/ Village records, whether the property offered as security is clearly demarcated in the title documents, whether the property has clear access as per documents?

Yes. Name of the predecessor of applicant's vendor is recorded in the Revenue records as Co-owner.

Supri

Any bar/ restriction for creation of mortgage under any local or special enactments, details of proper registration of documents, payment of proper stamp duty etc.

Yes. Legal partition as mentioned in Col. No. 11 is necessary.

- 22) Whether the governing law, the constitutional documents of the mortgagor (other than natural persons) permits creation of mortgage and additional precautions, if any to be taken in such cases.
N.A.

23. Whether Provisions of Securitisation Act 2002 are applicable on the Proposed Property?

No. Since the requisite partition among the Co-owners has not been take place.

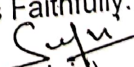
N.B.:- The property in question is already mortgaged with your Branch by the applicants on the LSR issued by Mr. Rajeev Kumar Sharma, Advocate..

Certificate

I have examined the Original Title Deed which is already deposited by the applicant in your New Agra Branch, Agra relating to the aforesaid property and mortgaged as security by way of Equitable Mortgage and that the documents of title referred to in the Opinion are valid evidence of right, title and interest. **But since the property is in a big chunk of land, not identified without process of law, have no marketable value in the present scenario.**

I hereby further certify that I have searched and verified the information furnished in this report and have compared the title deed given to me with the records/copy of it in the office of the Sub Registrar and has found both tallying with each other and I confirm having made search in the Land/Revenue records. I also confirm having verified and checked the records of the relevant Government Officers/Sub- Registrar(s) Office(s), Revenue Records, Municipal/ Panchayat Office, Land Acquisition Office, Registrar of Companies Office. The statements and other information given in the report are correct and true.

I certify that, there are no prior regd. Mortgage/ Charges/ encumbrances whatsoever, as could be seen from the Encumbrance Certificate for the period from 13.06.2015 to 05.05.2019 pertaining to the immovable property covered by above said Title Deeds. However the property is free from all regd. encumbrances, charges or claims excepting as abovesaid..

Yours Faithfully.

(S.K. Jain)
Advocate.

तलाश प्रमाण पत्र

पत्र संख्या 29(नियम 12)

अन्वेषण पत्र की संख्या ,

198 के प्रमाण पत्र की संख्या 960/19
198 के प्रार्थना पत्र के साथ 960/19

श्री एल.के.एन.एस.

मैं-ने पात्र उल्लिखित सम्पत्ति के पत्र देने के लिए प्रार्थना पत्र दिया है। सम्पत्ति का विवरण प्रार्थना पत्र के उल्लिखित के अनुसार दिया जायेगा।

सम्पत्ति प्रकार- अनुपमगीतन 10 श्रीरामदास जी 29/3A/322A-
दुर्गीकर, इलाहाबाद जिल्ला सम्पत्ति विवरण- एककित्ता इलाहाबाद
भूप्रसमय प्रमाणित- 25 म हा का 1/8.000 बरती बरती मौज
बगरीलीन का लहा बरतील मज्जा सीमाये- पूरक- जमीन
मज्जाली प्रमाणित- 1/8 26 सीर बरती बरती सम्पत्ति अनुपम
गीतन इलाहाबाद- सम्पत्ति विवरण।

मैं एकर प्रमाणित करता हू कि उक्त सम्पत्ति पर प्रमाणित करने वाले कार्यों तथा तत्सम्बन्धी भार प्रस्तावों के लिए वर्ष 65-7 से 5-5-19 तक प्रस्तुत तथा अनुक्रमिकाओं का अन्वेषण किया गया है और ऐसे अन्वेषण से निम्नलिखित कार्य भार प्रस्ताव प्रकट होती है।

सम्पत्ति का विवरण जैसा लेखा में दिया है।	निष्पादन का दिनांक	लेखा का प्रकार तथा मुख्य	पक्षकारों के नाम निष्पादक अलाटमेन्ट	प्रविष्ट संख्या वर्ष
उपनिबन्ध व इलाहाबाद मौजदार विवरण के अनुसार सम्पत्ति सम्पत्ति का कोई भार नहीं प्रकट हुआ				

मैं यह प्रमाणित करता हू कि उपरोक्त कार्यों तथा प्रस्तावों के अतिरिक्त उक्त सम्पत्ति जो प्रस्तावित करने वाला कोई भार प्रस्तुत प्राप्त नहीं हुई है।

1. इस प्रमाण पत्र में प्रदर्शित व भार प्रस्तुताएँ जो कि प्रार्थी द्वारा वर्णित सम्पत्ति के विवरण से अभिन्न है। यदि निम्नलिखित अभिलेखों में सम्पत्ति का विवरण अपने से भिन्न रीति से दिया गया है जैसा प्रार्थी ने नहीं लिखा है तो उस विवरण से देता भार प्रस्तुतों का प्रमाण पत्र में समावेश नहीं किया गया जायेगा।
2. वरिष्ठ अन्वेषण व प्रमाण-पत्र तथा सम्पत्ति सम्बन्धी पूर्वक कार्यालय द्वारा तैयार किया गया है। फिर भी विभाग किसी भी अन्वेषण प्रमाण पत्र की त्रुटि अथवा इसके परिणामों के उत्तरदायी नहीं है।
3. इस पत्र में प्रमाण पत्र यदि कोई हो तो प्रमाणित नहीं है किन्तु निम्नलिखित निबन्धन हो गया है। के सम्बन्ध में भार प्रस्तुता प्रमाण पत्र शामिल नहीं है।
4. यह पत्र भार से सम्बन्धित प्रमाण पत्र इससे परिभाषित एक या स्वामित्व का कोई सम्बन्ध नहीं है। द्वारा अन्वेषण प्रमाण पत्र तैयार किया गया द्वारा अन्वेषण सत्यापित किया गया

हस्ताक्षर

उपनिबन्धक तृतीय, आगरा

SUNIL KUMAR JAIN
Advocate

Courts chamber no.7
Resi. & office
1-A, Mahavir Paradise,
Yamuna Vihar
Near St. Andrew's School,
Karamyogi Enclave,
Kamla Nagar, AGRA-5
Mobile :94120-10861

Ref...

Date: 13.05.2019.

To,
The Chief Manager,
Bank of India,
New Agra Branch.
Agra.

3011-65

Dear Sir,

Re: Supplementary Title opinion on the Property being plot of land
Situated at Mauja Bamrauli Katara Tehsil and Distt. Agra Part of
Khasra No. 234, Area 900.00 Sq. Meter .

With reference to your letter No. _____ dated _____, I, on the basis of
the original title deed of which copies has been forwarded to me pertaining to the said
immovable property/ies and the other information submitted by you, have conducted a
detailed search and investigation and submit my report as under : -

1. Name(s) and Address(es) of the Mortgagor(s)/Title holder(s)

Sh. Anurag Gautam S/o Sh. Radha Raman Gautam residing at 37-A/322/A, Durga Nagar,
Nagla Padi, Agra.

----- Title holders.

2. Original Title Deed is seen by me:- (as original is in your Bank).

- (i) Original Sale Deed Dt. 28.01.2015 Regd. on 29.01.2015 at Book No. I Zild No. 6897
Page No. 161 to 200 Sl. No. 989 executed by Sh. Uday Pal Singh Fvg. Applicant.
- (ii) Certified Copy of Original Sale Deed Dt. 22.12.2007 Regd. on same day at Book No.
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- (iv) Certified Copy of order U/s 143 of UPZALR Act passed by the SDM, Agra on
07.02.2008 with Map.
- (v) Certified copy of Sazra Plan...

3. Description of immovable property :-

Survey No./Nagar Nigam No.	Extent Area	Location	Boundaries
A Property being Plot of land Situated at Mauja Bamrauli	900.00 Sq. Mts. approx.	A Property being Plot of land Situated at Mauja Bamrauli	East:- Plot of Sh. Bhagwati Prasad Gautam. West:- Rasta 25 feet

Supri

Katara Tehsil and Distt. Agra Part of Khasra No. 234.		Katara Tehsil and Distt. Agra Part of Khasra No. 234.	wide. North :- Rasta 28 feet wide. South:- Remaining land of Sh. Uday Pal Singh
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4. Search in Sub-Registrar's Office

(i). Location of the Property :-

A Property being Plot of land Situated at Mauja Bamrauli Katara Tehsil and Distt. Agra Part of Khasra No. 234 The sale deed has been executed & registered in the office of S.R. office, (III), Agra.

(ii). Search and Investigation:-

In index No. 2 in S.R. Office (III) Distt. Agra, for the period 13.06.2015 to 05.05.2019. available records. No encumbrance has been found as is evident from the search Certificates issued by the S.R., (III). Agra.. Since the property in question is already mortgaged with your Branch and the complete 30 years opinion Dt. 12.06.2015 issued by Mr. Rajeev Kumar Sharma Advocate ,is in your Bank's records with Search Certificates upto the period 12.06.2015. Thus it is a supplementary opinion .

(Particulars of the district/sub-district within which the property is located and the address of the registering officer - In case the property is situated in more than one sub-district/district, the particulars of all the concerned sub-districts/districts and address of the registering offices to be given)

(iii). Investigation, flow / tracing of Title and Search:-

That Sh. Girraj Singh S/o Sh. Lakhmi Singh & others are the co-Bhumidhars of the land of Khasra No. 234 area admeasuring 8.0690 Hactres of mauja Bhamrauli Katara Tehsil & Distt. Agra w.e.f. 1360 Fasli i.e. from the year 1954 onwards.

That on 22.12.2007, the said Sh. Girraj Singh sold his land area 1.0370 Hactres of the said khasra to Sh. Bhagwati Prasas Gautam, Sh. Uday Pal Singh & Sh. Dhruv Kumar vide sale deed Dt. 22.12.2007 duly regd. on same day in the S.R. office (III) , Agra. Thereafter the name of the said persons is recorded in the Revenue records as Co-owners. Thereafter on 07.02.2008, in case No. 233/2007-08, the SDM, Agra declared the said land of the said persons as non -agricultural U/s. 143 of U.P.ZALR Act as is evident from the copy of order enclosed herewith.

That thereafter on 28.01.2015, the said Sh. Uday Pal Singh sold his part of land area admeasuring 900.00 Sq. Mts. to Sh. Anurag Gautam (applicant) vide sale deed Dt. 28.01.2015 duly regd. on 29.01.2015 in the S.R. office, Agra.

Thereafter the applicant Sh. Anurag Gautam mortgaged his Property in question with the Bank equitably by deposit of his original title deed..

N.B.:- (i). After perusal of the Khatauni of 1419 Fasli to 1424 Fasli, and 1425 Faali to 1430 Fasli , it has been revealed that there are various Co-Bhumidhars of the land

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of Gata Nos. 234 total area 8.0690 Hacters but one of the Co-Bhumidhar Sh. Girraj Singh sold his undivided part of land to Sh. Bhagwati Prasad Gautam, Sh. Uday Pal Singh & Sh. Dhruv Kumar without requisite partition U/s. 176 of UPZALR Act , which is illegal..

(ii). As per Certified copy of Khatauni , it has been revealed that the said Sh. Girraj Singh mortgaged his land of Khasra No. 234 etc. with Union Bank of India, Malpura Branch, Agra to secure the loan of Rs. 5.00 Laes taken by him in the year 2010 as is evident from the copy of khatauni enclosed herewith. (Thus PL check the present position of the said loan & mortgage of land of Khasra No. 234 from UBI, Malpura).

(ii). On perusal of the order Dt. 07.02.2008 passed by the SDM, Agra regarding declaration of the land in question as non-agricultural but the map which was the part & parcel of the said order, has not been taken.

Thus now I have obtained the Certified copy of order passed by the SDM Agra U/s 143 of UPZALR Act with map from the record room ,showing the location of the property in question and after perusal of the documents abovesaid I observed as under:-

That since Sh. Uday Pal Singh sold his undivided part of land to Sh. Anurag Gautam vide sale deed without any partition which ^{are required} to be obtained from the Civil Court, Agra .Thus the said sale (transfer) is illegal in the eye of Law.

Under the circumstance abovesaid, the land so purchased by Sh. Anurag Gautam (mortgagor) can not be identified at spot by 4 boundaries..

Thus the mortgage of the property in question is not perfect in the present scenario.

(The search in the records such as Index No.1, Index No.2, Book No.1/Supplementary Book No.1 should be made for the past 30 years to trace any encumbrance is created on the property. A narration of the root and chain of title atleast for 30 years and how the title is conferred on the mortgagor should be given. The details of the books/ indexes searched by Advocate to be stated. In the event of any break in the chain of title or in case of any mortgage, charge or encumbrance subsists over the property, the details thereof specifying how the break in the chain of title took place to be stated).

- i) Confirm and state that the original title deeds submitted are the originals registered before the Registrar of Assurance:
Yes. Certified Copy of the title deed is in Bank's records..
- ii) Whether the property is ancestral and/or under joint ownership. If so, details of the co-parceners/ Karta and/or the co-owners. The respective shares should be incorporated specifically:

Yes. Joint ownership Property. Mr. Mahendra Singh, Girraj Singh ,Ranveer Singh, Bachchu Singh & Smt. Kastoori Devi, Gurukrupa Ice & Cold Storage warehousing (India) Pvt. Ltd; , Dhurav Kumar & Bhagwati

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Prasad Gautam & Udaipal Singh and Shri Anurag Gautam are the co-Owners of the land of Gata No. 234. .

i) Minor's interest if any:.....

(Imp: Any minor's interest if involved in the property proposed to be mortgaged or any other claims. If minor's interest is involved, what precautions are to be taken to protect Bank's interest as a mortgagee to be stated? Please note that if the property belongs to a minor, permission of competent Court is required to create the mortgage of the property).

N.A.,

iv) Documents pending for registration:
None.

(Enquiry is to be made whether any document creating mortgage, charge or encumbrance is pending registration in the concerned Sub-Registrar's/Registrar's office are to be stated. If so, full details of such charge etc. of charge holders' should be specified).

5) Whether Urban Land (Ceiling and Regulation) Act 1976 is applicable in the State where the property is located. If applicable whether the immovable property(ies) fall(s) within the purview of the Act, verification and investigation should be made under sections 26, 27 and 28 of the Act to ensure that mortgagor(s) has/have obtained necessary permission from the competent authority under the Act. Documentary evidence showing such permission is obtained has to be attached with the report:

No. The said act has already been repealed.

6) Whether the property is acquired under Land Acquisition Act, 1894/2014 and applicability of other State Legislations:
N. A.

7) Leasehold immovable Property (Where land/building is leasehold, please verify the terms of lease, whether any permission/NOC from the lessors/competent authority is required for creation of mortgage of such leasehold property and advice the precautions to be taken while obtaining such property in mortgage):

N.A. It is a freehold property.

8) Investigation under Income Tax Act 1961, pending litigation related to property if any:

Pl. obtain Income Tax clearance Certificate from the Income Tax Department.

(Any permission of the concerned Assessing Officer under any of the provisions of I.T. Act is required for creating mortgage or any Certificate to be submitted to the Bank to show that no dues are outstanding to Income Tax Dept.)

9) Investigation in regard to agricultural land:

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Yes. Copy of Khatauni has been obtained. However the land so purchased by Sh. Bhagwati Prasad Gautam, Sh. Uday Pal Singh & Sh. Dhruv Kumar has been declared as non-agricultural

(Investigate and search the necessary records etc. with specific reference to the land if it is surplus, self-cultivated, if consolidation of holdings/acquisition proceedings etc. is in progress in the area, whether Government loan/any loan raised against the land and details about the charges/encumbrances may be specified, specifically with reference to the Agricultural Land Laws).

- 10) The details of the certified copies of the revenue records obtained to confirm that no dues are outstanding by the Mortgagor.
N.A.
- 11) Any other special enactment which is applicable to the property proposed to be mortgaged and affects the title.

Yes. Since the applicant purchased undivided share of the land of one of the Co-owner Smt. Ranjana Rana and prior to this, the SDM, Agra declared the land in question as non agricultural u/s 143 of UPZALR Act. Thus as per law, requisite partition of property by metes and bounds has not been take place. However Valuer's opinion in this regard be taken for location and correct identification of mortgaged property with 4 boundaries.

- 12) If it is a property owned by the Company the additional safeguards like search before the Registrar of Companies to be obtained be stated
N.A.

- 13) Whether the records of sub-registrar office or revenue authorities relevant to the property in question are available for verification through any online portal or computer system. If so, whether any verification or cross checking are made and the comments/ findings in this regard.
No.

- 14) In case of partition / family settlement deeds, whether the partition made is valid in law, whether the original deed is available for deposit, whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his/her/their share. The modality/ procedure to be followed to create a valid and enforceable mortgage. Whether any of the documents in question are executed in counterparts or in more than one set? If so, additional precautions to be taken for avoiding multiple mortgages.

Yes. Partition among the Co-bhumidhars is necessary.

- 15) Whether the property belongs to any trust or is subject to the rights of any trust? Whether the trust is a private or public trust and whether trust deed specifically authorizes the mortgage of the property? Is there any bar under local laws for creation of mortgage? The additional precautions/ permissions to be obtained for creation of valid mortgage as per the respective state/central laws.
No.
- 16) In case of partnership firm, whether the property belongs to the firm and the partnership deed is properly registered. Whether the partners have authority to create mortgage for and on behalf of the firm.

Suyi

N.A.

- 7) If the property belongs to a Limited Company, Advocate to check the Borrowing powers, Board resolution, and authorization to create mortgage / execution of documents, registration of any prior charges with the Company Registrar (ROC), Memorandum of Association and Articles of Association etc. and submit details.
N.A.

- 18) In case of Societies, Association, check the required authority/ power to borrow and whether the mortgage can be created as per their constitutional documents and applicable laws, and the requisite resolutions, bye-laws etc. The additional precautions/ permissions to be obtained for creation of valid mortgage as per the respective state/central laws to be stated.
N.A.

- 19) If the property is a flat/ apartment or residential/ commercial complex, Advocate to interalia check/verify a) Promoter's / Land owner's title to the land/ building; b) Development Agreement/ Power of Attorney c) Independent title verification of the Land and/or building in question; d) Agreement for sale(duly registered); e) Payment of proper stamp duty; f) Approval of building plan, permission of appropriate/ local authority, etc.; g) conveyance in favour of Society/ Condominium concerned; h) Occupancy Certificate/ allotment letter/ letter of possession; i) membership details in the Society etc. j) Share Certificates k) No Objection Letter from the Society; l) All legal requirements under the local/ Municipal laws, regarding ownership of flats/ Apartments/ Building Regulations, Development Control Regulations, Co-operative Societies' Laws etc.; m) requirements for noting the Bank charges on the records of the Housing Society, etc. and comment.
N.A.

- 20) Advocate also to check whether the name of mortgagor is reflected as owner in the revenue/ Municipal/ Village records, whether the property offered as security is clearly demarcated in the title documents, whether the property has clear access as per documents?

Yes. Name of the predecessor of applicant is recorded in the Revenue records as Co-owner.

- 21) Any bar/ restriction for creation of mortgage under any local or special enactments, details of proper registration of documents, payment of proper stamp duty etc.

Yes. Legal partition as mentioned in Col. No. 11 is necessary.

- 22) Whether the governing law, the constitutional documents of the mortgagor (other than natural persons) permits creation of mortgage and additional precautions, if any to be taken in such cases.
N.A.

23. Whether Provisions of Securitisation Act 2002 are applicable on the Proposed Property?

No. Since the requisite partition among the Co-owners has not been take place.

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N.B.:- The property in question is already mortgaged with your Branch by the applicant on the LSR issued by Mr. Rajeev Kumar Sharma, Advocate..

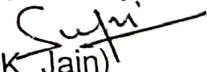
Certificate

I have examined the Original Title Deed which is already deposited by the applicant in your New Agra Branch, Agra relating to the aforesaid property and mortgaged as security by way of Equitable Mortgage and that the documents of title referred to in the Opinion are valid evidence of right, title and interest. But since the property is in a big chunk of land, not identified without process of law, have no marketable value in the present scenario.

I hereby further certify that I have searched and verified the information furnished in this report and have compared the title deed given to me with the records/copy of it in the office of the Sub Registrar and has found both tallying with each other and I confirm having made search in the Land/Revenue records. I also confirm having verified and checked the records of the relevant Government Officers/Sub- Registrar(s) Office(s), Revenue Records, Municipal/ Panchayat Office, Land Acquisition Office, Registrar of Companies Office. The statements and other information given in the report are correct and true.

I certify that, there are no prior regd. Mortgage/ Charges/ encumbrances whatsoever, as could be seen from the Encumbrance Certificate for the period from 12.06.2015 to 05.05.2019 pertaining to the immovable property covered by above said Title Deed. The property is free from all regd. encumbrances, charges or claims excepting as abovesaid..

Yours Faithfully,


(S.K. Jain)
Advocate.

प्रमाण पत्र

पत्र संख्या 1
अन्वेषण पत्र
198 के प्रमाण

भाग 1

प्रस्तुतकर्ता अथवा प्रार्थी द्वारा रखा जाने वाला

उपनिबन्धक

सदर तृतीय

क्रम संख्या 2019003006613

आगरा

लेख या प्रार्थना पत्र प्रस्तुत करने का दिनांक 06/05/2019

प्रस्तुतकर्ता या प्रार्थी का नाम सुनील कुमार जैन एड०

लेख का प्रकार : भार प्रमाण पत्र

2007 वर्ष से 2019 तक

प्रतिफल की धनराशि 100

1. रजिस्ट्रीकरण शुल्क
2. प्रतिलिपिकरण शुल्क
3. निरीक्षण या तलाश शुल्क
4. मुछतार के अधिप्रमाणीकरण लिए शुल्क
5. कमीशन शुल्क
6. विविध
7. यात्रिक भत्ता

1 से 6 तक का योग

100

शुल्क वसूल करने का दिनांक

06/05/2019

दिनांक जब लेख प्रतिलिपि या तलाश

06/05/2019

प्रमाण पत्र वापस करने के लिए तैयार किया

रजिस्ट्रीकरण अधिकारी के हस्ताक्षर

तलाश प्रमाण पत्र

पत्र संख्या 29(नियम 12)

अन्वेषण पत्र की संख्या .

198 के प्रमाण पत्र की संख्या 959

198 के प्रार्थना पत्र के साथ 950/19

एल. के. विनायक

श्री गुरुभार उल्लिखित सम्पत्ति के पत्र देने के लिए प्रार्थना पत्र दिया है। सम्पत्ति का विवरण प्रार्थना पत्र के उल्लिखित के अनुसार दिया जायेगा।


[illegible]

मैं एतद्वारा प्रमाणित करता हूँ कि उक्त सम्पत्ति हर प्रभाव डालने वाले कार्यों तथा तत्सम्बन्धी भार प्रस्तावों के लिए वर्ष 6-5-7 से 5-5-19 तक प्रस्तुत तथा अनुक्रमिकाओं का अन्वेषण किया गया है और ऐसे अन्वेषण से निम्नलिखित कार्य भार प्रस्ताव प्रकट होती है।

कार्य का प्रकृत नाम	पक्षकारों के नाम	प्रविष्ट संख्या वर्ष

समय का विवरण जैसा लेख्य में दिया है।	निष्पादन का दिनांक	लेख का प्रकार तथा मुख्य	पक्षकारों के नाम निष्पादक अलातनेन्ट	प्रतिष्ठ संख्या वर्थ
प्रतिष्ठापन व उपलब्ध मौजूद विवरण की सुचना उपलब्ध तकनीक पर करीब 100 वही पाठ्यक्रम				

मैं यह प्रमाणित करता हूँ कि उपरोक्त कार्य तथा प्रस्तावों के अतिरिक्त उक्त सम्पत्ति जो प्रस्तावित करने वाला कोई अन्य भार प्रस्तुत प्राप्त नहीं हुई है।

1. इस प्रमाण पत्र में प्रदर्शित व भार ग्रस्तिताएँ हैं जो कि प्रार्थी द्वारा वर्णित सम्पत्ति के विवरण से अभिन्नद है। यदि निवेदन अभिलेखों में सम्पत्ति का विवरण अपने से भिन्न रीति से दिया गया है जैसा प्रार्थी ने नहीं लिखा है तो उस विधि में वैसी भार ग्रस्तिता का प्रमाण पत्र में समावेश नहीं किया गया जायेगा।
 2. वांछित अन्वेषण व प्रमाण-पत्र तथा सम्मत सावधानी पूर्ण कार्यवाही द्वारा तैयार किया गया है। फिर भी विभाग किसी भी अन्वेषण के लिए 18 वीं तारीख तक अन्वेषण के कार्यवाही को सार्वजनिक नहीं है।
 3. इस पत्र में व लेखपत्र यदि कोई हो जो प्रस्तुत हो गये है किन्तु जिसका निबन्धन हो गया है, के सम्बन्ध में भार ग्रस्तिता प्रमाण पत्र प्रामाणिक नहीं है।
 4. यह पत्र भार से सम्बन्धित प्रमाण पत्र इससे मालिकाना हक या स्वाभित्व का कोई सम्बन्ध नहीं है।
द्वारा अन्वेषण तथा प्रमाण-पत्र तैयार किया गया
द्वारा सम्बन्धित स्थापित किया गया
- हस्ताक्षर

उपनिबन्धक तृतीय, आगरा

हस्ताक्षर

उपनिबन्धक तृतीय, आगरा