

Akshai Bar Singh
Advocate

Residence & Chamber
Moh- **SUFIPURA BAHRAICH - 271801 (U.P.)**

Mob -- 9838696946

DATE 08 -10- 2021

**LEGAL OPINION CUM NON ENCUMBRANCE
CERTIFICATE & LEGAL SCRUTINY REPORT**

Annexure-B

Format of title Report

To, The, Project Officer Rera

Dear Sir, Ref: Title Search Report on the property/properties Gata No 1174/1,1175/1,1175/5 Mi
Situated at Bahraich Khas Pargana Tehsil ,District Bahraich. With reference to Your letter No.
..... Dated.....00.-00-2021 , on the basis of the Original Title Sale deed forwarding to me
pertaining to the said immovable property and the of the other information submitted by you have
conducted a detailed search and investigation and submit my report as under

Name and Address(es) of the Mortgagor(s) Title Holder(s)

**Sri Anuj Kumar S/o Sri Kailash Nath and Utsav Matan Heliya S/o Ashish Kumar and Smt
Sarika Devi W/o Ashish Kumar R/o Digiha Bahraich City Bahraich Pargana Tehsil District
Bahraich.**

Title Sale deed/ Khetauni Title paper photo copy seen by me :

1-Photo Copy Saledeed Registered In Sub -Registrar Office Bahraich Dated 16-04-1945 .

Property- The Description of Immovable properties Nan Z. A. Mohal Munispil Bord Khevat Khata No
15 Khetauni Khata No 453 Gata No 1174/1,--1.505, 1175/1mi, --0.162, 1175/5 Mi---0.543hec total
2.210 hec **Situated at Bahraich Khas Pargana Tehsil ,District Bahraich**

Location Boundaries : as per applicants Statement

East -- Rajkumar.

West -- Station Road,

North -- Suneel Kumar ,

South -- Rajkumar ,


अक्षयवरे सिंह
एडवोकेट
सिविल कोर्ट
बहराइच
गजि: नं०-1997 / 84

1.	Name & Constitution of the borrower				Sri Anuj Kumar S/o Sri Kailash Nath and Utsav Matan Heliya S/o Ashish Kumar and Smt Sarika Devi W/o Ashish Kumar R/o Digiha Bahraich City Bahraich Pargana Tehsil District Bahraich.
2.	Name & Constitution of the Intended Manager				RAK Dreem Height Private Limited
3.	Relationship between intended mortgagor and Borrower(Please Specify whether the intended Mortgagor and Borrower are one and the same or related as Guarantor Co-borrower)				Sri Anuj Kumar S/o Sri Kailash Nath and Utsav Matan Heliya S/o Ashish Kumar and Smt Sarika Devi W/o Ashish Kumar R/o Digiha Bahraich City Bahraich Pargana Tehsil District Bahraich.
(1)	Description of Property/Properties				Gata No 1174/1,-1.505, 1175/1mi, --0.162, 1175/5 Mi--- 0.543hec total 2.210 hec
(2)	Survey/ Door No.				Gata No 1174/1,-1.505, 1175/1mi, --0.162, 1175/5 Mi--- 0.543hec total 2.210 hec
(3)	Extent				0.7366hec.
(4)	Location				Near Relway Station Bahraich
(5)	Boundaries				
	East	West	North	South	
	Rajkumar	Station Road	Suneel Kumar	Rajkumar ,	
(6)	List of documents delivered by advocate for verification (All in Original)				Saledeed Registered In Sub -Registrar Office Bahraich Dated 16-04-1945 .
(7)	Complete Postal Address of the property/Properties				Mauja Bahraich Khas Pargana Tehsil ,District Bahraich
(8)	Prominent Landmark				Near Station Road Bahraich

4. Search in Sub-registrar's Office

I have gone through the original title deed / and paper/ document intend to be deposited (relating to property) and offered as security by way of simple mortgage /equitable mortgage / creation of charge. It is certified that I have made a search of registration records index No.2 in the office of sub-registrar Bahraich on 07-10-2021 from period 1991 to 2021 up to dated 07-010-2021.In token of my above search I am enclosing the receipt no 2021051009719 dated 07-10-2021 of Rs 100 issued by Sub Registrar Bahraich. It is also certified that the title deeds/ khetauni under references were found registered with concerned sub-registrar/tehsil as per detail above at Sr. No 2. My under noted report /search property / document is based on the search.

(i)	Location of Property/ies (Particular District/Sub-registrar District within which the property is and the address of the Registering Office-in case the Property is situated in more than one District/ Sub-	Khetauni Khevat Khata 453 Gata No 1174/1,-1.505, 1175/1mi, -- 0.162, 1175/5 Mi---0.543hec total 2.210 hec Situated at Bahraich Khas Pargana
-----	---	--

अकायकर सिंह
एडवाकेट
सिविल कोर्ट
बहाइच
दिनांक 10-10-2021 / 10

	District the particulars of all the Concerned District/ Sub-District and address of the Registration offices to be given)	Tehsil ,District Bahraich
(ii)	<p>Investigation, Flow/ Tracing of Title and Search :</p> <p>(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 the title at least 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).</p>	<p>I visited the office of sub-registrar Bahraich on 07-10-2021 for inspection of title deed /Khetauni /record ,inspection fee I have deposited Rs 100 / and concerned office issued receipt no 2020051008214 dated 07-10-2021 of Bahraich (original enclosed) for inspection of title deed /Khetauni /record ,inspection fee I have deposited Rs 100 /</p> <p>I have examined the document in details below handed over to me in respect of the property mentioned above, previously property the Najul Land</p> <p>On the basis of sale deed dated 16-04-1945 Applicant claimed to be the owner of above land.</p> <p>Governor of the united Provinces who called Vendor,</p> <p>On behalf of the Vendor, under G.O. No 375 /18-10-1914 Deputy Commissioner Bahraich managed above property through Municipal Board Bahraich sold on 14 jan 1943.</p> <p>Sale Approved by the Commissioner Faizabad Division by his letter no 3684/xyy 20-34, dated 15-07-1942</p> <p>Sale deed executed on dated 16-04-1945,in favor of Messrs Shankar Lal, Amarnath,Kailash Nath .</p> <p>I have seen Khetauni Nan Z. A. Mohal Munispil Bord Khevat Khata No 15 Khetauni Khata No 453 fasli 1415 in which Murari Lal Murlimohan ,Madhusoodan,ShyamsundarS/o Bihari Lal ,Krishna Gopal S/o Kanhaiya Lal and Shankar Lal,Amarnath, Kailash Nath S/o Rameshwar Lal are recorded in khetauni.</p> <p>After death of Shankar Lal, Amar Nath ,Kailash</p>

अधिवक्ता सिंह
एडवोकेट
सिविल कोर्ट

Nath his successors became were mutated on his place in revenue record .But I could not found mutation order during search .

I have seen khetauni Nan Z.A. Mohal Munispal board Bahraich Khevat Khata No 15 khetauni khata no 453 fasli 1426 in which name of Murari Lal, Murli Mohan, Madhu Soodan, Shyam Sundar S/o Bihari Lal ,Krishna Gopal S/o Kanhaiya Lal name have been delete by order of N.T. Tehsildar Sadar case no T2016081546013924 Suneel Vs Murari Lal on dated 28-01-2019.

I have seen khetauni Nan Z.A. Mohal Munispal board Bahraich Khevat Khata No 15 Bhag 1, Sreni (2) khetauni fasli 1427 khata no 453 in which Sri Raj Kumar, Arun Kumar S/o Late Shankar Lal, Suneel Kumar ,Anil Kumar S/o Amarnath and Anuj kumar S/o Kailash Nath, Utsav Matan Heliya S/o Ashish Kumar, Smt Sarika Devi W/o Ashish Kumar R/o Digiha City Bahraich Pargana Tehsil District Bahraich are recorded in khetauni.

I have seen Khasra fasli 1427 Gata No 1174/1, 1175/1, 1175/5, in which all plot are parti and pit.

I have seen Tehsildar Bahraich report dated 26-11-20 in subject Patrank Sankhya 255/ R.A.C/ Viniyamit Kshatra in which mention applicants title is clear .

Applicant share in above property are such as under, **Sri Anuj Kumar S/o Sri Kailash Nath Share 1/6, and Utsav Matan Heliya S/o Asheesh Kumar share 1/12, Smt Sarika Devi W/o Asheesh Kumar 1/12.**

अक्षयवर् सिंह

महोदय

सिद्धि

बहाल

गति- 20-1957 / 84

		<p>I have seen Partition compromise in case No 326/2002 Amaranth Vs Shankar Lal, Map attach with it .</p> <p>Which goes to prove that on the basis of sale deed Sri Anuj Kumar S/o Sri Kailash Nath and Utsav Matan Heliya S/o Ashish Kumar and Smt Sarika Devi W/o Asheesh Kumar R/o Digiha Bahraich City Bahraich Pargana Tehsil District Bahraich. are the full owner of above property and in possession over the said property as mention above. thus from the documents discussed above ,taken together, it is clear that Sri Anuj Kumar S/o Sri Kailash Nath and Utsav Matan Heliya S/o Ashish Kumar and Smt Sarika Devi W/o Asheesh Kumar are the owner and in possession over of the said property as owner has been full right to Transfer , property, can be mortgage . In this way chain of title is complete .Urban and land ceiling law does not effect above property is genuine, , above property under Nagar Palika Parishd Bahraich.</p>
(iii)	Confirm and state that the Original title Deeds submitted are the Originals Registered before the Registrar of Assurance :	yes,
(iv)	Whether- the property is ancestral and/ or under joint ownership. If so, details of the co-parceners / Kart and/or the co-owners. The respective shares should be incorporated specifically:	property is ancestral under joint ownership, but spot partition has been done by court .
(v)	Minor's interest if any: (Important; Any minor's interest 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 started? Please note that if the property belongs to a minor, permission of competent Court is required to create the mortgage of the property).	No,
(vi)	Documents pending for Registration :	N.A.

अक्षय सिंह

20-10-80

	(Enquiry is to be made whether any document creating mortgage or encumbrance is pending registration in the concerned Sub –Registrar's/ Registrar' Office are to started. If so, full details of such charge etc. of charge holders should be specified.)	
5.	Whether Urban Land (Ceiling and Regulation) Act 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 Section 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,
6.	Whether the property is acquired under Land Acquisition Act, 1894/2014 and applicability of other State Legislations:	No,
7.	Lease hold immovable property (where land/building is leasehold, please verify the terms of lease, whether any permission/NOC from lessors /competent authority is required for creation of mortgage of such leasehold property and advice the precaution to be taken while obtaining such property in mortgage):	N.A.
8.	Investigation under Income Tax Act 1961, pending litigation related to property if any : (Any permission of the concerned Assessing Officer under any of the provisions of L.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 department).	No,
9.	Investigation in regard to Agricultural Land : (Investigate and search the necessary records etc. with specific reference to the land if it is surplus, self cultivated, If consolidation of holding/ 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)	N.A.,
10.	The details of the certified copies of the Revenue records obtained to confirm that no dues are outstanding by the Mortgagor.	Revenue records obtained but not obtained certified.
11.	Any other special enactment which is applicable to the property proposed to be mortgaged and affects the title.	No
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	Yes, available for verification through any online portal or computer system from year 2017.

अशोक सिंह
ए.के.
सिंह
बहाल
ग.नं. २०-१९७/८४

	made and the comments/ findings in this regard.	
14.	In the case of partition/ family settlement deeds, 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.	No.,
15.	Where 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.	N.A.
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.
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.	Yes, parti and pit
(a)	Promoter's/ Land Owner's title to the land/building	N.A.
(b)	Development Agreements/Power of attorney	N.A.
(c)	Independent title verification of the land and/ or building in question.	N.A.
(d)	Agreement for sale (duly Registered)	N. A..
(e)	Payment of proper Stamp duty.	N.A.
(f)	Approval of building plan, permission of appropriate/ local authority etc.	N.A.
(g)	Conveyance in favor of Society/ condominium concerned	N.A.
(h)	Occupancy Certificate/ allotment Letter/ Letter of possession	N.A.
(i)	Membership detail in the Society etc.	N.A.

अक्षय कुमार सिंह
 27/07/2017
 27-07-2017 / 84

(j)	Share Certificates	N.A.
(k)	No objection letter from the Society	No,
(l)	All legal requirements under the local/Municipal Law, ownership of Flats/ Apartments/ Building regulations, Development Control Regulations, Co-operative Societies Laws etc.	N.A.
(m)	Requirements for notice the Bank charges on the records of the Housing society etc. and comment.	No,
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 check by advocate and Land is parti and pit, can be demarcate. detail mention in search kramank 4 sub –section (ii)
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.	N.A.
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.

The following documents in original have to be obtained for creation of valid equitable mortgage by deposit of title deeds.

1- **Original Saledeed Registered In Sub –Registrar Office Bahraich Dated 16-04-1945 Bahi Ni 1 Jild No, Page Dastavage No.**

2- Khetauni Mauja Bahraich Khas Non Z.A. Municipal Bord khevat Khata no 15khetauni khata no 453 Fasli 1427 dated 02-11-2020.

2- Khetauni Mauja Bahraich Khas Non Z.A. Municipal Bord khevat Khata no 15khetauni khata no 453 Fasli 1426 .

3- Partition Compromise by court dated 14/08/2007.

4- Khasra 1427 Fasli Gat 1174/1, 1175/1, 1175/5.,

5- Tehsildar report dated 26-11-2020.

6. Receipt Sub-registrar Office Bahraich no 2020051008214 dated 07-10-2021.

7- Affidavit .

The stamp duty payable on oral assent/ MOD (if applicable) Date I hereby return the original documents forwarded to me vide your above said letter. (Signature of Bank Panel Advocate) Full Name of Advocate Address Registration No. with Bar Counsel

Place : Bahraich
Date : 08-10-2020



Akshay Bar Singh
Advocate

Signature of the Advocate who has scrutinized the title deeds/ documents

Registration No. 1997/84

With Bar Council of Uttar Pradesh

CERTIFICATE

I have examined the Original title deed / khetauni / intended to be deposited relating to the aforesaid property/ies and offered 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 and that if the said Equitable Mortgage is created, it will satisfy the requirement of creation of Equitable Mortgage.



I here further certify that I have searched and verified the information furnished in the report and have compared the title deeds/ Khetauni given to me with the records/ copy of it in the office of the Sub Registrar and has found both tallying with each other. I confirm having made search in the land/ Revenue records. I also confirm having verified and checked the records of the relevant Government Officer/ Sub-Registrar(s) Office(s), Revenue records, Municipal/Panchayat office, land Acquisition Office, Registrar of Companies Office . I do not find anything adverse which would prevent the Title holders from creating a valid Mortgage. The statements and other information given in the report are correct and true.

I certify that, there are no prior Mortgage/Charges/encumbrances whatsoever, as could be seen from the Encumbrance Certificate for the period from 1991 to 2021 pertaining to the immovable property/ies covered by above said title Deeds. The Property is free from all encumbrances, charges or claims.

I certify that **Sri Anuj Kumar S/o Sri Kailash Nath and Utsav Matan Heliya S/o Ashish Kumar and Smt Sarika Devi W/o Ashish Kumar R/o Digiha Bahraich City Bahraich Pargana Tehsil District Bahraich.** I have got a valid, clear, absolute and marketable title over the property shown above free of any encumbrances, charge or claims. There are no legal impediments for creation of the mortgage under any applicable law/ rules in force. I certify that the mortgage over the said property/ies can be enforced through process of law including under the provisions of SARFAESI ACT. for recovery of dues to the Bank. **Sri Anuj Kumar S/o Sri Kailash Nath and Utsav Matan Heliya S/o Ashish Kumar and Smt Sarika Devi W/o Ashish Kumar R/o Digiha Bahraich City Bahraich Pargana Tehsil District Bahraich.** personally present and deposit the following title paper in original with intention to create equitable mortgage, it will satisfy the requirement of creation of equitable mortgage. The following person/s should be presents personally to deposit the original title deeds with your Branch for creation of equitable mortgage :

Sri Anuj Kumar S/o Sri Kailash Nath and Utsav Matan Heliya S/o Ashish Kumar and Smt Sarika Devi W/o Ashish Kumar R/o Digiha Bahraich City Bahraich Pargana Tehsil District Bahraich Place : Bahraich

Date : 08-10-2021

Akshay Bar Singh Advocate

Signature of the Advocate who has scrutinized

the title deeds/ documents Registration No. 1997/84

With Bar Council of Uttar Pradesh

भाग 2

प्रस्तुतकर्ता अथवा प्रार्थी द्वारा रखा जाने वाला

उपनिबन्धक सदर

क्रम संख्या 2021051009719

बहराइच

लेख या प्रार्थना पत्र प्रस्तुत करने का दिनांक 07/10/2021

प्रस्तुतकर्ता या प्रार्थी का नाम अक्षयवर सिंह एड०

लेख का प्रकार: मुआयना 1991 वर्ष से 2021 वर्ष तक

प्रतिफल की धनराशि

- 1 . रजिस्ट्रीकरण शुल्क
- 2 . प्रतिलिपिकरण शुल्क
- 3 . निरीक्षण या तलाश शुल्क
- 4 . मुख्तार के अधिप्रमाणी करण लिए शुल्क
- 5 . कमीशन शुल्क
- 6 . विविध
- 7 . यात्रिक भत्ता

1 से 6 तक का योग

100

शुल्क वसूल करने का दिनांक

07/10/2021

दिनांक जब लेख प्रतिलिपि या तलाश

07/10/2021

प्रमाण पत्र वापस करने के लिए तैयार किया

रजिस्ट्रीकरण अधिकारी के हस्ताक्षर