ANNEXURE-14

**Title Search Report & Legal Scrutiny Report**

(To be issued on the Letterhead of the advocate)

To,

**Sub: -** Title Search Report & Legal Scrutiny Report with respect of Kh. No**. ………………………..…** Owned by **……………………………..**

Dear Sir,

As per your instruction, I **…………………………………**, Advocate have conducted the legal scrutiny of the aforesaid project and investigated the title **…………………………….**over his/her/their immovable property as mentioned in the Schedule-I and conducted a detailed investigation of title since inception and conducted the search of available records of the Index-II till ……………….. Sub-Register office ...……………., & Khasra Trace Record for last **…………** years from **………………..** withRevenue Departmentsto till date and submit my report as under:

**SCHEDULE-I**

**(Details of Developer and Landowners)**

|  |  |  |
| --- | --- | --- |
| 1. | Name & Address of the Developer : |  |
| 2. | Name & Address of the Landowner (Present Owner of the immovable property) : |  |
| 3 | Address of the Property under the project: |  |

**SCHEDULE-II**

**(Details of Immovable Property)**

|  |  |  |
| --- | --- | --- |
| 1 | Plot No. / Land Revenue Survey Nos.Kh. No with its Area covered under Title scrutiny: |  |
| 2 | Detailed Address of aforesaid Land/Plot:(village, Patwari Halka no., Block, Municipal Ward No., Tehsil, District, State, Pincode)  |  |
| 3 | Boundaries  |  |
| 4 | Nature/Type of Land/Plot |  |

1. Description of Documents Scrutinized & Verified:

I have examined & verified the documents as mentioned in the **Schedule-III** attached herewith.

**SCHEDULE-(III**)

|  |  |  |  |
| --- | --- | --- | --- |
| Sr. No. | Date of Document | Name of Document | Whether Original/ Certified/ True copy/ Photostat |
| 1. |  |  |  |
| 2. |  |  |  |

2. Details of searches and investigation and findings, after scrutiny of the documents as mentioned in the schedule-ii and searches of various records viz. Revenue records and records of index-i & index-ii available in the concern sub-registrar office ……………, are given as below:

|  |  |  |
| --- | --- | --- |
| 1 | Whether the Property is freehold or leasehold? |  |
| 2 | If Lease hold then tenure: |  |
| 2.1. | Name of Lessor: |  |
| 2.2. | Whether permission for sale is/was obtained by the seller? (Pl mentioned details of permission) Whether the same is required? Effects of Not obtaining? |  |
| 2.3. | Whether NOC for creation of Mortgage obtained? Is it required? Effects of Not obtaining? |  |
| 2.4. | Any other detrimental Clause in the lease-deed? |  |
| 3 | How the Present Land Owner acquired title over the property? Whether by Purchase / Gift / Partition / Release / WILL / Inheritance / Allotment etc. |  |
| i. | In case of Purchase through Sale-deed:- Whether the Seller is /was competent to Sell? |  |
| ii. | How the Seller acquired the property? |  |
| iii. | Whether all the previous deeds & link documents till in the name of Present landowner is available? If not available then what is the effect? |  |
| iv. | Whether Seller has transferred clear, legal, marketable & free from all encumbrances’ title in favor of Present Land Owner? |  |
| 4 | Whether minor’s interest is involved in the property? If yes precautions to be taken |  |
| 5 | Have you searched all the relevant records viz Index-II in the Sub-Registrar office? Whether any defect or adverse entry found which affect the title of the present owners?  |  |
| 6 | Have you verified all the current & previous deeds, chain documents, revenue records, Khasra-Nakal/Khatoni & Rin-Pustika, at least for the 30 years period? (Pl mentioned specifically). Whether any defects found which affect the title of the present owners? Whether same is found correct and title from person to person have been legally transferred till present owners? |  |
| 7 | Whether you have verified the contents of the title-deeds? Whether any defect is found in the same? |  |
| 8 | Are the chain of title-deeds are complete and genuine? |  |
| 9 | Whether title-deed contains any restrictive clause in respect of free transfer. |  |
| 10 | Whether any acquisition proceeding is in progress in the area? Whether the same will affect the mortgage or transfer of title of units in favor of prospective buyers |  |
| 11 | Whether property is mutated in the name of Present Land Owners /Transferor? & Where?  |  |
| 11.1. | With Revenue Authority (mention the name of document by which it is ascertain) |  |
| 11.2. | With Municipal Corporation / DA / MPHB/Nazul |  |
| 11.3. | Effect of Non Mutation |  |
| 12 | What is the nature of title of the present owner i.e. tenancy right, full ownership, occupancy right, possessory right, minor’s right or any other type or right clarify. |  |
| 13 | Have the provisions of the Indian Registration Act and the Indian Stamps Act been complied with?  |  |
| 14 | Whether chain of title is complete and ownership in the name of present land owner is legal, clear, marketable and free from all encumbrances?  |  |
| 15 | In case of transferor is POA holder, verify the genuineness of POA and extent of powers. Whether the POA is properly executed/stamped/ authenticated / enforceable as per the law of the place. |  |
| 16 | Whether up-to-date Diversion Rent/tax, property tax, lease rent receipt and other govt. taxes are paid? |  |
| 17 | Whether land revenue survey nos. as mentioned in the Colony Development Permission are in concurrence with TCP approval letter & layout and Diversion Order & Nazul NOC/other permission? |  |
| 18 | Whether Mortgagor have valid & legal right to mortgage the said property with the Bank ? |  |
| 19 | Whether Bank can enforce the Mortgage against the lease-hold Mortgaged Property in case of Default.? |  |
| 20 | Whether provisions of Urban Land Ceiling Act applicable/ permission obtained? of any restriction in transfer of title by the present landowner? |  |
| 21 | Whether all the legal requirements / permission, under various act / laws viz. local laws, Municipal laws, Colonization Act, Town & Country Planning Act, M.P. Apartment ownership Act 1976/2000, land laws, MPLR Code 1959, Laws applicable for development of land & construction of building, Building Regulations, Development Control Regulations, MP Coloniser (Registration Terms & Condition) Rules 1998, MP Panchayat Raj Adhiniyam 1993, ULC Act, MP Co-operative Societies Act etc, in order to develop the aforesaid project have been completed and complied? |  |
| 22 | Whether property belongs to HUF? If yes then whether major co-parcerners have no objections/join in execution, minor’s share if any, rights of female members etc. |  |
| 23 | Brief history of the properties and how the present owner has derived the title. Is the chain of title for the last 13 years complete? If so, please mention the name of the vendor who was in possession of the land 13 years back and also the names of the subsequent person. Please trace out in brief the devolution of title during the last 13 years and its market ability or otherwise in a narrative form. |  |

4. HISTORY OF TITLE:

Due to unavailability of all the index II in the office of Sub–Registrar, ……………….. I searched said Khasra in P-II & Diversion office.

**TRACING OF TITLE**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Sr. No** | **Khasra No., House No. & Area of Land** | **Date of Document** | **Detail of Title Deed**  | **Boundary** |
| **1.** |  |  |  |  |
| **2.** |  |  |  |  |
| Flow of Title  |

**(A) DETAILS OF KHASRA TRACE RECORD** / **MUTATION ENTRIES:**

As per diverted B1 record above said property diverted for residential purpose in the name of **……………………………………….**

**(B) PERMISSIONS & APPROVALS:**

In order to develop the aforesaid property/colony/project **………………………………**being colonizer/builder/developer of the said colony/project have obtained all the required permission and approvals from various authorities details given as under:

**i) Colonizer Registration Certificate:**

That in order to develop/construct the said residential colony/project/building, Municipal Corporation, …………..CG has issued Coloniser Registration Certificate in the name of ………………………….. vide its Registration No. **…………………..** date **……………….** for the area under **……………….** which was renewed with vide Letter no. **……………** dated **…………………**

**ii) Diversion Order u/s 172(1) read with section 59(2) of MPLR Code 1959:**

That **……………………………** has/have got diverted said land bearing khasra No. for the residential & Commercial development of the colony over the **………………………….. v**ide its order no **……………………………** dated  **………………….. v**ide its order no **………………….** dated  **…………………..**

**iii) Colony Development Permission of Municipal Corporation / TCP/ SDO:**

That thereafter said **………………………………………** has obtained Residential development permission from the **……………..**  CG vide its letter no**. ……………….** dated **…………………** to develop said colony over the **Kh. No. ………………………….. Mauza - …………………………………….. (C.G).**which was corrected with vide Letter no. **……………….** dated **…………….**

That thereafter said **………………………………..** has obtained Residential development permission from the **SDO**  ………….-CG vide its letter no**. …………….** dated **– ……………..** to develop said colony over the **Kh. No. ………………………….. Mauza - …………………………………….. (C.G).**

**iv) Details of Mortgage Plots / Area / Flats as per Mortgage-deed / mortgage Letter issued by Municipal Corporation / SDO:**

That said Municipal Corporation / SDO has issued mortgage letter vide its no …………. dated **…………………** in respect to mortgaged of ………% area/flats/plots from aforesaid approved layout against guarantee of internal development of the said colony.

**Details of Mortgage Plots Nos. / Flat Nos. / Unit Nos. are given as below:**

Aforesaid mortgaged plots/flats/area can be funded only after issuance of mortgage release letter / mortgage release-deed by the Municipal Corporation / SDO / Gram Panchayat.

**………………..**

**v). Nazul NOC / IDA NOC / High Rise Permission / Environment NOC / Any other NOC if applicable etc.**

That said **………………………………** has got NOC from ………………………. for the said colony/project vide its letter no**. ………………….** dated **……………….** for the development of the over the **Kh. No. ………………………….. Mauza - …………………………………….. (C.G).**

That said **……………………………** has got NOC from PWD Depart……………..ment for the said colony/project vide its letter no**. ………..** dated **…………….** for the development of the over the **Kh. No. ………………………….. Mauza - …………………………… (C.G.)**

**vi). Building Permission & Approved Building Plan/ Development Permission by TCP/ Nagar Nigam :**

That said **…………………………** has obtained Building permission from the Nagar Nigam, CG vide its Permission no. **………..** Date **……….** to develop said Residential Colony over the **Kh. No. ……………………………. comprising its area …………… Hect. Mouza - ………………, PH. No. ………… R.I.C ………., Tehsil & Dist. …………(C.G).**

**Obtain from the builder**

**vii). Declaration Under the Provision of M.P. Prakhostha Adhiniyam 1976/2000:**

That thereafter in order to construction of Colony named as “**……………….** ” over the aforesaid land bearing **Kh. No. ……….. comprising its total area ………. Hect at Mouza - ………………**the said land owner **………………………….** was executed the Declaration under the provisions of M.P. Prakhostha Adhiniyam 1976 and registered the same on dated **…………….** in Book No. A1, Vol. No. **……….** vide its document no**. ……….** with Sub-Registrar office ……………-CG. That said declaration has covered all the provisions of aforesaid Act and duly executed & registered

**Obtain from the builder.**

**viii). Development Agreement / Joint Venture Agreement / Partnership-deed / Registered Power of Attorney in favour of Developer (If any) :**

Not Applicable

**(C) CONCLUSION:**

Accordingly chain of title is complete and legally passed from person to person and accordingly thereby said **………………………………………..** derived legal, valid marketable title over the said land land/Plot/Flat and he is able to create equitable mortgage of the said Land / Plot in favour of Bank by deposit of Original registered Sale-deed of the aforesaid property.

**CERTIFICATE OF TITLE**

I **………………………………………**, Advocate I have examined the title deeds relating to the scheduled property and that the documents of title referred to in my opinion are valid evidence of right, title and interest. **Due to unavailability of index II in the office of the Sub-registrar, I confirm having made a search in the land/ revenue records in the P-II and Diversion Office …………. (C.G) and other departments and I do not find anything adverse which prevent the title holders from creating a valid mortgage.**

I have examined the documents in details, taking into account all the guidelines in the checklist vide annexure and the other Revenue factors. I confirm having made a search in the land/ revenue records and I do not find anything adverse which prevent the title holders from creating a valid mortgage

I have examined all the title-deeds and documents relating to the property as mentioned in the schedule-II and on the basis of investigation & scrutiny of all the documents and Search conducted in the land revenue in the concern office for the last **13** years, I confirms that the chain of title is complete and legally passed from person to person have/has got clear, legal, valid, marketable and title over the property as mentioned in the Schedule-I and the residential flats/houses/plots/building being constructed/developed thereon. I further certify:

 That the title document mentioned in the chain of title were executed, stamped and registered in accordance with the law. They have the effect of conveying lawful title in favour of the said present owners.

**Please obtain affidavit from the borrowers by way of declaration that they are exclusive owner and in possession of the said property, free from all types of litigation, encumbrance, charges etc. Over it and further that they will not transfer in any manner the whole or part of the interest or share of property, during the pendency of the loan.**

 It is further certify that the property as mentioned in the Schedule-I is not subject matter of any attachment or any process of court nor or they or any of them is the subject matter of any litigation pending before any court of law.

That there are no prior mortgages/charges whatsoever as found during my above referred, search at Sub-Registrar's office pertaining to the immovable property covered by the above said title-deeds/land records.

Name, Seal & Signature of the Advocate (who have conducted the Search & Scrutiny of the records & documents)

Enclosed:

Search Receipt No. …………………….dated ……………………. of Rs. ……………………. for the year …………………… to ……………………..

1. Obtain Following Document from the Builder at time of project approval
2.
3.
4.
5.
6. Pre Disbursement Document to be obtained from borrower –

FLATS / PLOTS-

1. Document required to be collected at the time of handling over the pay-order –

1)

2)

1. POST DISBURSEMENT DOCUMENT –

1)

2)

Place:

Date:

**On the Letter of the Advocate**

LEGAL OPINION

That on the basis of aforesaid search carried out in the available Index-II & 13 years revenue record i.e. P-II and after investigation of chain of title I found that it has legally passed from person to person and scrutiny of the documents related to said property produced before me I am of the opinion:-

That the chain of title is complete and legally transferred from person to person and finally said ………………………………………………..derived valid, clear, legal & marketable title over the aforesaid property as mentioned in the schedule-I.

Place:

Date:

 Name, Seal & Signature of the Advocate

 (who have conducted the Search & Scrutiny of the records & documents)