Internal memo No. 901/58 – Admin. Division Date: 27.04.2020

Subject: Check list for due-diligence – for purchase of new lands.

A comprehensive checklist has been prepared for purpose of due-diligence at the time of purchasing new lands and is attached as annexure -A. Annexure - B has details about importance of each type of document.

On a case to case basis, some of the documents may be required and some documents may not be required. Note that these documents largely pertain to lands that are either agricultural lands or were formerly agricultural lands.

Notes:

1. Details are required for all relevant sy nos.
2. Details of all present owners/pattedars is required.
3. If land is purchased from original pattedars – details of family tree and succession of original pattedars is required.
4. If land is being purchased from others – details of original pattedars, their family tree and succession of original pattedars are required.
5. Wherever record is not available – memo from appropriate authority is required.
6. Clear photocopies are required for due-diligence.
7. Certified copies of all documents registered with the SRO where originals are not available will be required.
8. Only certified copies of revenue records will be accepted for due-diligence.
9. In the last stage of due-diligence, original registered title documents and link documents to be produced for verification. Original patta passbook and title books to be produced for verification. Other original may also be required.

Soham Modi.

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Annexure -A

Check list for due-diligence at the time of purchasing new lands

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Sl. No | Category | Document description (applicable Yes/No) | Document available (Yes/No) | Document received (Original, copy, certified copy, not received) | Remarks  |
|  | Revenue records | Kasra Pahani – 1954 - 55 |  |  |  |
|  | Revenue records | PT register |  |  |  |
|  | Revenue records | Chesala Pahani – 1956 -58 |  |  |  |
|  | Revenue records | Pahanis for the years: 60-61, 65-66, 70-71, 75-76, 80-81, 85-86, 90-91, 95-96, 2000-01, 2005-06, - 2010-11, 2015-2016. |  |  |  |
|  | Revenue records  | Pahanis latest - 2016-17, 2017-18, 2018-19, 2019-2020 |  |  |  |
|  | Revenue records | Patta pass book |  |  |  |
|  | Revenue records | Title book |  |  |  |
|  | Revenue Records  | ROR (Record of rights) |  |  |  |
|  | Revenue Records – online - latest | RORPatta pass book, Title book, Form 1B  |  |  |  |
|  | Revenue records | Form 1B |  |  |  |
|  | Revenue records | Proceeding of MRO, RDO or JC |  |  |  |
|  | Revenue records | Mutation orders |  |  |  |
|  | Revenue Records | Occupancy right certificate (ORC) /PT certificate/ assignment of any kind |  |  |  |
|  | Revenue Records | Succession certificateLegal heir certificate |  |  |  |
|  | Survey and plans | Village map |  |  |  |
|  | Survey and plans | Tounch plan  |  |  |  |
|  | Survey and plans | MRO survey |  |  |  |
|  | Survey and plans | Town survey (only in urban areas) |  |  |  |
|  | Survey and plans | Land affected in nalas, water bodies, roads in village map |  |  |  |
|  | Survey and plans | Tippans (in field measurement book) |  |  |  |
|  | Survey and plans | Topo plan |  |  |  |
|  | Survey and plans | Digitized tippan |  |  |  |
|  | Survey and plans | Physical digital survey of land showing boundaries, road width, centerline of road, structures within the site and waterbodies / nalas/ electrical lines/ graveyards in around the land |  |  |  |
|  | Survey and plans | Super imposition/ comparison of digital survey of land with digital tippan |  |  |  |
|  | Physical demarcation and possession | Site must be secured by way of kadis & barb wire / compound wall with lockable gate |  |  |  |
|  | Physical demarcation and possession | 6’ x 4’ or larger board must be erected on site declaring name of owner , extent, sy nos., etc. |  |  |  |
|  | Land use under urban development authority | Present zoning – Land use certificate |  |  |  |
|  | Land use under urban development authority | Extract of master plan – online copy + certified hard copy |  |  |  |
|  | Land use under urban development authority | Details of approach road width, land lost in road widening. |  |  |  |
|  | Land use under urban development authority | Details of water bodies, nalas , buffer zone and land affected by the same |  |  |  |
|  | Revenue records – change of land use | Details of change of land use – i.e., details f land conversion under NALA Act from agricultural to non-agricultural  |  |  |  |
|  | Deeds & Agreements | Sale deeds |  |  |  |
|  | Deeds & Agreements | Ratification deeds |  |  |  |
|  | Deeds & Agreements | Partition deed |  |  |  |
|  | Deeds & Agreements | Rectification deed |  |  |  |
|  | Deeds & Agreements | Agreement of sale gum GPA with/without possession |  |  |  |
|  | Deeds & Agreements | Agreement of sale  |  |  |  |
|  | Deeds & Agreements | JDA cum GPA |  |  |  |
|  | Deeds & Agreements | Exchange deed |  |  |  |
|  | Deeds & Agreements | Gift deed |  |  |  |
|  | Deeds & Agreements | Other relevant deeds (if any) |  |  |  |
|  | Deeds & Agreements | GPAs |  |  |  |
|  | Deeds & Agreements | Intermediate agreement holder (unregistered) |  |  |  |
|  | Constitution of past/present owners | Partnership deedRetirement deedFirm registration certificateMOA & AOACompany registration certificateBoard resolutions |  |  |  |
|  | Family tree  | Family details of pattedars.Ration card/white card.Details of married/un-married daughters/sistersAffidavit/NOC/ratification deed from daughters/sisters |  |  |  |
|  | Bank loan details (including cooperative banks & NBFC) | Loan approval letterLoan agreement Loan outstanding statementLoan closure NOCMortgaged/MODT/ hypothecation deedRelease mortgage/ MODT/ hypothecationOTS letter |  |  |  |
|  | Municipal record | Death certificate |  |  |  |
|  | Miscellaneous  | Will Memorandum of partitionFamily settlement agreement |  |  |  |
|  | Encumbrance certificate | EC for all relevant sy nos. for 30 years. |  |  |  |
|  | Court cases/litigation (city court, district court, high court, consumer forums, tribunals, revenue department, ULC, supreme court, etc) | Orders/judgementPlaint Counter Details of pending appeals / litigation |  |  |  |
|  | Address & ID proof | Aadhar cardPAN cardPassport copyFor NRIs OCI cardRation card/white card |  |  |  |
|  | Miscellaneous documents | Details of encroachments or land not in possession. |  |  |  |
|  | Miscellaneous documents | Legal opinion (if any) |  |  |  |
|  | Miscellaneous documents | Public notice to be issued |  |  |  |
|  | Miscellaneous documents | Layout copy & proceedings by grampanchayat, DTCP or any other authority for land and/or surrounding lands.Details of mortgage /gift to local authority |  |  |  |
|  | Miscellaneous documents | Building permit or sanction plans of any type |  |  |  |
|  | Miscellaneous documents | Details of land affected in assigned land/warkf board/ freedom fighters land/ boodan land/ endowment lands/ etc.NOC from said authority  |  |  |  |
|  | Miscellaneous documents | Land affected or adjoining railway track/defence land/ government land/ etc.NOC from said authority |  |  |  |
|  | Miscellaneous documents | Details of land falling in airport funnel. AAI NOC |  |  |  |

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Annexure -B

Due-diligence - Importance of each type of document

|  |  |  |  |
| --- | --- | --- | --- |
| Sl. No | Category | Document description (applicable Yes/No) | Remarks / Importance of document |
|  | Revenue records | Kasra Pahani – 1954 - 55 | This may have record of the protected tenant. Rights of protected tenant cannot be extinguished without due proceedings of the revenue department.  |
|  | Revenue records | PT register | If PT exists in this register, it has to be deleted by due proceedings or land should be assigned to PTs by the revenue department. |
|  | Revenue records | Chesala Pahani – 1956 -58 | Check owner and cultivator of land. Cultivator may be PT and may be missed out in other records.  |
|  | Revenue records | Pahanis for the years: 60-61, 65-66, 70-71, 75-76, 80-81, 85-86, 90-91, 95-96, 2000-01, 2005-06, - 2010-11, 2015-2016. | Check details of pattedars, their legal heirs and successor in interest. It must match the flow of title. Obtain copies of mutation orders or other orders mentioned in the pahanis. Sometimes PTs may appear in the pahanis.  |
|  | Revenue records  | Pahanis latest - 2016-17, 2017-18, 2018-19, 2019-2020 | These may not be available especially for non-agricultural lands. However, attempt must be made to obtain latest record.  |
|  | Revenue records | Patta pass book | This is a definitive record of ownership. Original should be in possession of pattedar. Tis record is issued after a mutation order is passed – obtain a copy. If record is missing – details may be available in form 1B.  |
|  | Revenue records | Title book | Same as patta passbook |
|  | Revenue Records  | ROR (Record of rights) | This is another record of ownership which is corroborative in nature.  |
|  | Revenue Records – online - latest | RORPatta pass book, Title book, Form 1B  | Records have been largely digitized. Records must match flow of title.  |
|  | Revenue records | Form 1B | This is to be obtained in case patta pass book and title book especially of earlier pattedars is not available.  |
|  | Revenue records | Proceeding of MRO, RDO or JC | The revenue department is the relevant authority for making changes in ownership of lands after making due enquiries. In earlier days change of ownership was recorded without registering sale/gift/ other deeds. Therefore, record of change of ownership by these authorities is very important.  |
|  | Revenue records | Mutation orders | Change of ownership is done by way of a mutation order. Copies must be obtained.  |
|  | Revenue Records | Occupancy right certificate (ORC) /PT certificate/ assignment of any kind | Several pattedars claim ownership by way of rights issued by the revenue authorities under various acts like abolition of imams act, protected tenancy act, etc. Some times land is assigned or gifted to freedom fighters/ military personal. |
|  | Revenue Records | Succession certificateLegal heir certificate | Agricultural land usually devolves to legal heirs by way of proceedings of the revenue department.  |
|  | Survey and plans | Village map | Shows the shape and size of survey nos. It is probably prepared between 1920 to 1950. |
|  | Survey and plans | Tounch plan  | It is a clear drawing of an extract from the village map prepared by the revenue authorities or the survey department. |
|  | Survey and plans | MRO survey | MRO survey with panchnama must be conducted where there is ambiguity or dispute about exact boundaries of land. |
|  | Survey and plans | Town survey (only in urban areas) | This has been undertaken in very few large cities and not fully notified. Town survey has precedence over village map in other revenue records. |
|  | Survey and plans | Land affected in nalas, water bodies, roads in village map | Water bodies, nalas and roads may appear in old village maps which may not exist on ground. Some times it has an impact on obtaining building permits. |
|  | Survey and plans | Tippans (in field measurement book) | This is a record of open land measured using chains and links. The shape of tippan does not correspond to the shape of the land. It is to be redrawn by an expert. |
|  | Survey and plans | Topo plan | This shows geographical features of a larger area. May be required in exceptional cases. |
|  | Survey and plans | Digitized tippan | Tippans are largely been digitized for clarity in hand written notes. This too has to be redrawn by an expert. |
|  | Survey and plans | Physical digital survey of land showing boundaries, road width, centerline of road, structures within the site and waterbodies / nalas/ electrical lines/ graveyards in around the land | Check revenue records and urban development authority records for land effected in nalas, water bodies, road widening, electrical lines, graveyards, etc  |
|  | Survey and plans | Super imposition/ comparison of digital survey of land with digital tippan | Compare revenue record with physical possession. |
|  | Physical demarcation and possession | Site must be secured by way of kadis & barb wire / compound wall with lockable gate | Land must be totally fenced or compounded to establish possession and to ensure that there are no third party easement rights.  |
|  | Physical demarcation and possession | 6’ x 4’ or larger board must be erected on site declaring name of owner , extent, sy nos., etc. | In case of dispute claimants are likely to make claims on seeing the board. |
|  | Land use under urban development authority | Present zoning – Land use certificate | Land use is difficult to change. Land use must be as per intended end use. It also shows details of proposed road width, water bodies, buffer zones, nalas, etc. |
|  | Land use under urban development authority | Extract of master plan – Online copy + certified hard copy | Apart from zoning, it also shows details of proposed road width, water bodies, buffer zones, nalas, etc.Hard copy may be obtained by RTI application.  |
|  | Land use under urban development authority | Details of approach road width, land lost in road widening. | NA |
|  | Land use under urban development authority | Details of water bodies, nalas , buffer zone and land affected by the same | NOC may be required from irrigation department for land affected in water bodies/nalas. Buffer zone is determined by size of water body or width of nala. Notified water bodies have a minimum mandatory buffer zone of 30 mtrs.  |
|  | Revenue records – change of land use | Details of conversion under NALA Act from agricultural to non-agricultural  | Land conversion is granted after payment of appropriate fees by the revenue department and an order is issued. |
|  | Deeds & Agreements | Sale deeds | Details of present owners and predecessors of title is required. Check original and certified copy at registrars office. |
|  | Deeds & Agreements | Ratification deeds | - Do - |
|  | Deeds & Agreements | Partition deed | - Do - |
|  | Deeds & Agreements | Rectification deed | - Do - |
|  | Deeds & Agreements | Agreement of sale gum GPA with/without possession | - Do - |
|  | Deeds & Agreements | Agreement of sale  | - Do - |
|  | Deeds & Agreements | JDA cum GPA | - Do - |
|  | Deeds & Agreements | Exchange deed | - Do - |
|  | Deeds & Agreements | Gift deed | - Do - |
|  | Deeds & Agreements | Other relevant deeds (if any) | - Do - |
|  | Deeds & Agreements | GPAs | - Do - |
|  | Deeds & Agreements | Intermediate agreement holder (unregistered) | Check if there are any unregistered agreement holders. |
|  | Constitution of past/present owners | Partnership deedRetirement deedFirm registration certificateMOA & AOACompany registration certificateBoard resolutions | If past or present owners are companies or firms, these details are required.  |
|  | Family tree  | Family details of pattedars.Ration card/white cardDetails of married/un-married daughters/sistersAffidavit/NOC/ratification deed from daughters/sisters | Pattedars usually become owners by way of inheritance. Most land disputes are between family members. Therefore, family tree of past and present pattedars is required. Ownership of all brothers, sisters, sons, daughters and spouces must be covered. Sisters/daughters must give up their rights in land by way of a registered deed. Ration card/white card will have the details of family members in it. |
|  | Bank loan details (including cooperative banks & NBFC) | Loan approval letterLoan agreement Loan outstanding statementLoan closure NOCMortgaged/MODT/ hypothecation deedRelease mortgage/ MODT/ hypothecationOTS letter | Include details in case of bank loans. Check ROC website for charges created. Check EC for mortgage deed, etc.  |
|  | Municipal record | Death certificate | For immediate owners to obtain a original copy |
|  | Miscellaneous  | Will Memorandum of partitionFamily settlement agreement | These may not be registered. Obtain the certified copy from all legal heirs. |
|  | Encumbrance certificate | EC for all relevant sy nos. for 30 years. | Check all registered documents of relevant survey nos. to identify other claimants in ownership or mortgage deeds/etc. |
|  | Court cases/litigation (city court, district court, high court, consumer forums, tribunals, revenue department, ULC, supreme court, etc) | Orders/judgementPlaint Counter Details of pending appeals / litigation | Check website of courts of law for relavant survey nos/companies. Must get certified copies of orders and judgements. Sometimes cases are compromised and order does not contain details of compromise. Therefore, certified copies of pliant/ counter/appeal is required. |
|  | Address & ID proof | Aadhar cardPAN cardPassport copyFor NRIs OCI cardRation card/white card | These are mandatory for purchase and registration of property. TDS to be deducted for transaction over Rs. 50 lakhs. Ration card/white card will have the details of family members in it.  |
|  | Miscellaneous documents | Details of encroachments or land not in possession. | Check if possession more than or less than legal title.  |
|  | Miscellaneous documents | Legal opinion (if any) | Older opinions may simplify passes of due-diligence.  |
|  | Miscellaneous documents | Public notice to be issued | This must be issued in atleast 2 leading/relevant print media.  |
|  | Miscellaneous documents | Layout copy & proceedings by grampanchayat, DTCP or any other authority for land and/or surrounding lands.Details of mortgage /gift to local authority | This is important for access roads. Some times open spaces, buffer zones, etc., is illegally being sold.  |
|  | Miscellaneous documents | Building permit or sanction plans of any type | NA |
|  | Miscellaneous documents | Details of land affected in assigned land/warkf board/ freedom fighters land/ boodan land/ endowment lands/ etc.NOC from said authority  | Land with such issues should be avoided unless clear cut NOC s available. Do not buy assigned lands and lands granted to freedom fighters/Ex-serviceman.  |
|  | Miscellaneous documents | Land affected or adjoining railway track/defence land/ government land/ etc.NOC from said authority | NOC is required from Railways, defence department and/or government in such cases. Check relevant rules. |
|  | Miscellaneous documents | Details of land falling in airport funnel. AAI NOC | Land falling in funnel will have a restriction of height. Obtain NOC before purchase.  |