

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.

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
1.	Revenue records	Kasra Pahani – 1954 - 55			
2.	Revenue records	PT register			
3.	Revenue records	Chesala Pahani – 1956 -58			
4.	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.			
5.	Revenue records	Pahanis latest - 2016-17, 2017-18, 2018-19, 2019-2020			
6.	Revenue records	Patta pass book			
7.	Revenue records	Title book			
8.	Revenue Records	ROR (Record of rights)			
9.	Revenue Records – online - latest	ROR Patta pass book, Title book, Form 1B			
10.	Revenue records	Form 1B			
11.	Revenue records	Proceeding of MRO, RDO or JC			
12.	Revenue records	Mutation orders			
13.	Revenue Records	Occupancy right certificate (ORC) /PT certificate/ assignment of any kind			
14.	Revenue Records	Succession certificate Legal heir certificate			
15.	Survey and plans	Village map			
16.	Survey and plans	Touch plan			
17.	Survey and plans	MRO survey			
18.	Survey and plans	Town survey (only in urban areas)			

19.	Survey and plans	Land affected in nalas, water bodies, roads in village map			
20.	Survey and plans	Tippans (in field measurement book)			
21.	Survey and plans	Topo plan			
22.	Survey and plans	Digitized tippan			
23.	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			
24.	Survey and plans	Super imposition/ comparison of digital survey of land with digital tippan			
25.	Physical demarcation and possession	Site must be secured by way of kadis & barb wire / compound wall with lockable gate			
26.	Physical demarcation and possession	6' x 4' or larger board must be erected on site declaring name of owner , extent, sy nos., etc.			
27.	Land use under urban development authority	Present zoning – Land use certificate			
28.	Land use under urban development authority	Extract of master plan – online copy + certified hard copy			
29.	Land use under urban development authority	Details of approach road width, land lost in road widening.			
30.	Land use under urban development authority	Details of water bodies, nalas , buffer zone and land affected by the same			
31.	Revenue records – change of land use	Details of change of land use – i.e., details of land conversion under NALA Act from agricultural to non-agricultural			
32.	Deeds & Agreements	Sale deeds			
33.	Deeds & Agreements	Ratification deeds			-
34.	Deeds & Agreements	Partition deed			

35.	Deeds & Agreements	Rectification deed			
36.	Deeds & Agreements	Agreement of sale gum GPA with/without possession			
37.	Deeds & Agreements	Agreement of sale			
38.	Deeds & Agreements	JDA cum GPA			
39.	Deeds & Agreements	Exchange deed			
40.	Deeds & Agreements	Gift deed			
41.	Deeds & Agreements	Other relevant deeds (if any)			
42.	Deeds & Agreements	GPA's			
43.	Deeds & Agreements	Intermediate agreement holder (unregistered)			
44.	Constitution of past/present owners	Partnership deed Retirement deed Firm registration certificate MOA & AOA Company registration certificate Board resolutions			
45.	Family tree	Family details of pattedars. Ration card/white card. Details of married/un-married daughters/sisters Affidavit/NOC/ratification deed from daughters/sisters			
46.	Bank loan details (including cooperative banks & NBFC)	Loan approval letter Loan agreement Loan outstanding statement Loan closure NOC Mortgaged/MODT/ hypothecation deed Release mortgage/ MODT/ hypothecation OTS letter			
47.	Municipal record	Death certificate			
48.	Miscellaneous	Will Memorandum of partition Family settlement agreement			

49.	Encumbrance certificate	EC for all relevant sy nos. for 30 years.			
50.	Court cases/litigation (city court, district court, high court, consumer forums, tribunals, revenue department, ULC, supreme court, etc)	Orders/judgement Plaint Counter Details of pending appeals / litigation			
51.	Address & ID proof	Aadhar card PAN card Passport copy For NRIs OCI card Ration card/white card			
52.	Miscellaneous documents	Details of encroachments or land not in possession.			
53.	Miscellaneous documents	Legal opinion (if any)			
54.	Miscellaneous documents	Public notice to be issued			
55.	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			
56.	Miscellaneous documents	Building permit or sanction plans of any type			
57.	Miscellaneous documents	Details of land affected in assigned land/warkf board/ freedom fighters land/ boodan land/ endowment lands/ etc. NOC from said authority			
58.	Miscellaneous documents	Land affected or adjoining railway track/defence land/ government land/ etc. NOC from said authority			
59.	Miscellaneous documents	Details of land falling in airport funnel. AAI NOC			

Annexure -B
Due-diligence - Importance of each type of document

Sl. No	Category	Document description (applicable Yes/No)	Remarks / Importance of document
1.	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.
2.	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.
3.	Revenue records	Chesala Pahani – 1956 -58	Check owner and cultivator of land. Cultivator may be PT and may be missed out in other records.
4.	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.
5.	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.
6.	Revenue records	Patta pass book	This is a definitive record of ownership. Original should be in possession of pattedar. This record is issued after a mutation order is passed – obtain a copy. If record is missing – details may be available in form 1B.
7.	Revenue records	Title book	Same as patta passbook
8.	Revenue Records	ROR (Record of rights)	This is another record of ownership which is corroborative in nature.
9.	Revenue Records – online - latest	ROR Patta pass book, Title book, Form 1B	Records have been largely digitized. Records must match flow of title.

10.	Revenue records	Form 1B	This is to be obtained in case patta pass book and title book especially of earlier pattedars is not available.
11.	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.
12.	Revenue records	Mutation orders	Change of ownership is done by way of a mutation order. Copies must be obtained.
13.	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.
14.	Revenue Records	Succession certificate Legal heir certificate	Agricultural land usually devolves to legal heirs by way of proceedings of the revenue department.
15.	Survey and plans	Village map	Shows the shape and size of survey nos. It is probably prepared between 1920 to 1950.
16.	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.
17.	Survey and plans	MRO survey	MRO survey with panchnama must be conducted where there is ambiguity or dispute about exact boundaries of land.
18.	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.
19.	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.
20.	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.
21.	Survey and plans	Topo plan	This shows geographical features of a larger area. May be required in exceptional cases.

22.	Survey and plans	Digitized tippan	Tippan are largely been digitized for clarity in hand written notes. This too has to be redrawn by an expert.
23.	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
24.	Survey and plans	Super imposition/ comparison of digital survey of land with digital tippan	Compare revenue record with physical possession.
25.	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.
26.	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.
27.	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.
28.	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.
29.	Land use under urban development authority	Details of approach road width, land lost in road widening.	NA
30.	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.
31.	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.
32.	Deeds & Agreements	Sale deeds	Details of present owners and predecessors of title is required. Check original and certified copy at registrars office.
33.	Deeds & Agreements	Ratification deeds	- Do -
34.	Deeds & Agreements	Partition deed	- Do -
35.	Deeds & Agreements	Rectification deed	- Do -
36.	Deeds & Agreements	Agreement of sale gum GPA with/without possession	- Do -

37.	Deeds & Agreements	Agreement of sale	- Do -
38.	Deeds & Agreements	JDA cum GPA	- Do -
39.	Deeds & Agreements	Exchange deed	- Do -
40.	Deeds & Agreements	Gift deed	- Do -
41.	Deeds & Agreements	Other relevant deeds (if any)	- Do -
42.	Deeds & Agreements	GPAs	- Do -
43.	Deeds & Agreements	Intermediate agreement holder (unregistered)	Check if there are any unregistered agreement holders.
44.	Constitution of past/present owners	Partnership deed Retirement deed Firm registration certificate MOA & AOA Company registration certificate Board resolutions	If past or present owners are companies or firms, these details are required.
45.	Family tree	Family details of pattedars. Ration card/white card Details of married/un-married daughters/sisters Affidavit/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 spouses 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.
46.	Bank loan details (including cooperative banks & NBFC)	Loan approval letter Loan agreement Loan outstanding statement Loan closure NOC Mortgaged/MODT/ hypothecation deed Release mortgage/ MODT/ hypothecation OTS letter	Include details in case of bank loans. Check ROC website for charges created. Check EC for mortgage deed, etc.
47.	Municipal record	Death certificate	For immediate owners to obtain a original copy
48.	Miscellaneous	Will Memorandum of partition Family settlement agreement	These may not be registered. Obtain the certified copy from all legal heirs.
49.	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.

50.	Court cases/litigation (city court, district court, high court, consumer forums, tribunals, revenue department, ULC, supreme court, etc)	Orders/judgement Plaint Counter Details of pending appeals / litigation	Check website of courts of law for relevant 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 plaint/ counter/appeal is required.
51.	Address & ID proof	Aadhar card PAN card Passport copy For NRIs OCI card Ration 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.
52.	Miscellaneous documents	Details of encroachments or land not in possession.	Check if possession more than or less than legal title.
53.	Miscellaneous documents	Legal opinion (if any)	Older opinions may simplify passes of due-diligence.
54.	Miscellaneous documents	Public notice to be issued	This must be issued in atleast 2 leading/relevant print media.
55.	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.
56.	Miscellaneous documents	Building permit or sanction plans of any type	NA
57.	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.
58.	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.
59.	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.