

SALE DEED — BUYER'S CHECKLIST

This is a checklist, not a draft deed. A sale deed must be registered.

TITLE — VERIFY BEFORE YOU PAY ANYTHING

1. Index-2 of the seller's own purchase, and of the transactions before it. Trace the chain back as far as the records allow — thirty years is the conventional standard.
2. 7/12 and 8-A extracts from AnyROR for agricultural land; City Survey records for urban property.
3. Mutation entries — confirm the seller's name actually appears in the current record, not merely on the deed by which they bought.
4. Property tax receipts up to date, and the name they are issued in.
5. Encumbrance position — any mortgage, charge, lien or pending loan on the property.
6. IF THE LAND IS AGRICULTURAL, whether the buyer is an agriculturist. Section 63 of the Gujarat Tenancy and Agricultural Lands Act, 1948 bars the sale, gift, exchange or lease of agricultural land to a person who is NOT an agriculturist without the Collector's prior sanction. A sale in breach is invalid and the land can vest in the State. This is the trap, not NA permission.
7. Whether non-agricultural use permission exists, where the land is to be used for building.
8. Whether the tenure is restricted (new tenure / section 43 land), which needs separate permission.
9. For a flat: the society's share certificate, its no-dues letter, and the approved building plan.
10. Any litigation, injunction, attachment or pending proceeding affecting the property.
11. Where any seller in the chain was a senior citizen transferring to a relative, why the transfer was made — see section 23 of the Senior Citizens Act, 2007.

PARTIES — CONFIRM WHO CAN ACTUALLY SELL

1. Every recorded owner is a party to the deed. A co-owner who does not sign has not sold.
2. Photo identity and PAN of every seller and every buyer.
3. Where a seller signs through a power of attorney, check that it is still in force and that it expressly authorises sale of THIS property. A power of attorney is not compulsorily registrable, but after Suraj Lamp a registered one is what a careful buyer should insist on.
4. WHERE THE POA IS USED TO PRESENT THE DOCUMENT FOR REGISTRATION, section 33 of the Registration Act recognises only a narrow set of authentications. If the principal resides in India, the

POA must have been executed before and authenticated by the Registrar or Sub-Registrar of the district where the principal resides. A NOTARY CAN AUTHENTICATE FOR THIS PURPOSE ONLY WHERE THE PRINCIPAL IS OUTSIDE INDIA. A notarised POA from a Vadodara-resident seller will be refused at the Sub-Registrar — bring it to us before the appointment, not on the day.

5. Where an owner is deceased, the succession position — legal heir certificate, and where required a succession certificate. A legal heir certificate is not conclusive for transferring property.
6. Where a minor has any interest, the court permission that a sale requires.

THE DEED MUST CONTAIN

1. Full particulars of every seller and every buyer.
2. A precise description of the property — survey or city survey number, area, floor, building, locality, and the four boundaries.
3. The consideration, in figures and in words, and exactly how and when it is paid.
4. Confirmation that possession is being handed over, and when.
5. The seller's covenants as to title — that the seller has the right to sell, that the property is free from encumbrance, and indemnity if that turns out to be untrue.
6. Who bears stamp duty, registration fee and incidental costs.
7. A schedule of the property, and the earlier title documents being handed over.

AT REGISTRATION

1. Stamp duty paid at the rate currently prescribed. Duty under the Gujarat Stamp Act is charged on MARKET VALUE; Jantri is the guideline rate used to work market value out, not the test itself, and the Collector can determine a higher market value. Paying on the higher of consideration and Jantri is the working assumption, not a guarantee against a later reference.
2. The executant present before the Sub-Registrar to admit execution, with identity, PAN and photographs, and two witnesses. The buyer's personal attendance is Gujarat practice rather than a requirement of the Registration Act, but expect to be asked for it.
3. Collect the registered deed and the Index-2 afterwards. Then apply for mutation — registration alone does not update the revenue record.

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