

# LINUS EMMANUEL

ADVOCATE/NOTARY

Office 1 & 2, Ground Floor, Models Celeste,  
Opp Models Celebrity, Caranzalem, Panaji - Goa. INDIA

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## LEGAL OPINION

THIS LEGAL OPINION on title is based on the copies of documents, which were made available to me for scrutiny, believed to be true and correct copies of the originals and pertains to the following:

### I. SUBJECT MATTER:

ALL THAT PROPERTY known as "KHAIRAT", admeasuring 1,225 sq.mtrs, bearing survey no 349/9 of Village Aldona, situated at Santarxette, Aldona, Bardez, Goa, within the limits of the Village Panchayat of Aldona, not known to be described in the Land Registration Office of Bardez nor registered in the Taluka Revenue Office and which property is bounded as under:

On or towards the EAST : by Plot "X" bearing survey No 349/10 of the Comunidade of Boa Esperanca and the balance portion of survey No 349/10;

On or towards the WEST : by survey No 349/5-C;

On or towards the NORTH: by survey No 349/6 & 349/7;



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On or towards the SOUTH: by the Govt footpath bearing  
survey No 349/18;

II. **TITLE HOLDER:** Mr. SUMIT AHUJA, 40 years of age,  
s/o Mr. Vijay Ahuja, businessman, married, Indian  
National and resident of 1934, 3rd Floor, Outram Line,  
Kingsway Camp, GTB Nagar, North West Delhi, Delhi,  
110009.

III. **FACTS:**

1. The SAID PROPERTY originally belonged to one  
Cosme Rafael Fernandes alias Cosme Rochal Fernandes  
and during survey on 06-11-1971 by the Govt of Goa, the  
SAID PROPERTY came to be transcribed in the name of  
Cosme Rafael Fernandes alias Cosme Rochal Fernandes  
in Form III, Form 9 and subsequently in Form I & XIV  
of the SAID PROPERTY.
2. The said Cosme Rafael Fernandes alias Cosme Rochal  
Fernandes then sold the SAID PROPERTY to Mark



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Ashok Dhaujekar married to Maria Eugenia Dhaujekar vide Deed of Sale dated 24-05-1983, registered under No 440, at pages 63 to 67 of Book I, Volume 197 on 22-05-1984 in the Office of the Sub-Registrar of Bardez, at Mapusa.

3. The said Mark Ashok Dhaujekar and his wife Maria Eugenia Dhaujekar were in continuous possession of the SAID PROPERTY vide Deed of Sale dated 24-05-1983 for more than 30 years in terms of Article 529 of the Portuguese Civil Code, 1867 and held and administered the SAID PROPERTY for more than 12 years in terms of The Limitation Act, 1963 for the operation of prescription in his favour.
4. The said Mark Ashok Dhaujekar married to Maria Eugenia Dhaujekar having held the SAID PROPERTY vide Deed of Sale dated 24-05-1983 for more than 30 years, in terms of Article 529 of the Portuguese Civil Code, 1867, upon the expiry of continuous possession of 30 years, prescription came to operate in his favour in



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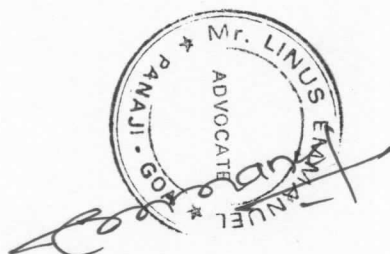
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terms of Article 529 of the Portuguese Civil Code, 1867, which reads as under: *“Article 529 – Absence of registration, bad faith and absence of title.– When, however the possession of immovables or immobile rights mentioned in the preceding article, has lasted for 30 years, prescription shall operate, regardless of bad faith or lack of title, save for the provisions of Article 510.”*

5. The said Mark Ashok Dhaujekar and his wife Maria Eugenia Dhaujekar therefore, were vested with right, title and interest including possession of the SAID PROPERTY and mutated their names in the Form I & XIV of the SAID PROPERTY.
6. The said Mark Ashok Dhaujekar then applied to the Comunidade of Boa Esperanca de Aldona for a 10-meter road access from the eastern side of the SAID PROPERTY connecting the SAID PROPERTY to the village road which has been granted by the Comunidade of Boa Esperanca de Aldona vide its Letter dated 03-07-2023 bearing No 206/23 and which access is marked as “Plot X”.



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7. The SAID PROPERTY is zoned as "Settlement Zone" as per the Regional Plan 2021 in terms of Zoning Certificate dated 28-10-2022 bearing No TPBZ/ZON/10465/ALD/TCP-2022/5939 issued by the Deputy Town Planner, TCP Department.
8. The said Mark Ashok Dhaujekar and his wife Maria Eugenia Dhaujekar further represented to the TITLEHOLDER herein as under:
- a. that they were exclusively entitled to own, hold, possess and deal in any manner with the SAID PROPERTY;
  - b. the title to the SAID PROPERTY was clean, clear, unencumbered, marketable and subsisting;
  - c. there is no litigation or any legal proceeding/s is/are pending before any Court/Tribunal, Administrative Authority in respect of the SAID PROPERTY;
  - d. the SAID PROPERTY is not subject to any notice or notification or proceedings under the Land



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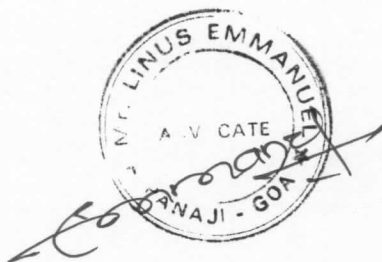
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Acquisition Act or Administration of Evacuee  
Properties Act or any other law;

- e. there is/are no mundkar/s and/or tenant/s and/or any other persons claiming any tenancy and/or any other right in the SAID PROPERTY till date;
- f. there are no difficulties, legal or otherwise for sale and the SAID PROPERTY is free from encumbrances on the SAID PROPERTY;
- g. That there is no road or access through the SAID PROPERTY as an access to any other person nor there is any easement right of way to any other person through the SAID PROPERTY.
- h. That they have not received any notices of acquisition/requisition from State Government or Central Government or any local authority and the SAID PROPERTY is not subject matter of any attachment by any authority.
- i. That the SAID PROPERTY is accessed by a 10-meter access designated on the eastern side of the SAID PROPERTY.



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- j. That the SAID PROPERTY is zoned as "Settlement Zone" as per the Regional Plan 2021 in terms of Zoning Certificate dated 28-10-2022 bearing No TPBZ/ZON/10465/ALD/TCP-2022/5939 issued by the Deputy Town Planner, TCP Department.
9. A Certificate of Nil Encumbrance dated 19-10-2022 bearing No 2514/2022 came to be issued by the Office of the Sub-Registrar of Bardez, at Mapusa to corroborate that there are nil encumbrances on the SAID PROPERTY.
10. A Public Notice dated 07-05-2023 came to be published by Adv Shivan Desai in the English Daily, Navhind Times dated 07-05-2023 and no objections have been received in respect to the present sale by Adv Shivan Desai who has issued Certificate dated 04-08-2023 to certify and confirm that no objection/s to the sale of the SAID PROPERTY had been received.



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11. The predecessors-in-title, Mark Ashok Dhaujekar and his wife Maria Eugenia Dhaujekar, then sold the SAID PROPERTY to the TITLEHOLDER herein vide Deed of Sale dated 30-08-2023, registered under No BRZ-1-4549-2023 on 22-09-2023 in the Office of the Sub-Registrar of Bardez, at Mapusa.
12. The TITLEHOLDER then mutated his name in the Form I & XIV of the SAID PROPERTY.
13. The TITLEHOLDER in order to develop the SAID PROPERTY then applied for and obtained the following, viz:
  - a. Conversion Sanad dated 21-03-2024 bearing No 4/27/CNV/ACIII/2024/476 issued by the Office of the Addl Collector-III, North Goa, at Mapusa
  - b. No objection certificate dated 23-08-2024 bearing No DHS/2024/DHS0901/O0053/108 issued by the Primary Health Centre, Aldona.
  - c. Technical Clearance Order dated 27-06-2024 bearing No TPB/9501/ALD/TCP-2024/5342 issued by the Deputy Town Planner, Mapusa.



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d. Construction License bearing No VPA/2024-25/F-40/1089 dated 26-08-2024 issued by the Village Panchayat of Aldona.

14. There are no mundkarial claims or tenancy rights against the SAID PROPERTY.

#### IV. LEGAL OPINION:

The TITLEHOLDER is, therefore, vested with absolute right, title and interest including possession of the SAID PROPERTY and is entitled to develop the SAID PROPERTY.

Panaji - Goa

16<sup>th</sup> January, 2025



Adv. LINUS EMMANUEL