

Date : 23/09/2025

TITLE REPORT

To,
M/S. ANTAARA DEVELOPERS LLP,
having Registered Office at H. No. 137,
Block H, Pocket-34, 3rd Floor, Sector-3,
Rohini Sector-5, Police Station, Delhi.

I. I have perused the photocopies of the following documents:

- a) Survey Records Form I & XIV bearing Survey No. 61 Sub-Division No. 1-C of Village Nerul, Bardez – Goa.
- b) Description Certificate (bearing No. 5901 at page 372 of Book B-2 old)
- c) Description Certificate (bearing No. 19313 at page 131 of Book B-51 new)
- d) Description Certificate (bearing No. 19084 at page 192 of Book B-50 new)
- e) Inscription Certificate (bearing No. 16126 at page 161 of Book G-28)
- f) Inscription Certificate (bearing No. 22553 at page 159v of Book G-35)
- g) Public Deed of Sale and Discharge dated 14th May 1952 recorded at fls. 43v of Book No. 456



- h) Registo Do Agremensor
- i) Numerical Index of Village Assagao of the Taluka of Bardez
- j) Cadastral Survey Plan
- k) Manual Form I & XIV
- l) Form III
- m) Form IX
- n) Deed of Sale dated 06/03/1974 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. 197 at pages 378 to 382 of Book I, Volume No. 80 dated 18/03/1974
- o) Deed of Sale dated 06/03/1974 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. 198 at pages 383 to 388 of Book I, Volume No. 80 dated 19/03/1974
- p) Inventory Proceedings No. 23/2011/B initiated before the Court of the Civil Judge Senior Division at Panaji – Goa



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- q) Order dated 28/06/2011 passed in the said Inventory Proceedings No. 23/2011/B by the Court of the Civil Judge Senior Division at Panaji – Goa
- r) Inventory Proceedings No. 206/2022/C initiated before the Court of the Civil Judge Junior Division at Mapusa – Goa
- s) Final Order dated 27/07/2022 passed in the said Inventory Proceedings No. 206/2022/C by the Court of the Civil Judge Junior Division at Mapusa – Goa
- t) No Objection Certificate dated 20/05/2024 bearing Ref. No. NOC/49(6)/4064/NER/TCP-24/4181 issued by the Office of the Senior Town Planner, Town & Country Planning Department, Mapusa, Bardez – Goa
- u) Deed of Sale dated 06/07/2024 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-3733-2024 dated 24/07/2024
- v) NIL Encumbrance Certificate dated 12/08/2024 bearing Certificate No. NEC/9/2024/2278 issued by Sub-Registrar of Bardez, Mapusa – Goa



- w) Conversion Sanad dated 29/10/2024 bearing No. 4/316/CNV/AC-III/2024/1665 issued by the Office of the Additional Collector-III, North Goa District, Mapusa – Goa
- x) Order dated 16/01/2025 passed by the Inspector of Survey and Land Records, Mapusa – Goa in Case No. PIBAR11-24-631-/61
- y) Survey Plan
- z) Technical Clearance Order dated 11/02/2025 bearing Ref. No. TPB/9997/NER/TCP-2025/1436 issued by Office of the Senior Town Planner, Town & Country Planning Department, Mapusa, Bardez – Goa.
- aa) NOC from Sanitary Point of View dated 22/02/2025 bearing No. DHS/2025/DHS0901/O0013/21 issued by Directorate of Health Services, Primary Health Centre, Candolim - Goa.
- bb) Construction License dated 03/09/2025 bearing Ref. No. VP/NRL/2025-2026/718 issued by Village Panchayat of Nerul, Bardez – Goa and the said licence is valid for 3 years from the date of issuance.



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II. DESCRIPTION OF THE PROPERTY:

SCHEDULE I

ALL THAT Immovable Property known as "NISSABATA" situated in the Village Nerul, within the jurisdiction of Village Panchayat of Nerul, Taluka and Sub District of Bardez, District North Goa in the State of Goa, admeasuring 11,350 sq. mts., surveyed under Survey No. 61/1 of the Village Nerul, Bardez - Goa, being part of the first plot registered in the Land Registration Office under No. 19313 at page 131 of Book B-51 new and part of the second plot registered in the Land Registration Office under No. 19084 at page 192 of Book B-50 new and enrolled in the Taluka Revenue Office at Mapusa, Bardez - Goa under Matriz No. 151 and is bounded as under :-

Towards the East :- By property bearing Survey No. 61/24 & 2-A

Towards the West :- By properties bearing Survey Nos. 61/1-A & 61/1-B

Towards the North :- By properties bearing Survey Nos. 56/4, 5, 6, 7, 8, 9, 10.

Towards the South:- By Public Road.

This property shall hereinafter referred to as the SAID PROPERTY.



SCHEDULE II

ALL THAT Plot admeasuring 4735 sq. mts. surveyed under Survey No. 61/1-C of the Village Nerul, Bardez – Goa forming part of the said property more particularly described in Schedule I hereinabove and is bounded as under :-

Towards the East :- By property bearing Survey No. 61/2-A

Towards the West :- By property bearing Survey No. 61/1

Towards the North :- By property bearing Survey No. 56/24 .

Towards the South :- By Road.

This property shall hereinafter referred to as the **SAID PLOT**.

III. TRACING OF PARTIES TITLE:

1. The **SAID PROPERTY** being part of the First Plot and Second Plot, the first plot is described in the Land Registration Office under Description No. 19313 at page 131 of Book B-51 new and the second plot is described in the Land Registration Office under Description No. 19084 at page 192 of Book B-50 new, both plot totally admeasuring 16050 sq. mts.
2. The Inscription Description Certificates reveals that the property known as “NISSABATA” situated in the Village Nerul, Taluka Bardez – Goa bearing Description No. 19313 at page 131 of Book B-51 new was the lote No. 1 of disannexed of



the property earlier described under No. 5901 at page 372 of Book B-2 old and Description No. 19084 at page 192 of Book B-50 new was the lote No. 2 of disannexed of the property earlier described under No. 5901 at page 372 of Book B-2 old

3. The property bearing lote No. 2 described in the Land Registration Office under Description No. 19084 at page 192 of Book B-50 new and is inscribed on 13th October 1944 under No. 16126 at page 161 of Book G-28 in favour of Anandibai Sinainim, widow of Purxotoma Vitola Sinai Dempo. The said Inscription Certificate reveals that the property bearing lote No. 2 was allotted to the said Anandibai Sinainim, widow of Purxotoma Vitola Sinai Dempo on account of her right to 3/5th share in division of the property described under No. 5901 in the proceedings of inventario filed on the death of her husband, Purxotoma Vitola Sinai Dempo which was finalized vide Order dated 17th June 1937.
4. The property bearing lote No. 1 described in the Land Registration Office under Description No. 19313 at page 131 of Book B-51 new and property bearing lote No. 2 described in the Land Registration Office under Description No. 19084 at page



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192 of Book B-50 new are inscribed on 23rd September 1952 under No. 22553 at page 159v of Book G-35 in favour of Dattatraia Vishrama Prabhu Walavalcar. The said Inscription Certificate reveals that the property bearing lote No. 1 and lote No. 2 were purchased by the said Dattatraia Vishrama Prabhu Walavalcar for the price of Rs. 18,500 from Anandibai Sinainim, widow of Purxotoma Vitola Sinai Dempo vide Public Deed of Sale and Discharge dated 14th May 1952 recorded at fls. 43v of Book No. 456.

5. The Numerical Index of Village Nerul of the Taluka of Bardez and Registo Do Agremensor reveal that the **PROPERTY** described under No. 5901 at page 372 of Book B-2 old bears old Cadastral Survey No. 649 originally belonged to Anandibai Dempo, widow of Purxotoma Sinai Dempo and other. However Translation of the said Registo Do Agremensor along with Correspondence Certificate from Directorate of Settlement & Land Records NEEDS TO BE FURNISHED to establish that the **PROPERTY** bearing old Cadastral Survey No. 649 corresponds to Survey No. 61/1 of Village Nerul, Bardez – Goa.



6. The Correspondence Certificate issued by Directorate of Settlement and Land Records would establish the co-relation between the old cadastral survey record and the present Goa Settlement records and assists in identifying the property for the purpose of due diligence.
7. There were three offices that maintained the property records during the Portuguese regime in the State of Goa. They are as follows:
 - a. Office of the Land Registration at the level of headquarters of each division where Civil Courts were functioning. These offices maintained the property records for civil purposes. These records were called as "Registo Predial" or "Property Register". Law governing the property registration was called as "Codigo de Registo Predial" (Code of Land Registration).
 - b. Survey Office, at the level of the headquarters of the district, for the purpose of maintaining the particulars of the property with mapping and area. The records were called as "Cadastral records". The cadastral survey was governed by the Decree No. 3602 dated 24/11/1917 and the Legislative Diploma No.764 dated 26/11/1934.



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- c. Revenue Office, at Taluka Level, maintained the particulars of the land and the details of the collection of the revenue. These records were called as "Matriz". It was governed by the law called as "Regulamento Contribuicao Predial" (Regulation of Property Tax) orCodigo Matriz Predial.

However, the aforesaid records bear no significance and stand repealed by the Goa, Daman and Diu Land Revenue Code, 1968. The said Code received the assent of the President of India on 31/07/1969 and the Decree No. 3602 dated 24/11/1967, Legislative Diploma No.764 dated 26/11/1964 and Codigo Matriz Predial stood repealed by the coming into force of Section 201 of the Goa Land Revenue Code, 1968, with effect from 1/03/1971 vide Notification bearing No. RD/LND/57/71 dated 27/02/1971 published in the Official Gazette, Government of Goa, Series I, No. 49 dated 5/03/1971.

8. Inscription and Description Certificates are records maintained during the Portuguese Regime wherein the record of title was maintained. Portuguese Regime in Goa continued upto 1961 and post 1961, the Land Registration records are not updated.



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However, the said records are still recognized by the Courts and departments for the purpose of title to the property. In terms of the system then prevalent, every property had a description number which describes the property and a corresponding inscription number which records the name of the owner of the same which document is referred to as Description & Inscription Certificate. Any property before its registration was to be identified with reference to the boundaries and once a number was assigned to it in **Book B** (called as "Livro de Descricoes Prediaes"), transaction had to be done with reference to that number and the entries of the transfer were made in **Book G** (called as "Livro de Inscricao Prediaes" or "Registo de Transmissoes") with cross reference to **Book B** and likewise, the encumbrances or hypothecation (mortgage) would be registered in **Book C** and the court attachment of the property or other obligations like payment of annual quit rent (foro) to the Comunidades in the **Book F** with cross reference to **Book B**.

9. In terms of the Portuguese Law which is still applicable in Goa and in terms of the principles of law laid down by the courts in Goa, the Inscription & Description—Certificate (Land



Registration Certificate) is a title document for all legal and practical purposes and therefore the same is a vital document for assessment of title to the property. The law governing the property registration was called as "Codigo de Registo Predial" (Code of Land Registration). Upon enactment of the Goa Land Revenue Code, 1968, the maintenance of records under the Code of Land Registration was ceased.

10. The Hon'ble High Court of Bombay at Goa in the case of *Josephine D'Costa V/s. Khushali Govind Naik Desai and other* reported at Manu/MH/1303/2004 has observed that "The Plaintiffs property has been inscribed in the names of Plaintiffs from 14th August, 1937. One of the main objects of the Code of Land Registration was to give publicity to the inherent rights to immovable properties. Article 953 of the Civil Code, 1860 provides that the inscription in the registration of a title of conveyance without condition precedent, involves, irrespective of any other formality the transfer of possession in favour of a person in whose favour such inscription has been done. In other words, by virtue of the aforesaid article, the Plaintiffs had in their favour evidence of the both of title and possession in respect of the property claimed by them against none proved by the Defendants."



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11. Old Cadastral Survey Records which include the Old Cadastral Plan, Registo do Agrimensur (Register of Survey), Auto de demarcacao (Record of Demarcation), Alphabetical and Numerical Indexes are land records which were promulgated during the Portuguese Regime in the State of Goa, under the Decree No. 3602 dated 24/11/1917 and the Legislative Diploma No. 764 dated 26/11/1934. Under the said law, the Cadastral Survey Records were prepared on the basis of the ownership of the property and not just on the basis of possession. The Registo do Agrimensur clearly indicates the old cadastral no. of the property, location of the property, number and nature of the boundary marks, name of the landowner, particulars/area of the property, name of the property with the indication of the boundaries starting from the north-east corner clockwise and completing the periphery and coming back to the north-east corner. The delineation of the boundaries of the holdings/fields was done with the participation of the owner/s or his/her/their representative/s of the subject property and the owners of the adjoining properties and when there was agreement between the said owners in respect of the demarcation of the subject property, a report was drawn by the survey department which was also signed by the said owners. The said report is called the



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Auto de demarcacao. Although the Registo do Agrimensur is not a document of title, the same is indicative of the ownership status at the time of the survey.

12. The Hon'ble High Court of Bombay at Goa in the case of *Varsha K. Sawant & Ors. versus The Chief Secretary of Goa and Ors. (Second Appeal No. 138/2004 decided on 18/03/2016)* while dealing with the issue as to whether cadastral records can be constituted as title documents in the absence of land registration records, the Hon'ble High Court of Bombay at Goa, observed that *in terms of Article 274 of the Decree No. 3602, the cadastral survey is conducted after minute observation of the title document of the all the adjoining owners. In such circumstances the entries in the cadastral survey cannot be easily quashed and set aside unless there is cogent evidence to establish that the entries therein are not correct.* In the said Second Appeal, the Hon'ble High Court on considering the record of the suit and appeal quashed and set aside both, the Judgment and Decree of the Trial Court (Court of the Civil Judge Junior Division at Margao-Goa), as well as of the First Appellate Court (Court of the Civil Judge Senior Division at Margao-Goa), it transferred



the suit to the District Court, South Goa at Margao and decided the District Court to decide the suit afresh. The transfer of the suit was in view of the amended provision of Section 26(A) of the Goa Civil Court's Act, 1965, whereby, all suits pending before the Court of the Civil Judge Senior Division at Margao-Goa, wherein the Government of Goa is a party stood transferred to the District Court. On remand, the District Court decreed the suit declaring the Plaintiffs and the Defendants No. 3 and 4 as the owners of the suit property and that the name of the Government of Goa in the survey records is a wrong entry. The said decision of the District Court was challenged before the Hon'ble High Court of Bombay at Goa, by the Govt. of Goa, in a *First Appeal No. 38/2024 (Chief Secretary, Govt. of Goa and anr. V. Varsha Kishor Sawant and 10 Ors.)* and the Hon'ble High Court of Bombay, vide its Judgment dated 20/12/2024 dismissed the First Appeal No. 38/2024 upholding the decision of the District Court. The Hon'ble High Court observed at para (26) of its Judgment dated 20/12/2024 that "*the draft Surveys and Revenue Records under the Code were prepared only after 1971 and in terms of the repeal clause under Section 201, any right acquired or rights stated in an earlier record maintained under the repealed*



laws would not be affected by the coming into force of the Code. The Matríz records and the Cadastral Surveys were the records maintained under Decree No. 3602 dated 24.11.1917 which was repealed by the Code. Even though the Cadastral Surveys were provisional and were never finalized, and no presumption could be attributed to them, entries therein are a piece of evidence which may be considered to prove title and possession. This is also reiterated in the very judgment of this Court remanding the case back to the Trial Court on the first round."

13. Vide Deed of Sale dated 06/03/1974 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. 197 at pages 378 to 382 of Book I, Volume No. 80 dated 18/03/1974, the said Shri. Dattatraia Vishrama Prabhu Walavalcar and his wife, Smt. Shantabai Dattatraia Prabhu Walavalcar sold plot admeasuring 2700 sq. mts. from the property bearing lote No. 2 bearing Description No. 19084 at page 192 of Book B-50 new in favour of Caitano Jose Placido D'Silva.



14. Deed of Sale dated 06/03/1974 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. 198 at pages 383 to 388 of Book I, Volume No. 80 dated 19/03/1974 reveals that the said Shri. Dattatraia Vishrama Prabhu Walavalcar and his wife, Smt. Shantabai Dattatraia Prabhu Walavalcar sold plot admeasuring 1050 sq. mts. from the property bearing lote No. 2 bearing Description No. 19084 at page 192 of Book B-50 new in favour of Shri. Inocente Baltazar de Souza and his wife, Maria Joaquina de Souza.
15. Vide Deed of Sale dated 06/03/1974 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. 198 at pages 383 to 388 of Book I, Volume No. 80 dated 19/03/1974, the said Shri. Dattatraia Vishrama Prabhu Walavalcar and his wife, Smt. Shantabai Dattatraia Prabhu Walavalcar sold balance plot admeasuring 12,300 sq. mts. from the property bearing lote No. 2 bearing Description No. 19084 at page 192 of Book B-50 new and lote No. 1 bearing Description No. 19313 at page 131 of Book B-51 new in favour of Shri. Wenceslau Aleixo D'Silva.
- The said balance plot admeasuring 12,300 sq. mts. from the property bearing lote No. 2 bearing Description No. 19084 at page 192 of Book B-50 new and lote No. 1 bearing Description



No. 19313 at page 131 of Book B-51 new is hereinafter referred to as the **SAID PROPERTY** and more particularly described in Schedule I hereinabove.

16. Inventory Proceedings No. 23/2011/B initiated before the Court of the Civil Judge Senior Division at Panaji - Goa reveals that the said Shri. Wenceslau Aleixo Da Silva passed away on 12/09/2010 leaving behind his widow and moiety holder, Smt. Julie A D'Silva and his four children as his sole and universal legal heirs, namely, (i) Mr. Camillo N. D'Silva married to Mrs. Marilyn C. D'Silva, (ii) Mrs. Edline T. Carrasco married to Mr. Eduardo J. Carrasco, (iii) Mr. Conrad L. D'Silva married to Mrs. Valerie M. D'Silva, (iv) Mrs. Eileen J. Pinto married to Mr. Gavin V. J. Pinto.
17. Upon death of the said late Shri. Wenceslau Aleixo Da Silva, Inventory Proceedings No. 23/2011/B was initiated before the Court of the Civil Judge Senior Division at Panaji - Goa wherein the **SAID PROPERTY** admeasuring 12,300 sq. mts. (area admeasuring 11,350 sq. mts. as per survey record) was listed at Item No. 1 in the List of Assets.



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18. Vide Order dated 28/06/2011 passed in the said Inventory Proceedings No. 23/2011/B by the Court of the Civil Judge Senior Division at Panaji - Goa, the Chart of Allotment was confirmed wherein HALF of the SAID PROPERTY admeasuring 12,300 sq. mts. (area admeasuring 11,350 sq. mts. as per survey record) listed at Item No. I was allotted in favour of the said Smt. Julie A D'Silva and balance HALF of the SAID PROPERTY admeasuring 12,300 sq. mts. (area admeasuring 11,350 sq. mts. as per survey record) listed at Item No. I was allotted in favour of the said Mr. Camillo N. D'Silva married to Mrs. Marilyn C. D'Silva, Mrs. Edline T. Carrasco married to Mr. Eduardo J. Carrasco, Mr. Conrad L. D'Silva married to Mrs. Valerie M. D'Silva and Mrs. Eileen J. Pinto married to Mr. Gavin V. J. Pinto.
19. Inventory Proceedings No. 206/2022/C initiated before the Court of the Civil Judge Junior Division at Mapusa - Goa reveals that the said Smt. Julie A D'Silva passed away on 09/03/2018 leaving behind her four children as her sole and universal legal heirs, namely, (i) Mr. Camillo N. D'Silva married to Mrs. Marilyn C. D'Silva, (ii) Mrs. Edline T. Carrasco married to Mr. Eduardo J. Carrasco, (iii) Mr. Conrad-L. D'Silva married



to Mrs. Valerie M. D'Silva, (iv) Mrs. Eileen J. Pinto married to Mr. Gavin V. J. Pinto.

20. Upon death of the said late Smt. Julie A D'Silva, Inventory Proceedings No. 206/2022/C was initiated before the Court of the Civil Judge Junior Division at Mapusa - Goa wherein the **SAID PROPERTY** admeasuring 12,300 sq. mts. (area admeasuring 11,350 sq. mts. as per survey record) was listed at Item No. 1 in the List of Assets.
21. Vide Final Order dated 27/07/2022 passed in the said Inventory Proceedings No. 206/2022/C by the Court of the Civil Judge Junior Division at Mapusa - Goa, the Chart of Allotment was confirmed wherein the **SAID PROPERTY** admeasuring 12,300 sq. mts. (area admeasuring 11,350 sq. mts. as per survey record) listed at Item No. I was equally allotted in favour of the said Mr. Camillo N. D'Silva married to Mrs. Marilyn C. D'Silva, Mrs. Edline T. Carrasco married to Mr. Eduardo J. Carrasco, Mr. Conrad L. D'Silva married to Mrs. Valerie M. D'Silva and Mrs. Eileen J. Pinto married to Mr. Gavin V. J. Pinto.



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22. Plan attached to the Deed of Sale dated 06/07/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-3733-2024 dated 24/07/2024 reveals that the SAID PROPERTY admeasuring 11,350 sq. mts., bearing Survey No. 61/1 of Village Nerul, Bardez - Goa was divided into two plots i.e. Plot 'A' admeasuring 6615 sq. mts. and Plot 'B' admeasuring 4735 sq. mts.
23. Vide No Objection Certificate dated 20/05/2024 bearing Ref. No. NOC/49(6)/4064/NER/TCP-24/4181 issued by the Office of the Senior Town Planner, Town & Country Planning Department, Mapusa, Bardez - Goa, the said Eileen J. Pinto and others obtained NOC under Section 49(6) of Goa, Daman and Diu, Town and Country Planning Act, 1974 for registration of sale deed in respect of the said Plot 'B' admeasuring 4735 sq. mts. forming part of the Said Property.
24. Vide Deed of Sale dated 06/07/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-3733-2024 dated 24/07/2024, the said Mr. Camillo D'Silva alias Camillo Norberto D'Silva and his wife, Mrs. Marilyn Caroline D'Silva alias Marilyn DSilva, Mrs. Edlina



Tereza Carrasco alias Edlina T. Carrasco and her husband, Mr. Eduardo J. Carrasco alias Eduardo Jeronimo Carrasco alias Edward Jerome Carrasco, Mr. Conrad DSilva alias Conrad Wenceslau D'Silva alias Conrad Leo Da Silva alias Conrad Leo DSilva and his wife, Mrs. Valerie Marlyn D'Silva and Mrs. Eileen J. Pinto alias Eileen Joana Pinto and her husband, Mr. Gavin V. J. Pinto alias Gavin Venantius Joseph Pinto sold the said PLOT 'B', admeasuring 4735 sq. mts. forming part of the SAID PROPERTY bearing Survey No. 61/1 of Village Nerul, Bardez – Goa, which Plot B is hereinafter referred to as the SAID PLOT and more particularly described in Schedule II hereinabove, in favour of M/s. Antaara Developers LLP.

25. Vide Conversion Sanad dated 29/10/2024 bearing No. 4/316/CNV/AC-III/2024/1665 issued by the Office of the Additional Collector-III, North Goa District, Mapusa – Goa, the SAID PLOT, admeasuring 4735 sq. mts. from the said property bearing Survey No. 61/1 of Village Nerul, Bardez – Goa was converted for the purpose of Residential with 80 F.A.R.



26. The said M/s. Antaara Developers LLP initiated Partition Proceedings under the provisions of Land Revenue Code to partition the **SAID PLOT** and vide Order dated 16/01/2025 passed by the Inspector of Survey and Land Records, Mapusa – Goa in Case No. PIBAR11-24-631-/61 the **SAID PLOT**, admeasuring 4735 sq. mts., was partitioned and a separate Survey No. 61/1-C of Village Nerul, Bardez – Goa was obtained.
27. Following permissions were obtained by the said M/s. Antaara Developers LLP for carrying out proposed construction of Residential Building, swimming pool & compound wall in the **SAID PLOT** of Village Nerul, Bardez – Goa:
- (a) Technical Clearance Order dated 11/02/2025 bearing Ref. No. TPB/9997/NER/TCP-2025/1436 issued by Office of the Senior Town Planner, Town & Country Planning Department, Mapusa, Bardez – Goa.
 - (b) NOC from Sanitary Point of View dated 22/02/2025 bearing No. DHS/2025/DHS0901/O0013/21 issued by Directorate of Health Services, Primary Health Centre, Candolim – Goa.



- (c) Construction License dated 03/09/2025 bearing Ref. No. VP/NRL/2025-2026/718 issued by Village Panchayat of Nerul, Bardez – Goa and the said licence is valid for 3 years from the date of issuance.
28. In view of above, the said M/s. Antaara Developers LLP became absolute owner in possession of the SAID PLOT bearing Survey No. 61/1-C of Village Nerul, Bardez – Goa, admeasuring 4735 sq. mts.
29. Manual Form I & XIV, Form IX AND Form III are Revenue Records prepared under the applicable Goa Land Revenue Code Manual Form I & XIV, FORM IX AND Form III: in respect of the SAID PROPERTY bearing Survey No. 61/1 of Village Nerul, Bardez – Goa clearly shows the name of Purshotam Vishrama Prabhu Walavalcar as occupant in the Occupants column and after deleting the said name, the names of Inocente Baltazar de Souza and Maria Joaquina de Souza (for area 1050 sq. mts.), Wenceslau Aleixo D'Silva (for area 12,300 sq. mts.) and Caitano Jose Placido D'Silva were added as occupants in the Occupants column. The said Manual Form I & XIV is consistent with the devolution of ownership.



Names of the mundkars are reflecting in the other right column of the SAID PROPERTY.

30. Under Section 105 of the Goa Land Revenue Code, entry reflected in Form I & XIV is presumed to be true unless substituted by an appropriate proceeding in terms of law. In view of the same, there is presumption of possession in favour of a person reflected in Form I & XIV rebutted by cogent evidence in a Court of Law. The survey records were created in the year 1971 to 1975 and the entries are relatable to the said period of 1971 to 1975.
31. In the case of Diksha Holdings V/s Sita Rama Naik reported in 1998(2) GLT 444, the Hon'ble High Court of Bombay at Goa has held that *"upon promulgation of survey under the Goa Land Revenue Code, all the previous surveys ceased to exist and the presumption under Section 105 shall prevail"*.
32. In the case of Shri. Damodara Ranum Porobo Loundo versus Shri Bhaskar R. Jalmi and others, reported in 1990(2) GLT 407, the Hon'ble High Court of Bombay at Goa has held as under:
"In fact, Section 105 of the Land Revenue Code provides hat an entry in the Record of Rights and a certified entry in the register of mutation shall be presumed to be true until the contrary is proved or



a new entry is lawfully substituted therefore. In other words, the presumption of correctness of the entries in the Record of Rights stands until duly rebutted or until the said entry is substituted by a fresh one."

"Therefore, affidavit evidence has got only prima facie value and does not constitute sufficient and conclusive proof to disprove and rebut a presumption that arises by law in respect of the entries made in the Record of Rights after due inquiry."

33. As per Article 529 of the Portuguese Civil Code, 1867, when the possession of immovable property has lasted for a period of 30 years, prescription shall operate regardless of bad faith or lack of title. The said provision of law essentially means that the principle of prescription shall be in favour of the occupant even if the same has been occupied in absence of a legal title document.
34. In the case of *Shaikh Ibrahim Mamlekar reported in 2010(5) BCR 563*, the Hon'ble High Court of Bombay at Goa has considered the various provisions of Portuguese Civil Code including Article 529 and has concluded that in terms of Article 529, right of ownership is crystalized upon possession over 30 years regardless of bad faith or lack of title.



35. In the case of in the case of Suraj Lamp Industries Pvt. Ltd. v. State of Haryana and Anr. (2012) 1 SCC 656 that "Registration of a document gives notice to the world that such a document has been executed". The said decision has been followed by the Hon'ble Supreme Court of India, in a recent case, Uma devi and Ors. v. Anand Kumar and others (2025) 5 SCC198 wherein the Hon'ble Supreme Court of India reversed the order of the Hon'ble High Court of Punjab and Haryana thereby upholding dismissal of the partition suit filed after decades emphasizing that registered Deeds of Sale constitute constructive notice from the date of the registration and in such cases, presumption under Section 3 of the Transfer of Property Act, 1882 comes into operation. The Hon'ble Apex Court observed that the revenue records supported the fact of a family partition in 1968. Significantly, the Hon'ble Apex Court emphasized the legal principle that registration of a document gives notice to the world as established in Suraj Lamp Industries Pvt. Ltd. v. State of Haryana & Anr. Applying this, the Hon'ble Apex Court held that it could be safely assumed that the predecessors of the plaintiffs had notice of the registered sale deeds executed in 1978 and had slept on their rights for 45 years and could not reignite them in 2023.

36. According to the aforesaid Section 3, a person is said to have notice of a fact, which he would have known, but for his "gross negligence" or "willful abstention from making an enquiry or search" does not know. In other words, constructive notice of facts are those facts which a person ought to have known, but because of gross negligence or willful abstention does not know it.
37. In the case of Jayesh Dinesh Kadam and anr. v. Andrew David Fernandes (2024 SCC OnLine 2549), the Hon'ble High Court of Bombay has observed at para (15) of its Judgment dated 9/08/2024 that "Section 3 of the Transfer of Property Act, 1882 stipulates that the person is said to have notice of a fact when he actually knows or would have known it but for willful abstention or gross negligence does not know it. In the present facts, filing of the suit after five decades by Plaintiff is a testimony to his willful abstention and gross negligence. However, the law in this regard is well settled. Registration of eight sale deeds between 1968 and 1970 and registration of the 2008 sale deed is a public notice to the world at large including the Plaintiff. The sale deeds have been followed by mutations in the revenue record which



have a presumptive value which the Plaintiff has not challenged."

38. Although translation of Registo Do Agremensor along with Correspondence Certificate to establish that the PROPERTY bearing old Cadastral Survey No. 649 corresponds to Survey No. 61/1 of Village Nerul, Bardez - Goa is not furnished, Applying the said Article 529 of the Portuguese Civil Code, 1867 to the SAID PROPERTY, the records disclose that the said Shri. Wenceslau Aleixo D'Silva has been in peaceful possession of the said property since 1974 and the subsequent Order dated 28/06/2011 passed in the said Inventory Proceedings No. 23/2011/B by the Court of the Civil Judge Senior Division at Panaji - Goa and Final Order dated 27/07/2022 passed in the said Inventory Proceedings No. 206/2022/C by the Court of the Civil Judge Junior Division at Mapusa - Goa confirms the possession of Mr. Camillo N. D'Silva married to Mrs. Marilyn C. D'Silva, Mrs. Edline T. Carrasco married to Mr. Eduardo J. Carrasco, Mr. Conrad L. D'Silva married to Mrs. Valerie M. D'Silva and Mrs. Eileen J. Pinto married to Mr. Gavin V. J. Pinto in respect of the SAID PROPERTY and finally in pursuance to Deed of Sale dated



06/07/2024, the said M/s. Antaara Developers LLP has been in exclusive possession of the SAID PLOT 'B' bearing Survey No. 61/1-C of Village Nerul, Bardez – Goa, admeasuring 4735 sq. mts.

39. On 23/09/2025 i.e. today, I have inspected Original Deed of Sale dated 06/07/2024 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-3733-2024 dated 24/07/2024

40. In light of above, considering the fact that the Inscription Description Certificates, Registo Do Agrimensor, Numerical Index of Village Nerul of the Taluka of Bardez, Form III, Form IX, Manual Form I & XIV, Deed of Sale dated 06/03/1974 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. 197 at pages 378 to 382 of Book I, Volume No. 80 dated 18/03/1974, Deed of Sale dated 06/03/1974 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. 198 at pages 383 to 388 of Book I, Volume No. 80 dated 19/03/1974, Order dated 28/06/2011 passed in the said Inventory Proceedings No. 23/2011/B by the Court of the Civil Judge Senior Division at Panaji – Goa, Final Order dated 27/07/2022 passed in the said Inventory Proceedings No.

206/2022/C by the Court of the Civil Judge Junior Division at Mapusa – Goa and Deed of Sale dated 06/07/2024 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-3733-2024 dated 24/07/2024 and Order dated 16/01/2025 passed by the Inspector of Survey and Land Records, Mapusa – Goa in Case No. PIBAR11-24-631-/61 and the Survey Records in respect of the **SAID PROPERTY** have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owners, I am of the opinion that M/S. **ANTAARA DEVELOPERS LLP** has a clear and marketable title in respect of the **SAID PLOT** bearing Survey No. 61/1-C of Village Nerul, Bardez – Goa, admeasuring 4735 sq. mts. **SUBJECT** to the following.

- i. Publication of Public Notice inviting objections from the general public, if any
- ii. Production of Updated Nil Encumbrance Certificate

IV. In addition to above, I have to make the following observations:

1. No tenants/mundkars are reflected in the survey records of the **SAID PLOT** bearing Survey No. 61/1-C of



Village Nerul, Bardez – Goa, admeasuring 4735 sq. mts..

2. The Urban Ceiling Act is not applicable to the State of Goa.
3. Conversion Sanad dated 29/10/2024 bearing No. 4/316/CNV/AC-III/2024/1665 issued by the Office of the Additional Collector-III, North Goa District, Mapusa – Goa has been furnished to establish that the **SAID PLOT**, admeasuring 4735 sq. mts. from the said property bearing Survey No. 61/1 of Village Nerul, Bardez – Goa was converted for the purpose of Residential with 80 F.A.R.

V. EVIDENCE OF POSSESSION:-

The **SAID PLOT** bearing Survey No. 61/1-C of Village Nerul, Bardez – Goa, admeasuring 4735 sq. mts. reflect the name of M/s. Antaara Developers LLP in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the possession of the present owner.



VI. ENCUMBRANCE ON PROPERTY:-

NIL Encumbrance Certificate dated 12/08/2024 bearing Certificate No. NEC/9/2024/2278 issued by Sub-Registrar of Bardez, Mapusa – Goa in respect of the SAID PROPERTY is furnished to establish that there is no encumbrance. However the said certificate is only for ONE MONTH. However updated Nil Encumbrance Certificate needs to be furnished in respect of the SAID PLOT

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that M/S. ANTAARA DEVELOPERS LLP has a clear and marketable title in respect of the SAID PLOT bearing Survey No. 61/1-C of Village Nerul, Bardez – Goa, admeasuring 4735 sq. mts. SUBJECT to the following.

- i. Publication of Public Notice inviting objections from the general public, if any
- ii. Production of Updated Nil Encumbrance Certificate

➤ **General Qualifications and Assumptions**

- This report on title is prepared solely on the basis of documents furnished to me as more particularly set out at 'I' above.



- For the purpose of issuing this report on title:
 - (a) I have not carried out a negative search in respect of litigations (i) in relation to the **SAID PLOT** and/or (ii) against the larger property; and
 - (b) I have taken the title documents under which Anandibai Sinainim, widow of Purxotoma Vitola Sinai Dempo acquired the land as root of title.
- For the purpose of issuing this report on title, I have assumed:
 - (a) the legal capacity of all natural persons, the genuineness of all signatures, the conformity to original documents of all documents of title submitted to me, asset out at 'I' above, as photocopies or scanned copies and the authenticity of the originals of such documents;
 - (b) that the documents of title set out in the report above have not been modified in any manner and are valid, subsisting and remain in force;
 - (c) that all the documents relating to the **SAID PLOT** and furnished to me have been validly executed and delivered by the parties to them;



- (d) that all documents are within the capacity and powers of each party and have been validly authorized by each party;
 - (e) that there are no pending litigations in respect of the **SAID PLOT**; and
 - (f) that names of persons spelt differently in different documents in respect of the **SAID PLOT** are the same person.
- The accuracy of this report on title necessarily depends on the documents furnished to me and the information provided to me during the course of my discussions, being true, complete and accurate and which I have assumed to be the case. I therefore disclaim any responsibility for any misinformation or incorrect or incomplete information arising out of the documents, responses and other information furnished to me.
 - This report on title is confined to the **SAID PLOT** only.
 - This Title Report in respect of the **SAID PLOT** is only for the use of Addressee
 - The search conducted at the Office of the Sub-Registrar of Mapusa, Bardez - Goa is subject to non-availability of certain records and certain land registration records being

torn at the concerned Sub-Registrar's Office.

- The availability/existence of the access to the SAID PLOT is not within the scope of this report.
- A certificate determination, notification, opinion or the like will not be binding on an Indian court or any arbitrator or judicial or regulatory body which would have to be independently satisfied despite any provision in the title documents to the contrary. The report on title has been prepared in accordance with and is subject the laws of India.

Place:- Panaji-Goa.

Date:- 23/09/2025



(Adv. Shivan S. Desai)