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ADVOCATE

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TITLE REPORT

To,
RYAGO HOTELS PVT.LTD,
having Registered office at
61 Viraj Silverene CHS Ltd,
321, Hill Road, Opp Mehboob Studio,
Bandra (W) Mumbai,
City MH 400050.

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

- a) Survey Records Form I& XIV bearing Survey No. 97 Sub-Division No. 1 of Village Assagao, Baredz - Goa.
- b) Registo Do Agremensor
- c) Auto De Demarcacao
- d) Manual Form I & XIV
- e) Inventory Proceeding bearing No. 94/97 initiated before the Civil Judge Senior Division at Mapusa
- f) Deed of Sale dated 18/12/1980, registered before the Sub Registrar of Bardez, Mapusa - Goa under Registration No. 18 at pages 20 to 25 Book No 1 Volume no 157 dated 03/01/1981



- g) Deed of Sale dated 26/09/2007, registered before the Sub Registrar of Bardez, Mapusa – Goa under Registration No. 4799 at pages 147 to 171 of Book No. I, Volume No. 2294 dated 28/09/2007
- h) Deed of Confirmation dated 18/11/2019, registered before the Sub Registrar of Bardez, Mapusa - Goa under registration no BRZ-1-3659-2019 dated 19/11/2019
- i) Deed of Sale dated 03/08/2021, registered before the Sub Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-2680-2021 dated 04/08/2021
- j) Conversion Sanad dated 01/04/2021 bearing No. 4/15/CNV/AC-III/2021/434 issued by the Additional Collector-III, North Goa District, Mapusa – Goa



- k) Correspondence certificate dated 28/06/2021 issued by Mohandas Kambli, Retd Inspector of Department of Survey and Land Records
- l) Technical Clearance Order dated 13/08/2021 bearing Ref. No TPB/5583/ASSG/TCP-21/3348 issued by Senior Town Planner, Town & Country Planning Department, Mapusa – Goa
- m) Technical Clearance Order dated 16/08/2021 bearing Ref. No TPB/6974/ASSG/TCP-21/3349 issued by Senior Town Planner, Town & Country Planning Department, Mapusa – Goa
- n) Survey Plan
- o) Old Cadastral Survey Plan

II. DESCRIPTION OF THE PROPERTY:

SCHEDULE I

ALL THAT PIECE OR PARCEL OF LAND comprising the property known as “MATO PEQUENO”, or “DACTEM



RAN", situated in the ward Madungo, of the village **Assagao**, within the limits of the Village Panchayat of Assagao, Taluka and Sub District of Bardez, District of North Goa and State of Goa, not found described in the Land Registration Office of Bardez but found to be enrolled in the Land Revenue Office under Nos. 586, 587 and 598, presently wholly surveyed under survey no. **97/1** of Village Assagao, Bardez - Goa, admeasuring **11,600 sq. mts.**, and is bounded as follows:

- North : By the property surveyed under survey No. 99 of Village Assagao.
- South : By the properties surveyed under survey Nos. 97/3, 97/4 and 97/5 of Village Assagao.
- East : By the properties surveyed under survey Nos. 97/2 and 98 of Village Assagao.
- West : By the property surveyed under survey No. 99 of Village Assagao.

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



III. TRACING OF PARTIES TITLE:

1. The SAID PROPERTY is neither described nor inscribed in the Land Registration Records. However the Registo Do Agremensor and Cadastral Survey Records reveal that the **SAID PROPERTY** bears old Cadastral Survey No. 2564 originally belonged to Belarmino Julio Dias, son of Batista Cipriano Dias and of Escolastica Raposo.
2. Correspondence certificate dated 28/06/2021 issued by Mohandas Kambli, Retd Inspector of Department of Survey and Land Records establishes that the SAID PROPERTY bearing old Cadastral Survey No. 2564 corresponds to Survey No. 97/1 of Village Assagao, Bardez – Goa.
3. *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.

4. Cadastral Survey Records and Registo Do Agrimensor are land records which were promulgated during the Portuguese Regime under the Codigo De Registo Rules. Under the said Rules, the said cadastral Survey Records and Registo Do Agrimensor were prepared on the basis of Ownership of the property and not just on the basis of possession. Although the said Registo is not a document of title, the same is indicative of the ownership status at the time of the survey and the absence of Description and Inscription Certificate can be considered for the purpose of devolution of ownership.

5. Inventory Proceeding bearing No. 94/97 initiated before the Civil Judge Senior Division at Mapusa reveals as under :



(a) That the said Belarmino Julio Dias and his wife Jacinta Lucinda Dias passed away on 04/04/1946 and 19/06/1963 respectively leaving behind their following sole and universal legal heirs:

- (i) Mr. Orfino Mateus Dias alias Orphino M Dias
- (ii) Mrs. Maria Dias e D'souza alias Maria D'souza married to Frank D'Souza
- (iii) Fr. Adrian Sebastiao Dias
- (iv) Ms. Valeria Philomena Dias alias Sr. Elfreda A C
- (v) Mr. Amarante Herculano Dias alias Amaraati Arcaland Dias alias Amaranti Arculand Dias
- (vi) Mr. Aires Raymundo Dias alias Ayares Remeid Dias
- (vii) Mr. Aluizio Pedro Dias alias Aloysius Peter Dias married to Mrs. Joy Dias.



(b) That the said Mr. Orfino Mateus Dias alias Orphino M Dias passed away on 26/12/1993 in the Status of a bachelor.

(c) That the said Frank D'Souza passed away on 06/02/1972 leaving behind his widow and half sharer the said Mrs. Maria Dias e D'souza alias Maria D'souza and the following sole and universal heirs:

(i) Mrs. Sybil D'Gama married to Mr. Roy D'Gama.

(ii) Mrs. Joy Mascarenhas married to Mr. Oscar Mascarenhas.

(iii) Mrs. Elna Miranda married to Mr. Mario Miranda.

6. Vide Deed of Sale dated 18/12/1980, registered before the Sub Registrar of Bardez, Mapusa – Goa under Registration No. 18 at pages 20 to 25 Book No 1 Volume no 157 dated 03/01/1981, the said Mr.



Orfino Mateus Dias, Fr. Adriano Sebastiao Dias alias Fr. Adrian Dias, Mr. Amarante Dias, Mr. Aires Dias, Mr. Aluisio Pedro Dias and his wife, Mrs. Joy Dias, Mrs. Maria D'souza, Miss Valeria Dias alias Sister Elfreda A. C. sold the SAID PROPERTY in favour of Mr. Laxman Baburao Kandolkar.

7. Vide Deed of Sale dated 26/09/2007, registered before the Sub Registrar of Bardez, Mapusa – Goa under Registration No. 4799 at pages 147 to 171 of Book No. I, Volume No. 2294 dated 28/09/2007, the said Mr. Laxman Baburao Kandolkar and his wife, Mrs. Jayashree Mahadev Korgaonkar alais Jayashree Laxman Kandolkar sold the SAID PROPERTY in favour of Mr. Siddhrajsinhji Jhala and his wife, Mrs. Kanchankumari Katoch Siddhrajsinhji Jhala.

8. Deed of Confirmation dated 18/11/2019 reveals that a Public Notice dated 16/07/2018 was published in

the Local Daily Navhind Times on 17/07/2018 inviting any objection to the proposed sale of the SAID PROPERTY and in pursuance to the said Public Notice dated 16/07/2018 published in the Local Daily Navhind Times on 17/07/2018, objection was raised by Mrs. Sybil da Gama and her husband, Mr. Roy Lloyd da Gama alias Roy da Gama, Mrs. Elna Miranda and her husband, Mr. Mario Joseph Miranda alias Mario Miranda, Mrs. Joy Mascarenhas and her husband, Mr. Oscar Anthony Mascarenhas alias Oscar Mascarenhas who claimed to be the heirs of Late Belarmino Dias and Jacinta Dias objecting to the sale of the SAID PROPERTY and it was further stated that they were not made parties to the Sale Deed dated 18/12/1980 executed before the Sub Registrar of Bardez, Mapusa - Goa under registration no 18 at pages 20 to 25 Book No 1 Volume no 157 dated 03/01/1981 and Sale Deed dated 26/09/2007 executed before the Sub Registrar of Bardez,



Mapusa - Goa under registration no. 4799 at pages 147 to 171 Book I Volume no 2294 dated 28/09/2007.

9. In view of the said Objection raised by the said legal heirs, vide Deed of Confirmation dated 18/11/2019, registered before the Sub Registrar of Bardez, Mapusa - Goa under registration no BRZ-1-3659-2019 dated 19/11/2019, the said Mrs. Sybil da Gama and her husband, Mr. Roy Lloyd da Gama alias Roy da Gama, Mrs. Elna Miranda and her husband, Mr. Mario Joseph Miranda alias Mario Miranda, Mrs. Joy Mascarenhas and her husband, Mr. Oscar Anthony Mascarenhas alias Oscar Mascarenhas confirmed the Deed of Sale dated 18/12/1980, registered before the Sub Registrar of Bardez, Mapusa - Goa under Registration No. 18 at pages 20 to 25 Book No 1 Volume no 157 dated 03/01/1981 and Deed of Sale dated 26/09/2007, registered before the Sub Registrar of Bardez,



Mapusa – Goa under Registration No. 4799 at pages 147 to 171 of Book No. I, Volume No. 2294 dated 28/09/2007 in respect of the SAID PROPERTY belonging to the said Mr. Siddhrajsinhji Jhala alias Jhala Siddhrajsinhji S alias Siddhrajsinhji S M Jhala and his wife, Mrs. Kanchankumari Katoch Siddhrajsinhji Jhala alias Kanchankumari K S Jhala.

10. Vide Conversion Sanad dated 01/04/2021 bearing No. 4/15/CNV/AC-III/2021/434 issued by the Additional Collector-III, North Goa District, Mapusa – Goa, the area admeasuring **1500 sq. mts.** from the **said Property**, bearing Survey **No. 97/1** of Village Assagao, Bardez – Goa was converted for the purpose of Residential with 60 F.A.R.

11. Vide Deed of Sale dated 03/08/2021, registered before the Sub Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-2680-2021 dated



04/08/2021, the said Mr. Siddhrajsinhji Jhala and his wife, Mrs. Kanchankumari Katoch Siddhrajsinhji Jhala sold the SAID PROPERTY in favour of Ryago Hotels Private Limited.

12. In light of above, the said Ryago Hotels Private Limited became the exclusive owner in possession of **the SAID PROPERTY.**

13. Technical Clearance Order dated 13/08/2021 bearing Ref. No TPB/5583/ASSG/TCP-21/3348 issued by Senior Town Planner, Town & Country Planning Department, Mapusa – Goa is obtained for proposed construction of Residential Units (2 nos.), Swimming Pool in the SAID PROPERTY bearing Survey No. 97/1(part) of Village Assagao, Bardez – Goa.

14. Technical Clearance Order dated 16/08/2021 bearing Ref. No TPB/6974/ASSG/TCP-21/3349 issued by Senior Town Planner, Town & Country



Planning Department, Mapusa – Goa is obtained for proposed construction of Farm House in the SAID PROPERTY bearing Survey No. 97/1(part) of Village Assagao, Bardez – Goa.

15. Certificate issued by Adv. Savio Monteiro, Divar, Ilhas – Goa reveals that Public Notice dated 31/01/2021 was published in daily newspaper Navhind Times and Gomantak on 01/02/2021 in respect of the **SAID PROPERTY**, bearing Survey No. **97/1** of Village **Assagao**, Bardez – Goa and no objections were received in pursuance to the said Public Notice. In this respect, conclusion is based on the Certificate issued by Adv. Savio Monteiro, Divar, Ilhas – Goa.

16. In light of above, considering the fact that the Cadastral Survey Records, Registo Do Agrimensor, Correspondence Certificate, Inventory Proceeding bearing No. 94/97 initiated before the Civil Judge Senior Division at Mapusa, Deed of Sale dated



18/12/1980, Deed of Sale dated 26/09/2007, Deed of Confirmation dated 18/11/2019 and Deed of Sale dated 03/08/2021 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 **RYAGO HOTELS PRIVATE LIMITED** has a clear and marketable title in respect of the **SAID PROPERTY**.

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 PROPERTY**.
2. The Urban Ceiling Act is not applicable to the State of Goa.



3. Conversion Sanad dated 01/04/2021 bearing No. 4/15/CNV/AC-III/2021/434 issued by the Additional Collector-III, North Goa District, Mapusa – Goa has been furnished to establish that the area admeasuring **1500 sq. mts.** from the **SAID PROPERTY**, bearing Survey No. **97/1** of Village Assagao, Bardez – Goa was converted for the purpose of Residential with 60 F.A.R.

4. Land Use Zoning Certificate bearing Ref. No. TPBZ/ZON/8776/ASSG/TCP-2021/3059 dated 30/07/2021 issued by the Senior Town Planner, Town and Country Planning Department, Mapusa – Goa has been furnished which reveals that the SAID PROPERTY bearing Survey No. 97/1 of Village Assagao, Bardez - Goa falls in “Partly Settlement Zone (Area 1500 sq. mts. approx.) (VP-2) with permissible FAR 60, Partly Orchard Zone and Partly Irrigation Command



Area super impose with No Development Slopes” as per Regional Plan for Goa 2021. The said Land Use Zoning Certificate dated 30/07/2021 is valid for **THREE YEARS** or till the Regional Plan for Goa 2021 is in force, whichever is earlier from the date of issuance.

5. No NOC is furnished from the Forest Department to establish that the **SAID PROPERTY** is not identified as a Forest Land

V. **EVIDENCE OF POSSESSION:-**

The **SAID PROPERTY** bearing Survey No. 97/1 of Village Assagao, Bardez - Goa reflects the name of Ryago Hotels Private Limited in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the ownership of the present owners in respect of **the SAID PROPERTY**.



VI. **ENCUMBRANCE ON PROPERTY:-**

I have taken search in the Office of the Sub-Registrar of Mapusa, Bardez - Goa and have not found any registered mortgages in respect of the **SAID PROPERTY**. NIL Encumbrance Certificate dated 01/09/2021 bearing No. 1888/2021 in respect of the **SAID PROPERTY** is furnished to establish that there is no encumbrance.

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **RYAGO HOTELS PRIVATE LIMITED** has clear and marketable title in respect of the **SAID PROPERTY**.

➤ **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 PROPERTY** and/or (ii) against the larger property; and
 - (b) I have taken the title documents under which Belarmino Julio Dias, son of Batista Cipriano Dias and of Escolastica Raposo 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 PROPERTY** 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 PROPERTY**; and
- (f) that names of persons spelt differently in different documents in respect of the **SAID PROPERTY** 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 PROPERTY** only.
- 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 PROPERTY is not within the scope of this report.



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- 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:- 09/09/2021



(Adv. Shivan S. Desai)