

SHRI. SANDESH G. ARABEKAR
ADVOCATE

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LEGAL OPINION

To,
Mr. Azim Shah alias Azim Ali Shah
Prop. M/s Shah Real Estates
Office at T-1, Shah Rukmini Niwas,
3rd Floor, Behind Models Residency,
Near Govt. Quarters St. Inez, Panaji,
Tiswadi, North-Goa.

At the request of Mr. Azim Shah alias Azim Ali Shah Prop. M/s Shah Real Estates I hereby furnish my Legal Opinion on perusal of photocopies of documents listed below furnished to me of the captioned property described below:

**Ref: FILE OF MR. AZIM SHAH alias AZIM ALI SHAH
PROPRIETOR OF M/S SHAH REAL ESTATES.**

I. Description of the Property:

ALL THAT property known as 'CONDE CODIL' or commonly called 'COLOMACHI XIR, which is classified as the Settlement (S1) Zone by the Town and Country Planning Department, Government



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of Goa in the Goa Regional Plan situated within the limits of Bicholim Municipal Council at Muslimwado, Bicholim, Taluka and Sub District of Bicholim, District North Goa, described in the Land Registration Office of Bicholim under No. 10865 of Book B 28 new and registered in the Taluka Revenue Office of Bicholim under Matríz No.651 and surveyed in the survey records under Survey No. 44 Sub Division No. 8 admeasuring an area of 1175 sq.mtrs. and is bounded as under:

On the East: By a public road leading to Sanquelim;

On the West: By Survey No. 44 Sub Div Nos. 1, 2 and 3;

On the North: By the property under Survey No. 44 Sub Div No.7;
and

On the South: By the property under Survey No. 43 Sub Div No.4.

II.- Description of the Documents Scrutinized:

1. Deed of Sale with Quittance dated 16/11/1953 duly executed and registered under Fls. 41 to Fls.48 overleaf of Book Number 192 of the Notes of the said Notary Rajaram Babana Sinai Dumo, Assistant o the Notary of the Comarca of Bicholim.(Photocopy).



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2. Deed of Sale dated 27/04/1985 duly executed and registered before the Sub-Registrar of Bicholim-Goa under No.551 at Pages 98 to 95, Book I Volume No.98 on 05/12/1985.(Photocopy).
3. Deed of Sale dated 17/04/1986 duly executed and registered before the Sub-Registrar of Bicholim-Goa under No.203 at Pages 359 to 364, Book I Volume No.103 on 26/08/1987.(Photocopy).
4. Deed of Sale dated 29/05/1991 duly executed and registered before the Sub-Registrar of Bicholim-Goa under No.56, Book I Volume No.31 on 05/06/1991. (Photocopy).
5. Conversion Sanad dated 21/01/2013 under No.RB/CNV/BICH/AC-II/04/2011 concerning Survey No.44 Sub Division 8 Village Bicholim-Goa issued by Office of the Collector, North Goa District, Panaji-Goa.(Photocopy).
6. Instrument of Declaration of Heirship dated 11/07/2022 duly drawn before the Office of the Special Notary Ex-Officio, Bicholim-Goa in the Notarial Book of Deeds bearing No.324 at Pages 79 to 81V. (Photocopy).
7. Agreement of Development Cum Sale dated 16/05/2023 duly executed and registered before the Sub-Registrar of Bicholim-Goa under Document Serial No.2023-BCH-834 under Book-1 Document Registration Number:- BCH-1-825-2023 on 12/07/2023. (Photocopy).



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8. Power of Attorney dated 02/09/2023 duly executed and registered before the Notary Public Shri. Ravindra P Pednekar of Tiswadi Taluka, State of Goa.(India) under No.2016 on 05/09/2023. (Photocopy).

9. Technical Clearance Order dated 19/02/2024 under Ref. No.DC/8125/BORDEM/BICH/TCP-24/526 issued by the Office of the Deputy Town Planner Taluka Office Bicholim-Sattari Town and Country Planning Department Government of Goa.(Photocopy).

10. Construction License dated 03/09/2025 under No.CONSTLIC/BICHOLIM/2025-2026/13 issued by the Bicholim Municipal Council, Bicholim-Goa.(Photocopy).

11. Form I and XIV of Survey No.44 Sub Division 8 Village Bicholim-Goa Generated Online dated 08/09/2023.(Photocopy).

12.- Approved Plan/Survey Plan.(Photocopy).

Note: All documents scrutinized are photocopies.

III. Office Searches:

I have given searches in the offices of Land Registrar/Sub-Registrar of Bicholim/Court of Civil Judge Bicholim/Director of Archives/Land Revenue Office.



IV. Flow of Title:

On perusal of the above listed documents and on giving searches in the relevant offices I confirm that property known as 'CONDE CODIL' or commonly called 'COLOMACHI XIR, along with multistoried building/s comprising of flats, shops and stilt parking under construction thereon, which is classified as the Settlement (S1) Zone by the Town and Country Planning Department, Government of Goa in the Goa Regional Plan situated within the limits of Bicholim Municipal Council at Muslimwado, Bicholim, Taluka and Sub District of Bicholim, District North Goa, described in the Land Registration Office of Bicholim under No. 10865 of Book B 28 new and registered in the Taluka Revenue Office of Bicholim under Matriz No.651 and surveyed in the survey records under Survey No. 44 Sub Division No. 8 admeasuring an area of 1175 sq.mtrs.

Said Property originally belonged to Mr. Shaikh Hussien alias Shaikh Ussen alias Xec Ussen and his wife Mrs. Xerifa Shaikh alias Xerifam bi alias Xerifa Bi, both hailing from St. Inez, Panaji, Goa, who became lawful owners in possession of Said Property by Deed of Sale with Quittance dated 16/11/1953 duly executed and registered under Fls. 41 to Fls.48 overleaf of Book Number 192 of the Notes of the said Notary Rajaram Babana Sinai Dumo, Assistant o the Notary of the Comarca of Bicholim.



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By two separate Sale Deeds namely (i) Deed of Sale dated 27/04/1985 duly executed and registered before the Sub-Registrar of Bicholim-Goa under No.551 at Pages 98 to 95, Book I Volume No.98 on 05/12/1985 and (ii) Deed of Sale dated 17/04/1986 duly executed and registered before the Sub-Registrar of Bicholim-Goa under No.203 at Pages 359 to 364, Book I Volume No.103 on 26/08/1987, said Mr. Shaikh Hussen and his wife Mrs. Xerifa Bi sold the said property to Mr. Shaikh Hussain son of Shaikh Ismail, resident of Bombay.

By Deed of Sale dated 29/05/1991 duly executed and registered before the Sub-Registrar of Bicholim-Goa under No.56, Book I Volume No.31 on 05/06/1991 said Mr. Shaikh Hussain and his wife Mrs. Rabiabi, both residents of Bldg 15, II floor, at Yakub Street, near J.J. Hospital, Bombay sold Said Property to Mrs. Shaikh Hamidabee.

Pursuant to above purchase name of Mrs. Shaikh Hamidabee stands included in the occupants column of Form I and XIV of the Said Property surveyed under Survey No.44 Sub Division 8 Village Bicholim, at Mutation Serial No.1218.

On 2nd May 2021, Mr, Shaikh Vahidulla alias Xec Vahedulla alias Vahidullah Shaikh, the husband of Shaikh Hamidabee, expired intestate, without executing any will or disposition in respect of his estates leaving behind his widow and his three children, as his universal heirs as mentioned below, being confirmed by Instrument



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of Declaration of Heirship dated 11/07/2022 duly drawn before the Office of the Special Notary Ex-Officio, Bicholim-Goa in the Notarial Book of Deeds bearing No.324 at Pages 79 to 81V:

- (i) Mrs. Hamida Bi alias Hameda Bee (widow)
- (ii) Mr. Shaikh Zain (son), married to Mrs. Abeer Shaikh.
- (iii) Miss. Shaikh Saniya (daughter) and
- (iv) Mr. Shaikh Junaid.

It is also notified in the above referred deed that an extract of above referred Instrument of Declaration of Heirship dated 11/07/2022 was published in the Official Gazette Series III No.15 dated 14/07/2022 and one local News Paper The Navhind Times and The Goan dated 13/07/2022 and neither any communication or institution of any suit nor objection from any person has been received in the said office of Sub-Registrar of Bicholim Cum Special Notary Ex-Officio during the time limit prescribed Bicholim dated 17/08/2022.

Said Mrs. Shaikh Hamidabee converted Said Property for residential use by Conversion Sanad dated 21/01/2013 under No. RB/CNV/BICH/AC-II/04/2011 issued by the Office of the Collector, North Goa District, Panaji-Goa.

By Agreement of Development Cum Sale dated 16/05/2023 duly executed and registered before the Sub-Registrar of Bicholim-Goa under Document Serial No.2023-BCH-834 under Book-1 Document Registration Number:- BCH-1-825-2023 on 12/07/2023



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said Hamida Bee Shaikh alias Shaikh Hamidabee, widow of late Mr. Shaikh Vahidulla alias Xec Vahedulla alias Vahidullah Shaikh along with their respective children namely (i) Mr. Shaikh Zain (son), married to Mrs. Abeer Shaikh (ii) Miss. Shaikh Saniya (daughter) along with her husband Mr. Atif Shaikh alias Shaikh Atif and (iii) Mr. Shaikh Junaid (son), in the status of unmarried, entrusted Said Property for purpose of development and construction of multistoried buildings to Mr. Azim Shah alias Azim Ali Shah Proprietor of M/s Shah Real Estates having Office at T-1, Shah Rukmini Niwas, 3rd Floor, behind Models Residency, Near Govt. Quarters, St. Inez, Panaji, Tiswadi-Goa.

Aforesaid owners Hamida Bee Shaikh alias Shaikh Hamidabee and others, as referred above, in furtherance of the above referred Agreement of Development Cum Sale dated 16/05/2023 and to smoothly comply with terms and conditions of said agreement, also executed in favour of Builder/Developer Mr. Azim Shah alias Azim Ali Shah Proprietor of M/s Shah Real Estates a Power of Attorney dated 02/09/2023 duly executed and registered before the Notary Public Shri. Ravindra P Pednekar of Tiswadi Taluka, State of Goa.(India) under No.2016 on 05/09/2023.

Said Builder/Developer Mr. Azim Shah alias Azim Ali Shah Proprietor of M/s Shah Real Estates availed various permissions/licenses from the concerned authorities to construct multistoried buildings on the Said Property namely:



Technical Clearance Order dated 19/02/2024 under Ref. No.DC/8125/BORDEM/BICH/TCP-24/526 stands issued by the Office of the Deputy Town Planner Taluka Office Bicholim-Sattari Town and Country Planning Department Government of Goa, which granted technical clearance for carrying out proposed construction of residential cum commercial building(Block A & B) in the Said Property.

Construction License dated 03/09/2025 under No.CONSTLIC/BICHOLIM/2025-2026/13 stands issued by the Bicholim Municipal Council, Bicholim-Goa, which granted permission for carrying out proposed construction of residential cum commercial building(Block A & B) in the Said Property.

The Land Owners in terms of said Agreement of Development Cum Sale dated 16/05/2023 have agreed to entrust/assign/sell the said property to the Developer for development purposes for a total consideration of Rs 1,20,00,000/- (Rupee One crore twenty lakhs only) and the Developers will pay the development consideration as described in Schedule II being Rs. 35,25,000/- (Rupees Thirty five lakhs twenty five thousand only) as value of land which is valued @ Rs.3000/ m2 and balance consideration of Rs. 84,75,000/- (Rupees Eighty four lakhs seventy five thousand only) payable at grey structure cost in kind by way of built up area comprising of four double bedroom flats of 85 sq.mtrs super built up area and the Owners have agreed to the said total consideration offered by the Developer.



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V.- Encumbrances:

I have tried to carry out searches in records of various Offices including Sub-Registrar of Bicholim, however up to date indexes are not maintained and some are not available up to date and therefore there is no other alternative but to rely on Nil Certificate of Encumbrance and therefore M/s Shah Real Estates is directed to obtain up to date Nil Encumbrance Certificate on the Said Property to cover period of 30 years till date.

VI. Possession:

Documents produced on record confirms that possession of the Said Property is presently with M/s Shah Real Estates represented by its Proprietor Mr. Azim Shah alias Azim Ali Shah as per said Agreement of Development Cum Sale dated 16/05/2023 executed with land owners Hamida Bee Shaikh alias Shaikh Hamidabee and others.

VII. Opinion:

(a) On perusal of above listed documents and under the light of facts and circumstances as perspired on going through the documents I confirm that land owners said Hamida Bee Shaikh alias Shaikh Hamidabee, widow of late Mr. Shaikh Vahidulla alias Xec Vahedulla alias Vahidullah Shaikh along with their respective



children namely (i) Mr. Shaikh Zain (son), married to Mrs. Abeer Shaikh (ii) Miss. Shaikh Saniya (daughter) along with her husband Mr. Atif Shaikh alias Shaikh Atif and (iii) Mr. Shaikh Junaid (son), have and holds absolute, clean, clear, valid and marketable title to Said Property as referred above, subject to Agreement of Development Cum Sale dated 16/05/2023 executed with Developer/Builder M/s Shah Real Estates represented by its Proprietor Mr. Azim Shah alias Azim Ali Shah and further subject to observation as referred below:

OBSERVATION:

(i) It is observed that in the Form I and XIV and in the title documents of the said property, the name of the land owner is reflected as Shaikh Hamidabee, however in the Instrument of Declaration of Heirship dated 11/07/2022 produced on record, the name is reflected as 'Hamida Bi alias Hamed Bee' and therefore it is advisable to rectify said Instrument of Declaration of Heirship dated 11/07/2022 to incorporate in it the above referred name of the land owner 'Shaikh Hamidabee'.

(ii) It is observed that Said Property in the record of rights still appears in the name of Shaikh Hamidabee. Mutation of Said Property may be carried out to include the names of other co-owners as referred above.

(b) There is no claim of any minor to Said Property.

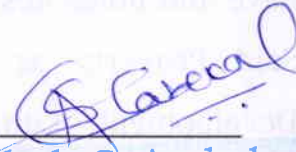


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(c) Urban Land Ceiling Act is not applicable to Said Property.

Place: Panaji-Goa.

Date: 08/12/2025



Sandesh G. Arabekar
ADVOCATE

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