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ADVOCATE & NOTARY

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25/04/2022

TITLE REPORT

This Title & Search Report is submitted at the request of **M/s Expert Builders** a proprietary concern of Mr. H. Hasan Pilar having office at F-3, Gabmar Apartments, 1st Floor, Fr. Joseph Vaz Road, Vasco da Gama, Goa.

SUBJECT MATTER :

The Subject matter of this Title Report is a landed property known as "**FONDADY**", situated in the City of Vasco-Da-Gama, within the jurisdiction of Mormugao Municipal Council, Taluka and Registration Sub- District of Mormugao, District of South Goa, State of Goa, not described in the Land Registration Office of the Comarca of Salcete, enrolled at the Taluka Revenue Office under Matriz No.379, admeasuring an area of 905 sq. mtrs., surveyed under Chalta No.5 of P.T. Sheet No.92 of Vasco City, and bounded as under:

East: By plot Fondandy of Maria Ligorihó Da Costa;
West: By property of Maria Fatima Dores E Silva;
North: By Pukka Road; and
South: By paddy field of Comunidade of Mormugao.

DERIVATION OF TITLE

The said property is vested in Confraria De Bom Jesus E Das Santas Almas De Igreja De Mormugao. The aforesaid property known as "**FONDADY**" is enrolled under Matriz No. 379 and bounded according to the Matriz Certificate on the east by plot Fondandy of Maria Ligorihó Da Costa, west: by property of Maria Fatima Dores E Silva, north: by Pukka Road and south by paddy field of Comunidade of Mormugao.

The Matriz records pertaining to the property were prepared during the Portuguese regime in Goa i.e. before 1961. This matriz records indicate the payment of revenue to the Government by the owner of the property. Therefore matriz record is one of the proofs of ownership of the property as the name of the owner is recorded in the Matriz Certificate along with the name of the property and the boundary of the property. This property is not described in the Land Registration Office. Consequently the said Matriz Certificate is the only available record to link the ownership of the property. After the liberation of Goa



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in the year 1961, the Goa, Daman and Diu Land Revenue Code was enacted and under this Code all the properties in Goa were surveyed through the concerned office of the Government of Goa. This property being in urban area, it was surveyed under chalta No. 5 of P.T. Sheet 92 of the City survey Vasco da Gama. Upon the survey of the property under the Goa Land Revenue Code, an inquiry register in Form B was prepared showing therein Confraria De Bom Jesus E Das Santas Almas De Igreja De Mormugao as the holders in origin of title of the said property. This entry in form B was duly kept open for objections if any. However no objections were received and therefore the property was confirmed in the name of Confraria De Bom Jesus E Das Santas Almas De Igreja De Mormugao vide order dated 4/11/1975 of the then enquiry officer, City Survey, Vasco da Gama. Upon the confirmation of the property in the name of Confraria De Bom Jesus E Das Santas Almas De Igreja De Mormugao Form B was replaced by Form D which is the final survey record maintained in the office of the Inspector of Survey and Land Records, Vasco da Gama, Goa. There being no other records of title to the aforesaid property, the aforesaid document i.e. Matriz certificate and survey Form D are the only available records confirming that the aforesaid property is in possession and enjoyment of the said Confraria De Bom Jesus E Das Santas Almas De Igreja De Mormugao as owners thereof since before the liberation of Goa in December 1961.

ENCUMBRANCES IF ANY:

On carrying out a due search in the concerned offices for last 30 years, I did not find any registered encumbrance affecting the said property. I therefore come to the conclusion that the said property is free from encumbrance. Although there are no registered encumbrances affecting the title to the said property, a right of way is reserved in favour of a family of Mr. Jose Maria Gorgoneo Dias and others staying in the property under chalta No. 3 & 4 as an access to the main road which right of way is seen recorded in Form D.

DOCUMENTS EXAMINED:

1. Copy of Agreement for development, construction and Sale dated 24/02/2022 registered with the sub registered of Mormugao under No. MOR-1-334-2022.
2. Copy of Form D of the property surveyed under chalta No. 5 of P.T. Sheet 92 of the City survey Vasco da Gama



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3. Copy of Plan of the property surveyed under chalta No. 5 of P.T. Sheet 92 of the City survey Vasco da Gama
4. Copy of Matriz Certificate bearing Matriz No. 379
5. Copy of Conversion Sanad bearing No. LRC/CONV/245/84 granted by Deputy Collector South Sub Division Margao on 30/9/1985 allowing the property for commercial use to the extent of 268 sq. mts

PRESENT STATUS OF THE PROPERTY

By an Agreement for development, construction and Sale dated 24/02/2022 registered with the sub registered of Mormugao under MOR-1-334-2022 the said Confraria De Bom Jesus E Das Santas Almas De Igreja De Mormugao have agreed to entrust the said property to M/s Expert Builders to develop the same by putting up a construction thereon for a consideration as set out in the said Agreement. By an under the said Agreement M/s Expert Builders are authorized to sell to the prospective purchaser the constructed premises except two flats on the second and the third floor which are reserved for the owners i.e. Confraria De Bom Jesus E Das Santas Almas De Igreja De Mormugao.

Thus by virtue of said Agreement for development, construction and Sale dated 24/02/2022 M/s Expert builders have acquired rights to develop the said property which rights are irrevocable as M/s Expert builders have already paid part cash consideration and have agreed to pay the balance consideration within 12 months to the owners i.e. Confraria De Bom Jesus E Das Santas Almas De Igreja De Mormugao. M/s Expert builders are now in the process of obtaining necessary permissions and licenses to develop the said property by constructing thereon a multi storeyed building. The perusal of the terms and conditions of the said Agreement for Development, Construction and Sale dated 24/02/2022. I find that the said Agreement is legally enforceable and M/s Expert Builder are invested with the right to develop the said property and also sell to their prospective buyers the constructed premises except two flats reserved for the owners.



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OPINION:

Based on the above discussion, I certify that Confraria De Bom Jesus E Das Santas Almas De Igreja De Mormugao have clear and marketable title to the "FONDADY", situated in the City of Vasco-Da-Gama, within the jurisdiction of Mormugao Municipal Council, Taluka and Registration Sub- District of Mormugao, District of South Goa, State of Goa surveyed under Chalta No.5 of P.T. Sheet No.92 of Vasco City. They have a valid and legally enforceable Agreement with M/s Expert Builders to develop the said property.


(Ulhas G. Shetye)