

TITLE REPORT

To,
Grandbricks Infrabuild Private Limited,
Shop No. 1717B, Gurudwara Road,
Kotla Mubarak Pur,
New Delhi - 110003.

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

- a. Survey Records Form I & XIV bearing Survey No. 345 Sub-Division No. 37-A of Village Calangute, Baredz - Goa.
- b. Registo Do Agremensor
- c. Auto De Demarcacao
- d. Numerical Index of Village Calangute of the Taluka of Bardez
- e. Cadastral Survey Plan
- f. Correspondence certificate dated 23/08/2018 bearing No. 9(02)-65-DSLR/18/5865 issued by Superintendent of Survey & Land Records,



Directorate of Settlement & Land Records,
Panaji - Goa

- g. Matriz Certificate
- h. Manual Form I & XIV
- i. Form III
- j. Form IX
- k. Deed of Succession was drawn in the Office of the Notary Ex-Officio of Bardez at Mapusa dated 27/09/2006 at pages 95 to 97 in the Notarial Book bearing No. 813
- l. Deed of Sale dated 17/08/2017 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-03480-2017, CD No. BRZD789 dated 17/08/2017
- m. Order dated 10/12/2018 passed by Deputy Collector & SDO, Mapusa Sub-Division, Mapusa



— Goa in Case No.

15/359/2017/PART/LAND/2349

- n. Deed of Sale dated 05/11/2022 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-5129-2022 dated 16/11/2022
- o. Conversion Sanad dated 05/07/2019 bearing No. 4/60/CNV/AC-III/2019/931 issued by the Additional Collector-III, North Goa District, Mapusa – Goa
- p. Order dated 25/01/2019 bearing Ref. No. NGPDA/CAL/44/451/3352/19 issued by North Goa Planning And Development Authority, Panaji – Goa for assessment of Infrastructure Tax
- q. Order dated 30/01/2019 bearing Ref. No. NGPDA/CAL/44/451/3396/2019 issued by



North Goa Planning And Development Authority,
Panaji - Goa

- r. Construction Licence bearing No. VP/Cal/F-
13/20-21/L-34/2904 dated 19/11/2020 issued
by Village Panchayat of Calangute, Bardez - Goa
- s. Survey Plan

II. DESCRIPTION OF THE PROPERTY:

SCHEDULE I

ALL THAT Property known as "DANDIBOLY AND MAL
XETACHEM" having two portions incorporated in one
and enrolled in the Taluka Revenue Office under Matriz
No. 673, however not described in the Land registration
Office but separately surveyed under Old Cadastral
Survey i.e. the portion "MALXETICHEM AND
DANDIEBATY" under No. 2268 and the portion "DANDY
BOLY PEQUENO" under No. 2253 and surveyed together
in the new land Survey under No. 345/37 situated at
Agarwado, in the Village of Calangute, within the



jurisdiction of Village Panchayat of Calangute, Taluka
and Sub District of Bardez, North Goa in the State of
Goa and bounded as under:-

On the **East** : By the property bearing Survey No.
345/38 and partly by nulla.

On the **West** : By the property bearing Survey No.
344/13 and partly by Survey No. 345/36, 32 and 33.

On the **North** : By the property bearing Survey No.
345/35, 36, 33 and 34.

On the **South** : By nulla and partly by the property
bearing Survey No. 345/38.

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

SCHEDULE-II

ALL THAT PLOT "H" admeasuring 1370 sq. mts.
surveyed under Survey No. **345/37-A**, forming part of
the SAID BIGGER PROPERTY more particularly
described in SCHEDULE I hereinabove and bounded as
under:-



East :- By the plot 'A' of the same property bearing
Survey No. 345/37

West :- By the Property bearing Survey No. 344/13

North :- By the public road

South :- By the nallah

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

III. TRACING OF PARTIES TITLE:

1. The **SAID BIGGER PROPERTY** is neither described nor inscribed in the Land Registration Records. **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. However there are some properties in Goa which are not registered under the said Regime



2. The Numerical Index of Village Calangute of the Taluka of Bardez, Registo Do Agremensor and Cadastral Survey Records (Auto De Demarcacao) reveal that the portion "MALXETICHEM AND DANDIEBATTY" from the **SAID BIGGER PROPERTY** bears old Cadastral Survey No. 2268 and the portion "DANDY BOLY PEQUENO" from the **SAID BIGGER PROPERTY** bears old Cadastral Survey No. 2253 originally belonged to Tome Jose Pinto.
3. Correspondence certificate dated 23/08/2018 bearing No. 9(02)-65-DSLR/18/5865 issued by Superintendent of Survey & Land Records, Directorate of Settlement & Land Records, Panaji - Goa establishes that the **SAID BIGGER PROPERTY** bearing old Cadastral Survey No. 2268 corresponds to Survey No. 345/37(Part) of Village Calangute, Bardez - Goa
4. ***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.

5. Cadastral Survey Records, Registo Do Agrimensor and Numerical Index of Village Calangute of the Taluka of Bardez are land records which were promulgated during the Portuguese Regime under theCodigo 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.



6. The said Cadastral Survey No. 2268 read with the Numerical Index of Village Calangute of the Taluka of Bardez, Registo Do Agrimensor along with Correspondence Certificate establishes that the **SAID BIGGER PROPERTY** originally belonged to Tome Jose Pinto.
7. Matriz Certificate dated 21/07/1972 issued by the Taluka Revenue Officer of Bardez, Mapusa - Goa. The said Matriz Certificate reveals that t the **SAID BIGGER PROPERTY** bearing Matriz Number 673 originally belonged to Francisco Leao Pinto. The said Matriz Records are in the nature of Land Tax Records and indicated names of persons who are owners for the purpose of Land Tax. Considering that there are no Inscription and Description or Cadastral Survey, reference for devolution of title is drawn from the said Matriz Records.



8. In the matter of Varsha Sawant V/s. Chief Secretary, Second Appeal No. 138/2004, the Hon'ble High Court of Bombay at Goa considered the issue whether in the absence of Land Registration documents, Matríz Certificate can be relied upon for the purpose of establishing title to the property. The Hon'ble High Court of Bombay at Goa examined the issue and held that Matríz Certificate, although by itself is not a document of title, the entry in the Matríz Certificate can be considered in the claim of title by the person in whose name such entry stands. It is in this context that the above Matríz Certificate is considered for the purpose of assessment of title in the absence of the Land Registration Certificate or Cadastral Survey Records.

9. Deed of Succession was drawn in the Office of the Notary Ex-Officio of Bardez at Mapusa dated 27/09/2006 at pages 95 to 97 in the Notarial Book



bearing No. 813 reveals that the said Dr. Leao Pinto alias Francisco Leao Pinto alias Francisco Antonio Caetano Leao Pinto passed away on 09/11/1997 and upon his death, Mr. Tome Jose Manuel De Vasconcellos Pinto alias Jose Manuel Januario De Vasconcellos Pinto married to Mrs. Edna De Maria Jesus Sequeira De Mascarenhas Pinto alias Edna Pinto was declared as sole and universal legal heir of the said Dr. Leao Pinto alias Francisco Leao Pinto alias Francisco Antonio Caetano Leao Pinto.

10. Death Certificate dated 07/10/2003 enclosed to the said Deed of Succession was drawn in the Office of the Notary Ex-Officio of Bardez at Mapusa dated 27/09/2006 at pages 95 to 97 in the Notarial Book bearing No. 813 reveals that the said Dr. Leao Pinto alias Francisco Leao Pinto alias Francisco Antonio Caetano Leao Pinto was son of Tome Jose Pinto



11. Vide Deed of Sale dated 17/08/2017 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-BK1-03480-2017, CD No. BRZD789 dated 17/08/2017, the said Mr. Tome Jose Manuel De Vasconcellos Pinto alias Jose Manuel Januario De Vasconcellos Pinto and his wife, Mrs. Edna De Maria Jesus Sequeira De Mascarenhas Pinto alias Edna Pinto sold **PLOT 'H'**, admeasuring 1370 sq. mts. forming part of the **SAID BIGGER PROPERTY** in favour of Mrs. Heena Gopal Pariani and Mrs. Riya Bhagwan Pariani

12. The said Mrs. Heena Gopal Pariani and Mrs. Riya Bhagwan Pariani initiated Partition Proceedings under the provisions of Land Revenue Code to partition the **SAID PLOT 'H'** and vide Order dated 10/12/2018 passed by Deputy Collector & SDO, Mapusa Sub Division, Mapusa – Goa in Case No. 15/359/2017/PART/LAND/2349, the **SAID PLOT 'H'**, admeasuring 1370 sq. mts., was partitioned



and a separate Survey No. 345/37-A of Village Calangute, Bardez - Goa was obtained which **PLOT 'H'** is hereinafter referred to as the SAID PROPERTY and more particularly described in SCHEDULE I hereinabove.

13. Following permissions were obtained by the said Mrs. Heena Gopal Pariani and Mrs. Riya Bhagwan Pariani for carrying out the proposed construction of residential building (multifamily) and compound wall in the **SAID PROPERTY** bearing Survey No. **345/37-A** of Village Calangute, Bardez - Goa, admeasuring 1370 sq. mts.:

- a. Order dated 25/01/2019 bearing Ref. No. NGPDA/CAL/44/451/3352/19 issued by North Goa Planning And Development Authority, Panaji - Goa for assessment of Infrastructure Tax
- b. Order dated 30/01/2019 bearing Ref. No. NGPDA/CAL/44/451/3396/2019 issued by



North Goa Planning And Development Authority,
Panaji - Goa

- c. Construction Licence bearing No. VP/Cal/F-
13/20-21/L-34/2904 dated 19/11/2020 issued
by Village Panchayat of Calangute, Bardez - Goa

14. Vide Deed of Sale dated 05/11/2022 registered
before Sub-Registrar of Bardez, Mapusa - Goa under
Registration No. BRZ-1-5129-2022 dated
16/11/2022, the said Mrs. Heena Gopal Pariani and
Mrs. Riya Bhagwan Pariani sold **PLOT 'H'**,
admeasuring 1370 sq. mts. forming part of the **SAID**
BIGGER PROPERTY in favour of Grandbricks
Infrabuild Private Limited

15. I have inspected the Originals on 30/10/2023 of the
following documents:

- (i) Deed of Sale dated 17/08/2017 registered
before Sub-Registrar of Bardez, Mapusa - Goa



under Registration No. BRZ-BK1-03480-2017,
CD No. BRZD789 dated 17/08/2017

(ii) Deed of Sale dated 05/11/2022 registered
before Sub-Registrar of Bardez, Mapusa - Goa
under Registration No. BRZ-1-5129-2022
dated 16/11/2022

16. 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 BIGGER PROPERTY** bearing
Survey No. **345/37** of Village Calangute, Bardez -
Goa clearly shows the name of Francisco Leao Pinto,
Ida Fernandes, Peter Antonio Mario Fernandes alias
Peter Fernandes as occupants in the Occupants
column. The said Manual Form I & XIV is consistent
with the devolution of ownership.



17. 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.

18. 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*".

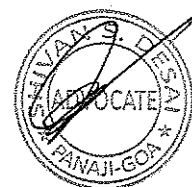
19. In the case of Shri. Damodara Ranum Porobo Loundo versus Shri Bhaskar R. Jalmi and others. reported in 1990(2) GLT 407, the Hon'ble High Court of Bombay at Goa has held as under:



"In fact, Section 105 of the Land Revenue Code provides that 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."

20. In light of above, considering the fact that the Cadastral Survey Records, Registo Do Agrimensor, Numerical Index of Village Calangute of the Taluka of Bardez, Correspondence certificate dated



23/08/2018 bearing No. 9(02)-65-DSLR/18/5865 issued by Superintendent of Survey & Land Records, Directorate of Settlement & Land Records, Panaji - Goa, Matriz Certificate, Form III, Form IX, Manual Form I & XIV, Deed of Succession was drawn in the Office of the Notary Ex-Officio of Bardez at Mapusa dated 27/09/2006 at pages 95 to 97 in the Notarial Book bearing No. 813, Deed of Sale dated 17/08/2017, Order dated 10/12/2018 passed by Deputy Collector & SDO, Mapusa Sub Division, Mapusa - Goa in Case No. 15/359/2017/PART/LAND/2349 and Deed of Sale dated 05/11/2022 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 **Grandbricks Infrabuild Private Limited** has a clear and marketable title in respect of the **SAID PROPERTY SUBJECT** to the following.



- i. Publication of Public Notice inviting objections from the general public, if any
- ii. Production of 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 PROPERTY**.
2. The Urban Ceiling Act is not applicable to the State of Goa.
3. Conversion Sanad dated 05/07/2019 bearing No. 4/60/CNV/AC-III/2019/931 issued by the Additional Collector-III, North Goa District, Mapusa - Goa has been furnished to establish that the **SAID PROPERTY** bearing Survey No. **345/37-A** of Village Calangute, Bardez - Goa, admeasuring 1370 sq. mts. was converted for the purpose of Residential with 100 F.A.R.



V. **EVIDENCE OF POSSESSION:-**

The **SAID PROPERTY** bearing Survey No. 345/37-A of Village Calangute, Bardez - Goa reflects the name of Heena Gopal Pariani and Riya Bhagwan Pariani in Form I & XIV issued by the Department of Survey, Government of Goa. **However it is advisable to carry out mutation proceedings in the name of present owners.**

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**. No NIL Encumbrance Certificate in respect of the **SAID PROPERTY** is furnished to establish that there is no encumbrance. **However updated Nil Encumbrance Certificate needs to be furnished in respect of the SAID PROPERTY**



CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **Grandbricks Infrabuild Private Limited** has a clear and marketable title in respect of the **SAID PROPERTY SUBJECT** to the following.

- i. Publication of Public Notice inviting objections from the general public, if any
- ii. Production of Nil Encumbrance Certificate
- iii. Observation made at para V above

➤ **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 Francisco Leao Pinto, son of Tome Jose Pinto 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.
- 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:- 30/10/2023



(Adv. Shivan S. Desai)