

OPINION ON TITLE

1. My opinion has been sought by **M/S SRE ESTATES DEVELOPMENT**, a partnership firm having its place of business at "**SUPREME**", Behind New Telephone Exchange, opp. Bombi House, Comba, Margao, Goa (hereinafter referred to as "**SRED**") on the following two questions, viz.:

- a) Whether **SHRI KETAN SUHAS PAI ANGLE** and his wife **SMT. VAISHALI KETAN ANGLE**, both residing at House No. 101, near Damodar Housing Society, N. D. Naik Road, Aquem Alto, Margao, Goa 403 601 (hereinafter jointly referred to as the "**OWNERS**") have a clear, marketable and unencumbered title to the property described in Para 2(b) below (hereinafter referred to as the "**Said Property**"), and
- b) Whether SRED is entitled to develop the Said Property.

2. THE SAID PROPERTY:

- a) The Said Property is the following, viz. a portion of the larger property described in Para 2(b) below (which larger property is hereinafter referred to as the "**Said Larger Property**"), which portion is a separate and distinct/independent property by itself, admeasuring 5,275 sq. meters, surveyed under Survey No. 137/1 of revenue village Talaulim and is bounded as follows:

As per Sale Deed dated 1.2.1971 (referred to in Para 3(c) below):

East: By remaining part of the Said Larger Property;



West: By the property of the Comunidade of Talaulim and that of Adelina Ferrão;

North: By the property of Pascoal Ferrão and that of the Comunidade and

South: By the property of Adelina Ferrão and the road to Telaulim.

As per present survey records:

East: By Survey Nos. 137/2, 13/2-B, 13/2-D and 13/2-E;

West: By Survey No. 127/1;

North: By Survey No. 127/6 and

South: By Survey Nos. 136/1 and 136/1-B.

- b) The Said Larger Property referred to in Para 2(a) above is the following, viz. the immovable property known as "*NOMOXIN SOUMACHE PATTI*" (First Addition (Addição)) or "*SOMONACHO PATTO*" or "*SOMNACHO PATO*", situated at and within revenue village Talaulim, Margao, Taluka Salcete, District South Goa, State Goa, which is described under No. 18615 of Book B 46 (New Series), enrolled under Matriz No. 208, which comprises the first Addition (Addição) of the property described under No. 2120 (at Folio 67 of Book B6 (New Series)) and bounded as follows:



As per the erstwhile land registration records:

East, West & South: By the property of the Comunidade;

North: By rice field of Antonio Ferrao;

As per the Sale Deed dated 1.2.1971 (referred to in Para 3(c) below):-

East: By the property of the Comunidade and bund of Sehora do Carmo of Chapel of Telaulim;

West: By Nomoxim of Comunidade and late belonging partially to Matheus Rozario da Piedade Azavedo;

North: By rice field of Antonio Ferrao and

South: By the property of the Comunidade and that of Ana Joaquina Rebello e Soares.

3. DOCUMENTS PRODUCED:

The following documents have been produced for my perusal and scrutiny, viz.

- a) A photo-copy of a Certificate issued on 20.11.2025 by the Sub-Registrar of Salcete Taluka of: (1) Description from the Book of Descriptions (*Livro de Descrições Prediais*) relating to property described under No. 18615 and (2) Inscription in Book of Inscriptions (*Registo do Transmissões*), relating to Inscription No. 25661, along with an English translation thereof by Mr. Ruy Mascarenhas, Portuguese Translator empaneled with the Directorate of Archives & Archaeology, Government of Goa.



- b) A photo-copy of a Certificate issued on 17.11.2025 by the Mamlatdar of Salcete & Head of Taluka Revenue, Margao, Goa, of an extract from the Matriz records of the property enrolled under Matriz No. 208, along with an English translation thereof by Mr. Ruy Mascarenhas, Portuguese Translator empaneled with the Directorate of Archives & Archaeology, Government of Goa;
- c) Photo-copy of a Deed of Sale dated 1.2.1971 registered in the Office of the Sub-Registrar of Salcete Taluka at Margao, Goa on 6.5.1971 under Registered No. 256 at Pgs. 284 to 287 in Book I, Vol. 73;
- d) Notarized photo-copy of a Deed of Gift dated 15.9.2021 registered in the Office of the Sub-Registrar of Salcete Taluka at Margao, Goa on 7.10.2021 under Registration No. MGO-1-3116-2021, which notarized photo-copy has been issued by Mr. Sachin S. Kolwalkar, Notary Public having his Office at Margai, Goa and registered in his Notarial Register under No. 1583/2023;
- e) Forms I & XIV dated 1.12.2025 of Survey No. 137/1 of revenue village Talaulim, Salcete Taluka, downloaded from dslr.goa.gov.in.
- f) Photo-copy of a Survey Plan of Survey No. 137/1 of revenue village Talaulim, Salcete Taluka, downloaded on 22.12.2023 from the website dslr.goa.gov.in
- g) Photo-copy of an Agreement of Sale executed on 9.10.2025 by and between the OWNERS and SRED, which Agreement is duly registered in the Office of the Sub-Registrar of Salcete Taluka at Margao, Goa on 27.10.2025 under Registration No. MGO-BK1-5021-2025.



- h) Nil Certificate of Encumbrance on Property bearing Certificate No. NEC/2/2025/2906, digitally issued on 19.11.2025 by the Civil Registrar-cum-Sub Registrar of Salcete Taluka, Margao, Goa in respect of Survey No. 137/1 of revenue village Talaulim, Salcete Taluka.

4. DEVOLUTION OF TITLE:

- a) The documents at Para 3(a): (1) describes the Said Larger Property and states, inter-alia, that the portion of the Said Larger Property which is a rice field was separately described under Land Registration No. 33603 at Folio 144(overleaf) of Book B 86 (New Series) but (2) only refers to a provisional Inscription No. 256561, which is later stated to have been cancelled.
- b) The document at Para 3(b) above certifies that the property enrolled under Matriz No. 208 is owned by: (1) Roque Francisco Coutinho do Rosario from Telaulim (1/2); (2) Rosario Costantino Ferrao *alias* Constantino Rosario Ferrao from Telaulim (1/2) and (3) Santana Francisco Ferrao de Navelim (1/3).
- c) The document at Para 3(c) above records that MANOEL FILIPE NERI DA PIEDADE COUTINHO DO ROZARIÓ and his wife MARIA JOSEFA FLAVIANA CELESTINA DE BRAGANÇA, who held the Said Larger Property (with the exclusion of the portion described under Land Registration No. 33603 (New Series), sold and conveyed a portion of the Said Larger Property, i.e. the Said Property, to SUHAS NARCINVA PAI ANGLE.



- d) The document at Para 3(d) above records that SUHAS NARCINVA PAI ANGLE and his wife PADMA SUHAS ANGLE, i.e. the parents of the male OWNER herein, irrevocably gifted the Said Property without any reservation of usufruct or any other condition or stipulation to the male OWNER herein, out of natural love and affection and the donors declared that the gift was within their disposable quota.
- e) The document at Para 3(e) above: (1) records that the male OWNER is the sole "*Occupant*" of the Said Property; (2) shows that there are no tenants on the Said Property, no other person as having any other rights in the Said Property and there is no cultivation undertaken in the Said Property.
- f) The document at Para 3(f) above is a Survey Plan of the Said Property showing its present boundaries.
- g) The document at Para 3(g) above records that the OWNERS (both of whom are, it is stated, married under the Regime of Communion of Properties) have agreed to sell the Said Property to SRED, for the consideration and on the terms and conditions stated therein. This agreement permits SRED to undertake development of the Said Property by constructing multi-storeyed building(s) thereon and selling premises therein to members of the public.
- h) The document at Para 3(h) above records that a search of the relevant books and indices reveals that no act or encumbrances affecting the Said Property have been found during the period 19.11.1991 to 18.11.2025, i.e. **for 34 years**.



5. OPINION:

After scrutiny of the documents enumerated in Para 3 above, my considered views are as under:

- a) The title of the OWNERS can be traced back to **6.5.1971**, i.e. the date of registration of the Sale Deed dated 1.2.1971 (document at Para 3(c) above), i.e. for a period ***exceeding 54 years***.
- b) Moreover, in the Record of Rights in respect of the Said Property as it presently stands (document at Para 3(e) above), the name of the male OWNER is duly recorded as the sole "*Occupant*".
- c) However, the documents which are produced which are prior in point of time to the document at Para 3(c) above, ***do not*** indicate the title of the persons who were vendors in the Sale Deed dated 1.2.1971 (document at Para 3(c) above), except that in the document at Para 3(b) above, the ***father*** of the male vendor in the Sale Deed dated 1.2.1971, viz. Roque Francisco Coutinho do Rosario, is shown as having one-half ($\frac{1}{2}$) undivided share in the Said Larger Property.
- d) Nevertheless, as stated in Para 5(a) above, the title of the OWNERS can be traced back continuously for an unbroken period ***exceeding 54 years***, i.e. more than half a century. In my considered view this is more than sufficient to hold that the OWNERS have clear title to the Said Property.



- e) It may also be pointed out that though the Sale Deed of 1.2.1971 (document at Para 3(c) above) states the area of the Said Property to be 5,426.82 sq. meters, the present survey records state the area of the Said Property to be 5,275 sq. meters. Since the area of the Said Property as per the survey records is less than the area the Said Property as shown in the title document (reverse would have raised some issues), this is not of much consequence and area of the Said Property must be reckoned as stated in the survey records, viz. 5,275 sq. meters.
- f) The (document at Para 3(h) above), viz. Nil Certificate of Encumbrance evidences that there the Said Property is unencumbered.
- g) I am accordingly of the considered opinion that the OWNERS (i.e. SHRI KETAN SUHAS PAI ANGLE and his wife SMT. VAISHALI KETAN ANGLE) have a clear, marketable and unencumbered title to the Said Property.
- h) Since the OWNERS are the legal owners of and have clear legal title to the Said Property as stated in Para 5(g) above and in the light of the document produced before me and enumerated in Para 3(g) above, SRED is entitled to develop the Said Property by constructing multi-storeyed building(s) thereon and selling premises therein to members of the public.

Place: Margao, Goa.

Date: 1.12.2025

(Gurudatt R. Mallya)
Advocate

Enrolment No. Mah/1874/1989 (27.11.1989)

