

MANDAR S. LOTLIKAR
LL.M.
ADVOCATE

Shop No. 12, Ground Floor
Garden View Building
Phase-II, Pe. Miranda Road
Margao, Salcete, Goa
Tel No. +919823114776
mandarlotlikar@hotmail.com

Date: 06/06/2024

TITLE REPORT

As requested by **MR. SMARAN N. S. KANEKAR** and **MR. BABLO R. KAVLEKAR**, I am submitting this Title Report of the property, described in the **SCHEDULE** herein below mentioned, situated at Tiloi Village in Quepem Taluka.

I. DETAILS OF THE PROPERTY:

1	Name of the persons seeking opinion:	1) Mr. Smaran N. S. Kanekar 2) Mr. Bablo R. Kavlekar
2	Name of the present owners of the property:	M/s BSK Builders and Developers a partnership firm represented by its partners: Mr. Smaran N. S. Kanekar and Bablo R. Kavlekar , having its place of business at House No.1/2378, Bhawani Niwas,

		Ambaji, Fatorda, Margao, Goa 403602
3	Full and detailed description of the property including its a) Survey No. b) Area c) Location and Boundaries:	ALL THAT PLOT OF LAND , which is presently a distinct, separate and independent unit in itself, admeasuring 2,175.00 sq. mtrs., originally forming a part and parcel of the landed property known as "NOCODBAD" alias "AMBEAMOLLO" alias "DIGI" , situated at Buringa of Nilvoltoi of Balli, Village Balli, within the limits of the Village Panchayat of Balli-Adnem, Taluka and Sub-District of Quepem, District of South Goa, State of Goa, registered in the

Land Registration Office of Quepem under No. 4207, enrolled in the Matriz under No. 18, which plot is presently surveyed in the Record of Rights under Survey No. 8/1-A of Tiloi Village, and is bounded as under:

On the East:

by property known as "Cazumolla" of Nilu Ezzo Folo Dessai

On the West: by the property known as "Ambeamollo" of Rangagi Poi Oido and others

On the North: by Public Road

On the South: by Hill top;

II. DOCUMENTS PERUSED:

<u>Sr. No.</u>	<u>Description of Document</u>	<u>Type</u>
1	Records of the Inventory Proceedings No.24/1979/II instituted upon death of Zoivonta Timi Ornacar alias Jaiwant Timi Hornekar and his wife Laxmibai Jaiwant Hornekar before the Court of 1 st Additional Adhoc Senior Civil Judge at Margao-Goa	Photocopy of the Original
2	Land Registration Certificate issued by Civil Registrar cum Sub Registrar-Quepem-Goa (In Portuguese)	Photocopy
3	Matriz Certificate issued by Mamlatdar of Quepem Taluka, Quepem-Goa	Photocopy
4	Translation from Portuguese into English of the Land Registration Certificate by Servulo S. Mendes-Quepem, Goa	Photocopy
5	Translation from Portuguese into	Photocopy

	English of the Matriz Certificate by Servulo S. Mendes-Quepem, Goa	
6	Manual Form I & XIV of Survey No.8/1 of Tiloi Village	Photocopy
7	Deed of Sale dated 08/02/2021 registered before the Office of Sub-Registrar of Quepem at Quepem-Goa	Original
8	Order in Partition Case No. LRC/PART/ISLR- QPM/TIL/232/2021/1040 dated 07/08/2023 issued by ISLR, Quepem-Goa	Original
9	Computerized Form I & XIV of Survey No.8/1-A of Tiloi Village	Original
10	Survey Plan issued by the Directorate of Settlement of Land Records, Panaji-Goa	Original
11	Land Use Zoning Information of Survey No.8/1 under Ref. No. TPQ/ZNG/2303/Q-	

	Tiloi/8/1/2023/2117 dated 30/08/2023 issued by the Office of the Dy. Town Planner, Town & Country Planning Department, Quepem-Sanguem-Dharbandora Taluka, Quepem-Goa	Original
12	Sanad bearing Ref. No. CCQUE09-23-194/21 dated 16/01/2024 issued by Office of the Collector, South Goa, Margao-Goa	Original
13	Technical Clearance Order under Ref. No. TPQ/CT/7821/Q/Tiloi/8/1-A/2024/471 dated 14/02/2024 issued by the Office of the Dy. Town Planner, Town & Country Planning Department, Quepem-Sanguem-Dharbandora Taluka, Quepem-Goa	Original
14	NOC from Sanitation Point of view under Acknowledgment No. PHCB/DHS 092400473 dated 15/02/2024	Online Acknowledgment

15	Construction Licence under Ref. No. VP/BA/CONST LICENCSE/2023-2024/835 dated 23/02/2024 issued by the Village Panchayat of Balli-Adnem	Original
16	NIL Certificate on Encumbrance of property under Ref. No.NEC/5/2024/160 dated 23/05/2024 issued by the Office of the Sub Registrar, Quepem at Quepem-Goa	Original

III. TRACING THE TITLE OF THE PROPERTY/FLOW OF TITLE:

I have verified the documents as listed and I hereby give my legal opinion as follows:

SCHEDULE

(Description of the said plot)

ALL THAT PLOT OF LAND, which is presently a distinct, separate and independent unit in itself, admeasuring 2175.00 sq. mtrs., originally forming a part and parcel of the landed property known as "**NOCODBAD**" alias "**AMBEAMOLLO**" alias "**DIGI**", situated at Buringa of Nilvoltoi of Balli, Village Balli, within the limits of the Village Panchayat of Balli-Adnem, Taluka and Sub-District of Quepem, District of South Goa, State of Goa, registered in the Land Registration Office of Quepem under No. 4207, enrolled in the Matriz under No. 18,

which plot is presently surveyed in the Record of Rights under Survey No. 8/1-A of Tiloι Village, and is bounded as under:

On the East: by property known as "Cazumolla" of Nilu Ezzo Folo Dessai

On the West: by the property known as "Ambeamollo" of Rangagi Poi Oido and others

On the North: by Public Road

On the South: by Hill top

1. From the documents perused, it is duly noted that the said plot of land hereinabove described was originally a part and parcel of the larger property known as "**NOCODBAD**" alias "**AMBEAMOLLO**" alias "**DIGI**", situated at Buringa of Nilvoltoi of Balli, Village Balli, within the limits of the Village Panchayat of Balli-Adnem, Taluka and Sub-District of Quepem, District of South Goa, State of Goa, registered in the Land Registration Office of Quepem under No. 4207, enrolled in the Matriz under No. 18, then surveyed in the Record of Rights under Survey No. 8/1 and presently under Survey No. 8/1-A of Tiloι Village.

2. From the documents perused, it is duly noted that the said whole property was previously owned and possessed by Zoivonta Timi Ornacar alias Jaiwant Timi Hornekar and his wife Laxmibai Jaiwant Hornekar from Cuncolim.

3. The said Zoivonta Timi Ornacar alias Jaiwant Timi Hornekar expired on 30/01/1965 and the said Laxmibai Jaiwant Hornekar expired on 14/11/1968.

4. That upon the death of the said Zoivonta Timi Ornacar alias Jaiwant Timi Hornekar and his wife Laxmibai Jaiwant Hornekar, Inventory Proceedings No.24/1979/II were instituted in the Court of the 1st Additional Adhoc Senior Civil Judge at Margao to partition the estate left by them.

5. That in the Fresh Final List of Assets filed on or about 14/03/2018 in the above referred Inventory Proceedings, the said whole property was enlisted under Item No. 3 and in auction proceedings was allotted to Shri. Laxman Chandrakant Udekar and Smt. Vaibhavi Laxman Udekar.

6. That the said inventory proceedings were disposed of by the Court of the 1st Additional Adhoc Senior Civil Judge at Margao by Judgment and Decree passed on 15/06/2018.

7. Subsequently a strip of land admeasuring 220.00 sq. mtrs. of the said property along its extreme northern boundary was acquired by the Government of Goa for construction of road, and accordingly road has been constructed by the Government in the acquired portion of land and the balance area after such acquisition was 2,280.00 sq. mtrs.

[I have not been able to lay my hands on any such acquisition proceedings however the name of the PWD stands recorded in

the Occupant's Column of the Form I & XIV of Survey No.8/1, Village Tiloi]

8. That from the Deed of Sale dated 08/02/2021, the said Laxman Chandrakant Udekar and Smt. Vaibhavi Laxman Udekar with the intervention of Shri. Prabhakar Mahadev Naik and Pramila Prabhakar Naik have sold and conveyed the said property to M/s BSK Builders and Developers. The said Deed of Sale stands registered with the Office of the Sub Registrar of Quepem under Reg. No.QPM-1-131-2021, Book 1 Document, Date 03-Mar-2021.

9. That upon conducting mutation proceedings, the Record of Rights have been mutated and the name of the said M/s BSK Builders and Developers was entered as Co-Occupant's of Survey No.8/1, Village Tiloi.

10. That vide Order passed in Partition Case No. LRC/PART/ISLR-QPM/TIL/232/2021/1040 dated 07/08/2023, the Ld. ISLR, Quepem-Goa was pleased to separate the plot of land described in the SCHEDULE hereinabove and allot a separate survey number to it and accordingly the said plot came to be surveyed under Survey No.8/1-A of Village Tiloi.

IV. REGARDING SURVEY PLAN, ZONING CERTIFICATE, NIL ENCUMBRANCE CERTIFICATE, SANAD & OTHER APPROVALS:

From the documents perused, it is noted that the present owners of the property have applied and obtained and are in possession of the required permissions and licences from the competent authorities as detailed below:

1. Computerized Form I & XIV: Issued by the Mamlatdar of Quepem Taluka shows the name of M/s BSK Builders and Developers being duly recorded in the Occupant's column of Survey No.8/1-A of Village Tiloi.

No other person's name is recorded as Mundkar/Tenant in the 'Other Rights Column'.

2. Survey Plan: Issued by the Directorate of Settlement of Land Records, Panaji-Goa dated 18/08/2023 shows the extent of the plot surveyed under Survey No.8/1-A of Village Tiloi.

3. Land Use Zoning Information: Issued by the Dy. Town Planner, Town & Country Planning Department, Quepem-Sanguem-Dharbandora Taluka, Quepem-Goa shows that the property under Survey No.8/1 of Village Tiloi is earmarked as 'Settlement Zone and property abutting Major District Road (25 mts.)'.

4. Sanad: Issued by Office of the Collector, South Goa, Margao-Goa bearing No. CCQUE09-23-194/21 dated 16/01/2024 shows that conversion of the said plot under

Survey No.8/1-A of Village Tiloi is sanctioned for residential purpose with permissible F.A.R. 80.

5. Technical Clearance Order: Issued by the Office of the Dy. Town Planner, Town & Country Planning Department, Quepem-Sanguem-Dharbandora Taluka, Quepem-Goa, bearing No. TPQ/CT/7821/Q/Tiloi/8/1-A/2024/471 dated 14/02/2024 shows that Technical Clearance is granted for proposed construction of Commercial/Residential building and compound wall by M/s B.S.K. Builders and Developers.

6. NOC from Sanitary Point of View: Applied online on <https://goaonline.gov.in/> under Acknowledgment No. PHCB/DHS 092400473 dated 15/02/2024 indicates that there is no objection from sanitary point of view to undertake construction activity.

7. Construction Licence: Issued by the Office of the Village Panchayat of Balli-Adnem under ref. No.VP/BA/CONST LICENCSE/2023-2024/835 dated 23/02/2024 shows that in pursuance of Resoluton No. 2(1) approved by the Village panchayat of Balli-Adnem on 22/02/2024, licence is granted to M/s B.S.K. Builders and Developers for construction of Commercial/Residential building and compound wall in the said plot.

8. NIL Certificate of Encumbrance on property: issued by the Office of the Sub Registrar, Quepem at Quepem-Goa under Ref. No.NEC/5/2024/160 dated 23/05/2024 confirms

that there are no encumbrances in respect of said plot, surveyed under Survey No. 8/1-A of Village Tiloi.

V. OFFICES SEARCHED:

I have given searches in the Office of the Sub Registrar of Quepem at Quepem-Goa.

VI. LEGAL FINDINGS:

From the documents made available to me and upon its scrutiny, it can be observed as under:

a) the said plot upon being partitioned from the rest of the property is presently admeasuring 2,175.00 sq. mtrs. and is owned and possessed by M/s B.S.K. Builders and Developers.

b) That subsequently, the said M/s B.S.K. Builders and Developers have obtained the necessary statutory approvals from the concerned authorities for construction of Commercial cum Residential building and compound wall in the said plot.

CERTIFICATE

The said plot under scrutiny is presently held by the said **M/s BSK Builders and Developers** since the time it has been purchased by them and is presently is in their possession without any interruption or interference from any person/s.

The said **M/s BSK Builders and Developers** have applied and obtained statutory approvals from the concerned authorities for construction of Commercial cum Residential building and compound wall in the said plot.

Hence I am of the opinion that the title of the said property presently vests with the said **M/s BSK Builders and Developers** a partnership firm represented by its partners, Mr. **Smaran N. S. Kanekar** and Mr. **Bablo R. Kavlekar** hold absolute, clear, valid and marketable title over the said plot and to develop the same by undertaking construction of Commercial cum Residential building and compound wall therein after obtaining the necessary approvals from the concerned authorities.

This Certificate is issued upon the request of **M/s BSK Builders and Developers**, having its place of business at House No. 1/2378, Bhawani Niwas, Ambaji, Fatorda, Margao, Goa 403602.

➤ **GENERAL QUALIFICATIONS AND ASSUMPTIONS**

- This report on title is prepared solely on the basis of the documents furnished to me as more particularly set out at 'II' above.
- For the purpose of issuing this report on title:
 - a) I have not carried out negative search in respect of litigations in relation to the said property and/or against the larger property.
 - b) I have not inspected the originals of the photocopies of the documents produced for scrutiny referred to above, and;

- For the purpose of issuing this report, 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, as set out at 'II' 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 plot; and that names of persons spelt differently in different documents in respect of the said property are the same person;
 - f) 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.

- g) This report on title is confined to the said plot only and be construed as opinion on title rendered to **M/s BSK Builders and Developers**.
- h) The search conducted at the Office of the Sub-Registrar of Quepem-Goa is subject to availability/non-availability of certain records at the concerned Sub-Registrar's Office.
- i) 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: Margao-Goa
Date: 06/06/2024



ADV. MANDAR S. LOTLIKAR

MANDAR S. LOTLIKAR
ADVOCATE

Shop No.12, Garden View Bldg.
Phase II, Margao-Goa 403 601
Mob: 9823114776