

C. Vas

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Advocate

Office:

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403 601

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31st October 2019.

To,

M/s Starcroft Developers Pvt. Ltd.

Margao, Salcete, Goa.

Sub: All that Plot of Land **admeasuring 6863 sq. mtrs**, presently forming a part of the property surveyed under **Survey No. 16/1 of village Cana** of Salcete Taluka, which is a separated portion of the larger property denominated as western half of the property named 'ALIAMBATTA' and 'BATWADD0' also known as 'CHANDIACHI VISHI', situated at village Cana-Benaulim, Taluka of Salcete, District of South Goa, State of Goa, which is described in Land Registration Office under No. 29486 New Series. This property is western half of the larger property already described under No. 10397 of Old Series.

Sir,

I have scrutinised the documents submitted to me by you and after such scrutiny I am pleased to submit my report as under: -

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LEGAL SCRUTINY REPORT

Sr. No. 1	Name, Fathers name and address of the Title Holder	M/s STARCROFT DEVELOPERS PVT LTD. , a private limited company incorporated under the provisions of the Companies Act, 1956, with registered Office above Radio Mundial, Municipal Square, New Market, Margao, Goa.
Sr. No. 2	Description of the Subject Land.	All that Plot of Land admeasuring 6863 sq. mtrs, presently forming a part of the property surveyed under Survey No. 16/1 of village Cana of Salcete Taluka, which is a separated portion of the larger property denominated as western half of the property named 'ALIAMBATTA' and 'BATWADD0' also known as 'CHANDIACHI VISHI', situated at village Cana-Benaulim, Taluka of Salcete, District of South Goa, State of Goa, which is described in Land Registration Office under No. 29486 new series. This property is western half of the larger property already described under No. 10397 of old series

**Sr. No. 3:- DESCRIPTION OF THE DOCUMENTS
SCRUTINISED:-**

Sr. No	Whether Original / Xerox	Date of Document	Nature of Document
01	Original certified copy		Certificate of Land Registration issued in respect of the property bearing Land Registration No. 29486 along with its Inscription
02	Original certified copy		Record and Proceedings of Orphanological Inventory instituted in the Civil Court of Judicial Division of Salcete after the death of Maria Francisca Lucinda Mascarenhas e Gomes.
03	Original certified copy		Deed of Exchange dated 14.02.1952, executed in the office of the Notary Shri Fonseca
04	Original certified copy		Deed of Sale dated 25.09.1965, executed before the Notary of Margao Shri Raul Gerson Purificacao de Santa Rita Vas and registered in the office of the said Notary at folio 20V to 24 of the Deed Book No. 1241

05	Notarized copy		Deed of Sale dated 01.04.1981, registered in the office of the Sub-Registrar of Salcete at Margao under Registration No. 417 at pages 244 to 248 of Book No. I, Vol No. 247 dated 31.10.1982
06	Original certified copy		Deed of Exchange dated 11.03.1981, registered in the office of the Sub Registrar of Salcete at Margao under Reg No. 424 at pages 249 to 254, Vol No. 247, dated 14.07.1982
07	Original		Certificate issued by the Interim Escrivao of the Comunidade of Benaulim of Salcete Taluka dated 18/12/1967 along with receipt dated 5/11/1967
08	Original certified copy		Deed of Succession drawn on 04.06.2003 recorded in the office of the Notary Public Ex-Officio of Salcete at folio 10 to 11 of Deeds Book No. 1449
09	Original		Death Certificate of Sayeeda Bi
10	Original certified copy		Deed of Succession drawn on 07.12.2018 recorded at folio 60 to 61 of Deed Book No. 1659

11	Photocopy		Judgment and Order dated 27/6/2001 of the Joint Mamlatdar-I, Salcete, Margao in Case No.JM-I/Mund/Reg/Ben/9/2000
12	Photocopy		Judgment and Order dated 30/10/2002 of the Joint Mamlatdar-I, Salcete, Margao in Case No.JM-I/Mund/Pur/13/2002
13	Photocopy		Certificate of Purchase dated 29/1/2003 issued by the Deputy Collector and Sub-Divisional Officer, Margao, in Case No.SDO/Mund/Pur/2/2003
14	Photocopy		Judgment and Order passed by the Deputy Collector and S.D.O., Margao, in Case No. LRC/PART/219/2003/3828, which was filed by Pedro Francisco Fernandes, along with Survey Form I and XIV of the property surveyed under Survey No. 16/1-A
15	Photocopy		Certificate of Incorporation of M/s Starcroft Developers Pvt Ltd along with Form 32
16	Original		Deed of Sale dated 02.11.2006, registered in the office of the Sub-Registrar of Salcete at Margao under Registration No. 4891 at pages 140 to 171, Book No. I, Vol No. 2212 dated 16.11.2006

17	Original		Deed of Sale dated 12.12.2018, registered in the office of the Sub Registrar of Salcete at Margao under Registration No. MGO-BK1-05363-2018, CD Number: MGOD131 dated 12.12.2018
18	Original		Sanad dated 05.12.2007 bearing Ref No. AC-II/CONV-98/2007 issued by the Additional Collector-II, South Goa District, Margao
19	Notarized copy		Land Acquisition Award dated 29.11.2010 given in Land Acquisition No. LQN/5/2006
20	Photocopy		Deed of Sale dated 02.07.2008, registered in the office of the Sub-Registrar of Salcete at Margao under Registration No. 3591 at pages 284 to 300 of Book No. I, Vol No. 3041 dated 08.07.2008
21	Photocopy		Judgement and Order dated passed by the Dy. Collector & S.D.O, Margao in Case No. LRC/PART/30/2009/I/2097 along with Survey Form I and XIV of the property surveyed under Survey No. 16/1-B of village Cana
22	Original		Survey Form I and XIV of the property surveyed under Survey No. 16/1 of village Cana of Salcete Taluka

23	Photocopy		Technical Clearance Order issued by the Town and Country Planning Department bearing Ref No: TPM/27074/Cana/16/1/18/126 dated 05.01.2018
24	Photocopy		Construction License No. VPCB/06/2018-2019 dated 24.04.2018 issued by the Village Panchayat of Cana Benaullim along with approved plans
25	Photocopy		No Objection Certificate dated 26.02.2018 bearing Ref No: PHCC/Cans/NOC/17-18/1666 issued by the Primary Health Centre, Cansaulim.
26	Photocopy		Certificate of Nil Encumbrance on Property dated 01.10.2019 issued by the Civil Registrar of Salcete

Sr. No. 04: - TRACING OF TITLE

- Certificate of Land Registration issued in respect of the property bearing Land Registration No. 29486 along with its Inscription: - A perusal of this document shows that:**

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- (i) There exists a landed property denominated as western half of the property named 'ALEAMBATTA-BATVADO', situated at village of Benaulim, Taluka of Salcete, District of South Goa, State of Goa, which is described in Land Registration Office under No. 29486 New Series, which is emphitheutic through the Comunidade of the said Village. it is also stated that this property is western half of the larger property already described under No. 10397 of old series. (Hereinafter referred to as the '**SAID ENTIRE PROPERTY**'))
- (ii) One half of the 'Said Entire Property' is inscribed under Number Twenty Thousand Three at page 122 of Book G. No. 25, in favour of Roque Salvador Gomes also known as Roque Salvador Crisostomo de Presentecao Gomes, widower. The said one half portion has been allotted to the said Roque Salvador Gomes on account of his moiety share in the orphanological inventory proceedings instituted upon the death of his wife Exiquiela Aleluia Noronha.
- (iii) The remaining one half of the 'Said Entire Property' is found inscribed under Number Twenty Thousand Four

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at page 122 overleaf of Book G. No. 25 in favour of the said Roque Salvador Gomes, widower. This half portion of the Said Entire Property has been purchased by the said Roque Salvador Gomes from Fr. Andre Vicente Pereira.

2. During his lifetime, the said Roque Salvador Gomes has sold portion of the Said Entire Property. The unsold portion of the Said Entire Property is hereinafter referred to as the 'SAID PROPERTY'
3. **Records and Proceedings of Orphanological Inventory instituted in the Civil Court of Judicial Division of Salcete upon the death of Maria Francisca Lucinda Mascarenhas e Gomes:** A perusal of this document shows that: -
 - (i) The above-named Roque Salvador Gomes was married to Maria Francisca Lucinda Mascarenhas e Gomes in second nuptials. Upon the death of the said Maria Francisca Lucinda Mascarenhas e Gomes, Inventory Proceedings were filed and the 'Said Property' which was in the possession and ownership of the said Roque Salvador Gomes was described under Item No.3.

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- (ii) In the above cited Inventory Proceedings, the Said Property was allotted in equal proportion to (i) Roque Sebastiao Joaquim de Jesus Gomes and (ii) Maria Aureliana Natividade Lourdes, both children of the deceased Maria Francisca Lucinda Mascarenhas e Gomes.
4. **Deed of Exchange dated 14.02.1952, executed in the office of the Notary Shri Antonio Vicente da Fonseca:-** This document shows that by Deed of Exchange dated 14.02.1952, executed in the office of the Notary Shri Fonseca, the said Roque Sebastiao Joaquim de Jesus Gomes, bachelor, transferred half of his half share in the Said Property to his sister Maria Aureliana Natividade de Lourdes Gomes, spinster.
5. **Deed of Sale dated 25.09.1965, executed before the Notary of Margao Shri Raul Gerson Purificacao de Santa Rita Vas and registered in the office of the said Notary at folio 20V to 24 of the Deed Book No. 1241:-** A perusal of this document shows that by Deed of Sale dated 25.09.1965, the said Maria Aureliana Natividade de Lourdes Gomes alias Maria Aurelia Natividade Lourenco Gomes, spinster, sold her three fourth share in the Said Property to (i) Ussen Khan, (ii) Ali Khan and (iii) Ahmed Khan.

document show that the said Ussein Khan alias Hussain Kassim Khan alias Hussain Khan Kassim Khan expired on 11.12.1998 leaving behind Smt Rabiam Bi alias Zulekha Bi as his widow and moiety share holder and as his sole and universal heirs his below mentioned nine children:-

- (i) Shri Soid Khan married to Ruksana Bi
- (ii) Shri Nazir Khan married to Smt Ruksana Bi
- (iii) Shri Saiad Can married to Smt Shamshad Bi
- (iv) Shri Acbar Can, widower of late Sayeeda Khan alias Sayeeda Bi, who expired on 07.12.1997
- (v) Smt Hanifa Bi married to Shri Naseerrula Patait
- (vi) Smt Hassina Bi married to Shri Shaikh Zamil
- (vii) Smt Sheira Banu married to Ashraf Moosa
- (viii) Shri Rihias Khan married to Smt Gulshan Khan
- (ix) Smt Fatima Bi Hussein married to Shri Abid Khan

10. **Deed of Succession drawn on 07.12.2018 recorded at folio 60 to 61 of Deed Book No. 1659:-** This document shows that one of the above named legal heirs namely Mohiddin Ashraf Moosa has expired on 17/7/2002, leaving behind the said Smt Sheira Banu as his widow and moiety share holder and as his sole and universal heirs his four below named children:-

- (i) Shri Mohammed Rafiq married to Smt Rushdha Shaik
- (ii) Smt Aminabi married to Shri Shaikh Munawar
- (iii) Smt Bi Fathima married to Shri Sarfaraz Ahamad Bijari
- (iv) Shri Moosa Mohamed, unmarried.

11. **Judgment and Order dated 27/6/2001 of the Joint Mamlatdar-I, Salcete, Margao in Case No.JM-I/Mund/Reg/Ben/9/2000, Judgment and Order dated 30/10/2002 of the Joint Mamlatdar-I, Salcete, Margao in Case No.JM-I/Mund/Pur/13/2002, Certificate of Purchase dated 29/1/2003 issued by the Deputy Collector and Sub-Divisional Officer, Margao, in Case No.SDO/Mund/Pur/2/2003, Judgment and Order passed by the Deputy Collector and S.D.O., Margao, in Case No. LRC/PART/219/2003/3828, which was filed by the said Pedro Francisco Fernandes along with Survey Form I and XIV of the property surveyed under Survey No. 16/1-A:-** A perusal of these document show that one Pedro Francisco Fernandes claimed mundkarial rights in the Said Property and to settle his claim he has been allotted a plot of land admeasuring 382 sq.mtrs from the Said Property. This plot admeasuring 382 sq.mtrs was thereafter partitioned from the Said Property and it has been allotted distinct survey number: 16/1-A.
12. The unsold portion of the Said Property admeasuring 7793 sq.mtrs remained in the ownership and possession of the above named legal heirs of late Ussein Khan. (Hereinafter referred to as the '**UNSOLD PORTION OF THE SAID PROPERTY**'))
13. By an oral understanding, the above cited owners i.e the legal heirs of late Ussein Khan had agreed to sell a plot of land from the unsold portion of

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the said property to (i) Shri Sadiq Shah and his wife Smt Farzana Shah (ii) Shaikh Nasir and his wife Gunar Bi Shaikh and (iii) Shri Shaikh Ibrahim and his wife Munera Begum Shaikh.

14. **Certificate of Incorporation of M/s Starcroft Developers Pvt Ltd:-**
This document shows that Starcroft Developers Private Limited is an incorporated company.
15. **Deed of Sale dated 02.11.2006, registered in the office of the Sub-Registrar of Salcete at Margao under Registration No. 4891 at pages 140 to 171, Book No. I, Vol No. 2212 dated 16.11.2006 and Deed of Sale dated 12.12.2018, registered in the office of the Sub Registrar of Salcete at Margao under Registration No. MGO-BK1-05363-2018, CD Number: MGOD131 dated 12.12.2018:-** A perusal of these Sale Deeds shows that with the confirmation of (i) Shri Sadiq Shah and his wife Smt Farzana Shah (ii) Shaikh Nasir and his wife Gunar Bi Shaikh and (iii) Shri Shaikh Ibrahim and his wife Munera Begum Shaikh, the above named legal heirs of late Ussein Khan alias Hussain Kassim Khan alias Hussain Khan Kassim Khan, have sold the 'Unsold Portion of the Said Property' to M/s Starcroft Developers Pvt Ltd.
16. **Sanad dated 05.12.2007 bearing Ref No. AC-II/CONV-98/2007 issued by the Additional Collector-II, South Goa District, Margao :-** This
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document shows that the 'UNSOLD PORTION OF THE SAID PROPERTY' has been permitted to be used for residential purpose.

17. **Land Acquisition Award dated 29.11.2010 given in Land Acquisition No. LQN/5/2006:-** This document shows that a portion of the 'UNSOLD PORTION OF THE SAID PROPERTY' has been acquired by the Government. This portion of the land, which has been acquired by the Government, admeasures 620 sq.mtrs.
18. **Deed of Sale dated 02.07.2008, registered in the office of the Sub-Registrar of Salcete at Margao under Registration No. 3591 at pages 284 to 300 of Book No. I, Vol No. 3041 dated 08.07.2008:-** A perusal of this document shows that Starcroft Developers Private Limited has sold to Shri Pedro Francisco Fernandes a plot of land admeasuring 310 sq.mtrs from the 'UNSOLD PORTION OF THE SAID PROPERTY'.
19. **Judgement and Order dated 20.04.2011 passed by the Deputy Collector and S.D.O in Case No. LRC/PART/30/2009/I/2097 along with Survey Form I and XIV of the property surveyed under Survey No. 16/1-B of village Cana:-** As mentioned in the preceding para, Shri Pedro Francisco Fernandes has purchased a plot of land admeasuring 310 sq.mtrs. From this plot of land, an area admeasuring 280 sq.mtrs has been

partitioned and allotted distinct Survey No. 1-B. The remaining area admeasuring 30 sq.mtrs forms part of the property surveyed under Survey No. 16/1 of village Cana.

20. **Survey Form I and XIV of the property surveyed under Survey No. 16/1 of village Cana of Salcete Taluka:-** This document shows that the total area of this survey holding is 7513 sq.mtrs. From this, an area admeasuring 620 sq.mtrs has been acquired by the Government. An area admeasuring 30 sq.mtrs forms part of the property purchased by Shri Pedro Francisco Fernandes. The subject matter of this Title Report is the balance 'UNSOLD PORTION OF THE SAID PROPERTY' admeasuring **6863 sq.mtrs**, which is hereinafter referred to as the 'SUBJECT LAND'.
21. **Technical Clearance Order issued by the Town and Country Planning Department bearing Ref No: TPM/27074/Cana/16/1/18/126 dated 05.01.2018:-** This document shows that it is proposed to construct residential villas in the 'SUBJECT LAND' and for the purpose of such development the Town and Country Planning Department has granted its approval.
22. **Construction Licence No. VPCB/06/2018-2019 dated 24.04.2018 issued by the Village Panchayat of Cana Benaolim along with**

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approved plans:- A perusal of this document shows that the Village Panchayat has issued construction licence for construction of Residential Villas in the Subject Land.

23. **No Objection Certificate bearing Ref No: PHCC/Cans/NOC/17-18/1666 dated 26.02.2018 issued by the Primary Health Centre, Cansaulim-Goa:-** This document shows that the Primary Health Centre has issued its No Objection to the construction from sanitation point of view.
24. **Certificate of Nil Encumbrance on Property dated 01.10.2019 issued by the Civil Registrar of Salcete:-** This document shows that the Civil Registrar has certified that there are no encumbrances on the property for the period 01.01.1989 to 03.10.2019.

Final Certificate	After scrutiny of the above cited documents, I am of the opinion that Starcroft Developers Pvt Ltd has a clean, clear and marketable title to the 'Subject Land' and the Village Panchayat has permitted the said company to construct the residential villas upon the Subject Land
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I have along with my report enclosed the photo copies of all documents, which have been cited by me in my report. The said documents shall form a part of my report.


Adv. C. Vas