

Shivan S.Desai  
ADVOCATE

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TITLE REPORT

To,  
**RS DEVELOPERS,**  
A Registered Partnership Firm  
having its Office at D-2/2007,  
TF, SG Vasant Kunj,  
New Delhi - 110070.

- I. I have perused the photocopies of the following documents:
- a) Survey Records Form I & XIV bearing Survey No. 215/14 of Village Parra, Bardez - Goa.
  - b) Auto De Demarcacao
  - c) Registo Do Agrimensor
  - d) Manual Form I & XIV
  - e) Form IX
  - f) Form III
  - g) Sale Deed dated 06/11/1857
  - h) Inventory Proceedings bearing No. 430/2017/F filed before the Civil Judge Junior Division at Mapusa - Goa;



- i) Judgement and Decree dated 28/11/2018 passed in Inventory Proceeding bearing No. 430/2017/F by the Civil Judge Junior Division at Mapusa - Goa
- j) Deed of Sale dated 06/05/2019 registered before the Sub-Registrar of Mapusa, Bardez - Goa under No. BRZ-1-1247-2019 dated 09/05/2019
- k) Deed of Sale dated 09/12/2019 registered before the Sub-Registrar of Mapusa, Bardez - Goa under No. BRZ-1-3912-2019 dated 10/12/2019
- l) Cadastral Survey Plan (bearing Old Cadastral Survey No. 457)
- m) Survey Plan

**PERMISSIONS :**

- n) Land Use Zoning Information dated 13/03/2019 bearing Ref. No. NGPDA/Tech.Gen/Parra/3770/19 issued by North Goa Planning And Development Authority, Panaji - Goa



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- o) Application dated 23/10/2019 made by Eleuteiro Sebastian D'Souza for payment of 20 years quit rent
- p) Letter dated 11/11/2019 issued by the Administrator of Comunidade to the Managing Committee of Comunidade of Parra
- q) Letter dated 19/11/2019 issued by the Comunidade of Parra
- r) Correspondence Certificate dated 14/06/2013 issued by A. S. Talualikar, Supdt. of Survey & Land Records, Panaji - Goa.
- s) Conversion Sanad dated 25/02/2020 bearing No. 4/159/CNV/AC-III/2019/279 issued by the Additional Collector-III, North Goa District, Mapusa - Goa



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II. DESCRIPTION OF THE PROPERTY:

SCHEDULE-I

ALL THAT immovable property known as "BOKASHI ARADI" or "ARADY SIR", situated at Village Parra, within the limits of Village Panchayat Parra, Taluka and Registration Sub-District of Bardez, District North Goa in the State of Goa, which is neither described in the Land Registration Office of Bardez nor enrolled in the Land Revenue Records (Matriz), totally admeasuring **1550 sq.mts**, bearing Survey No. **215**, Sub-division No. **14** of Village Parra, which property is bounded as under:-

Towards the North :- By the property surveyed under Survey Nos. 215/13 and 12 of Village Parra;

Towards the South :- By the property surveyed under Survey No. 215/15 of Village Parra;

Towards the East :- By the Road;

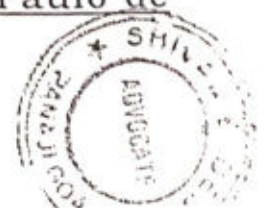


Towards the West :- By the property surveyed under  
Survey No. 214 of Village Parra;

The said property shall hereinafter referred to as the  
**SAID PROPERTY**

**TRACING OF PARTIES TITLE:**

1. The **SAID 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.
2. Registo Do Agrimensor and Cadastral Survey Records reveal that the **SAID PROPERTY** bearing old Cadastral Survey No. **457** originally belonged to Idalina da Cruz widow of Joao Manuel de Souza and her son, Domingos Gabriel de Souza; Ana Francisca Martins widow of Joao Antonio de Souza and her son, Lourenco Justiniano de Souza; Angelo Paulo de



Souza, son of Domingos Gabriel de Souza and of Angelina Esperanca Gama; Antonio Miguel de Souza and Diogo Joao de Souza, sons of Sebastiao Santana de Souza and of Rosa Maria de Souza AND Maria Rosaria de Souza, widow of Agostinho Mateus de Souza and her son, Jose Damasceno de Souza.

3. Correspondence Certificate dated 14/06/2013 issued by A. S. Talualikar, Supdt. of Survey & Land Records, Panaji - Goa reveals that the **SAID PROPERTY** bearing old Cadastral Survey No. 457 corresponds to survey No. 215/14 of Village Parra, Bardez - Goa.
4. Cadastral Survey Records and Registo Do Agrimensor 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



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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.

5. The said Cadastral Survey No. 457 read with the Registo Do Agrimensor along with Correspondence Certificate establishes that the **SAID PROPERTY** originally belonged to Idalina da Cruz widow of Joao Manuel de Souza and her son, Domingos Gabriel de Souza; Ana Francisca Martins widow of Joao Antonio de Souza and her son, Lourenco Justiniano de Souza; Angelo Paulo de Souza, son of Domingos Gabriel de Souza and of Angelina Esperanca Gama; Antonio Miguel de Souza and Diogo Joao de Souza, sons of Sebastiao Santana de Souza and of Rosa Maria de Souza AND Maria Rosaria de Souza, widow of Agostinho Mateus de Souza and her son, Jose Damasceno de Souza.



6. Sale Deed dated 06/11/1857 reveals THAT the **SAID PROPERTY** originally belonged to Comunidade of Village Parra and vide said Sale Deed dated 06/11/1857, Anna Ritta Fernandes widow of Pascoal Bento Lobo and Romana de Almeida widow of Damiao Xavier Lobo sold the **SAID PROPERTY** in favour of Domingos de Souza and in accordance with the said Sale Deed dated 06/11/1857, the said Domingos de Souza asked possession of the **SAID PROPERTY** from Comunidade of Village Parra and after payment of quit rent, perusing the documents and complying with all the legal formalities, vide Proceedings of Possession dated 06/11/1857 the possession of the **SAID PROPERTY** was given to the said Domingos de Souza. It bears mentioning that on account of non availability of the specific document of payment of 20 years quit rent, by way of abundant caution, application dated 23/10/2019 was made by Eleuteiro Sebastian D'Souza for payment of 20 years quit rent. By letter dated





11/11/2019, the said application was forwarded by the Administrator of Comunidade to the Managing Committee of Comunidade of Parra for consideration. In response to the same, letter dated 19/11/2019 was issued by the Comunidade of Parra stating that there are no dues payable to the Comunidade of Parra in respect of payment of Foro pertaining to the **SAID PROPERTY** which substantiates the fact that 20 years quit rent was paid by the predecessors in title and therefore there is no obligation towards the Comunidade.

7. The Comunidade is a body of villagers governed by the provisions of the Code of Comunidades. It bears mentioning that the Code of Comunidades provides for a two step procedure for grant, which includes a provisional handing over of possession and subject to compliance with the conditions of grant, definitive or final possession being handed



over to the Grantee. In the instant case, there was definitive possession granted to the Grantee.

8. In the Judgement dated 26/04/2018 passed by the Hon'ble High Court of Bombay at Goa in First Appeal No. 136/2002 it was held at para 29 that ***"the net result is that there is no provision for reversion of the land granted on Aforamento basis, once the final/definitive possession is delivered and on remission of foro the land vests absolutely in the allottee."*** Upon payment of quit rent and delivery of definitive possession, ownership vests with the allottee.
9. In light of above, ownership of Domingos de Souza stands established.
10. Inventory Proceedings bearing No. 430/2017/F filed before the Civil Judge Junior Division at Mapusa - Goa reveals as under:



A. THAT the said Domingos Gabriel de Souza alias Domingos D'Souza was married to Angelina Esperanca da Gama alias Angelina Esperanca de Gama, both passed away on 29/08/1876 and 15/05/1898 respectively, leaving behind the following children:-

- (i) Joao Manual D'Souza married to Idalina Da Cruz Alias Idalina da Cruz
- (ii) Sebastiao Santana De Souza Alias Sebastiao Sanatan de Souza married to Rosa Maria Eslind de Souza alias Rosa Maria de Souza,
- (iii) Angelo Paulo D'Souza Alias Angleo Paulo de Souza married to Julie D'Souza alias Julia Haria Teresa D'Souza,
- (iv) Jose Antonio De Souza Alias Joao Antonio de Souza alias Jose Antonio de Souza married to Ana Francisca Martins.



- B. **THAT** the said Joao Manual D'Souza passed away somewhere in the year 1914 and his wife, Idalina Da Cruz Alias Idalina da Cruz passed away on 27/08/1952 leaving behind their only son as the sole and universal heir, namely, Domingos Gabriel de Souza married to Bella de Souza.
- C. **THAT** the said Domingos Gabriel de Souza passed away on 03/11/1894 and his widow, the said Bella de Souza passed away in 1924 without leaving any issues out of their wedlock.
- D. **THAT** the said Rosa Maria Eslind de Souza alias Rosa Maria de Souza alias Rosa Maria De Souza passed away on 24/08/1916 in the status of married and thereafter her widower the said Sebastiao Santana De Souza Alias Sebastiao Santana de Souza, passed away on



12/05/1923, without any will or any disposition of their last wish however, leaving behind as their universal and legal heirs their two sons, namely,

- (i) Antonio Minguel D'Souza alias Anthony Michael D'Souza alias Anthony D'Souza married to Anges D'Souza.
- (ii) Diogo John D'Souza alias Diogo Joao de Souza married to Deonizia Carmelina D'Souza alias Carmeline D'Souza.

E. **THAT** the said Diogo John D'Souza alias Diogo Joao de Souza passed away on 17/01/1970 and his widow, the said Deonizia Carmelina D'Souza alias Carmeline D'Souza passed away on 22/02/2011, leaving behind their only son as their sole and universal heir, namely, Angelo Alex D'Souza.



F. **THAT** the said Angelo Alex D'Souza passed away on 25/07/2012 in the status of bachelor.

G. **THAT** the said Antonio Minguel D'Souza alias Anthony Michael D'Souza alias Anthony D'Souza and his wife Anges D'Souza, both passed away on 15/07/1998 and 29/12/1997 respectively leaving behind their six children, namely,

- i. Mr. Robert John D'Souza married to Agnes Mary Caroline D'Souza Alias Agnes D'Souza
- ii. Mr. Bernand Nazareth D'Souza married to Maria Syria Christilina D'Souza
- iii. Mrs. Marina Rosa D'Souza e Fernandes married to Cajetan Teofilo Fernandes alias Cajetan T.P. Fernandes.



- iv. Mrs. Genes Matilda Fernandes married to Benedict Almeida alias Benedict Anthony Almeida.
- v. Mrs. Blanche A. Fernandes married to Angelo Fernandes
- vi. Mr. Eleutario Sabastian D'Souza married to Elizabeth D'Souza.

H. **THAT** the said Mr. Robert John D'Souza and the said Agnes Mary Caroline D'Souza Alias Agnes D'Souza, both passed away on 17/08/2010 & 09/08/2016 respectively, leaving behind their two children, namely, (a) Ryan Bosco D'Souza married to Preethu D'Souza and (b) Mrs. Abigail Victoria married to Nigel J. Fernandes.

I. **THAT** the Said Cajetan Teofilo Fernandes alias Cajetan T.P. Fernandes, passed away on 01/11/1996 leaving behind his widow and



moiety holder, the said Marina Rosa D'Souza e Fernandes and his only daughter, namely, Sarita Julie Fernandes alias Sarita Anukumar married to Anukumar Ramesh.

J. **THAT** the said Benedict Almeida alias Benedict Anthony Almeida passed away on 21/11/1984 leaving behind his widow as a moiety holder, the said Genes Matilda Fernandes and his only daughter, Vanessa Angelina Almeida Lazarus married to Kenneth Hilary Lazarus.

K. **THAT** the said Angelo Paulo D'Souza alias Angelo Paulo de Souza and Julie D'Souza alias Julia Haria Teresa D'Souza, both passed away on 12/01/1951 & 23/07/1972 respectively, leaving behind their three daughters, namely, Ms. Celine D'Souza, Ms. Pasty D'Souza, Ms. Reduzine D'Souza.





- L. **THAT** the said Ms. Celine D'Souza, Ms. Pasty D'Souza and Ms. Reduzine D'Souza, all three died in the status of Spinster.
- M. **THAT** the said Mr. Jose Antonio De Souza alias Joao Antonio de Souza alias Jose Antonio de Souza and Mrs. Ana Francisca Martins, both passed away on 17/08/1916 & 11/03/1956 respectively, leaving behind their only son, Lourenco Caitano D'Souza alias Lawrence Caitan D'Souza married to Rozaline Idline D'Souza.
- N. **THAT** the said Rozaline Idline D'Souza passed away on 30/08/1968 and thereafter her widower, Lourenco Caitano D'Souza alias Lawrence Caitan D'Souza passed away on 29/06/1987, leaving behind their only son as



the sole and universal heir, Joseph Anthony  
D'Souza married to Santana Ciriaca D'Souza.

O. **THAT** the said Mrs. Elizabeth D'Souza passed  
away on 07/03/2018 leaving behind her  
widower and moiety holder, the said Mr.  
Eleutario Sabastian D'Souza and the following  
legal heirs :

- (i) Mrs. June Margaret Kinger married to Mr.  
Nandlal Kinger
- (ii) Mr. Jude Raj D'Souza married to Mrs.  
Nancy Roehm D'Souza
- (iii) Mr. Jeffrey D'Souza married to Mrs. Stella  
D'Souza
- (iv) Mrs. Jessica Ashish Bhatnagar married to  
Mr. Ashish Gopal Bhatnagar

11. Upon the death of all the aforesaid deceased people,  
an Inventory Proceeding was initiated by Eleutario  
Sabastian D'Souza in the Court of Civil Judge



Junior Division at Mapusa bearing Inventory Proceedings No. 430/2017/F, for partition of their estates and the **SAID PROPERTY** was listed at **ITEM NO. 6** in the Description of Assets dated 26/10/2018.

12. The **SAID PROPERTY** was taken in licitation/auction by the Head of the Household i.e. the said Eleutario Sabastian D'Souza which was duly confirmed vide Judgement and Decree dated 28/11/2018 passed in Inventory Proceeding bearing No. 430/2017/F by the Civil Judge Junior Division at Mapusa - Goa.

13. Vide Deed of Sale dated 06/05/2019 registered before the Sub-Registrar of Mapusa, Bardez - Goa under No. BRZ-1-1247-2019 dated 09/05/2019, the said Mr. Eleutario Sabastian D'Souza sold the **SAID PROPERTY** in favour of Mr. Chinmay Vishwasrao Patil and M/S. Mount Rock Holdings.



14. Vide Deed of Sale dated 09/12/2019 registered before the Sub-Registrar of Mapusa, Bardez - Goa under No. BRZ-1-3912-2019 dated 10/12/2019, the said Mr. Chinmay Vishwasrao Patil along with his wife, Mrs. Kalpita Chinmay Patil and M/S. Mount Rock Holdings sold the **SAID PROPERTY** in favour of RS DEVELOPERS.

**Form III and Form IX:**

15. in respect of the **SAID PROPERTY** bearing Survey No. **215/14** of Village Parra, Bardez - Goa clearly shows the name of Lourenco D'Souza alias Lourenco Caitano D'Souza as Occupant in Occupants Column

**Manual Form I & XIV :**

16. in respect of the **SAID PROPERTY** bearing Survey No. **215/14** of Village Parra, Bardez - Goa clearly shows the name of Antonio Miguel D'Souza and after deleting the said name, the names of Lourenco



Caitano D'Souza; Bernand Nazareth D'Souza;  
Blanche A. Fernandes; Eleutario Sabastian D'Souza;  
Robert John D'Souza; Sarita J. Fernandes alias  
Sarita Ramesh; Genes Matilda Fernandes; Vanessa  
Angelina Almeida Lazarus and Marina Rosa D'Souza  
e Fernandes were recorded as Occupants in  
Occupants Column.

17. A public notice dated 21/07/2019 was published in  
Gomantak (in Marathi) and Navhind Times (in  
English) inviting objections, if any, to the title of the  
said Mr. Chinmay Vishwasrao Patil and M/S.  
Mount Rock Holdings in respect of the **SAID  
PROPERTY** within 15 days of publication of notice  
failing which any claim shall be deemed to be  
waived or abandoned. No objections were received in  
pursuance to the above notice within the stipulated  
period of 15 days.



18. Vide Conversion Sanad dated 25/02/2020 bearing No. 4/159/CNV/AC-III/2019/279 issued by the Additional Collector-III, North Goa District, Mapusa - Goa, area admeasuring **1200 sq. mts.** from the **SAID PROPERTY** is converted for the Residential purpose with 60 F.A.R.

19. The following original documents are inspected by me:

- (a) Deed of Sale dated 06/05/2019 registered before the Sub-Registrar of Mapusa, Bardez - Goa under No. BRZ-1-1247-2019 dated 09/05/2019
- (b) Deed of Sale dated 09/12/2019 registered before the Sub-Registrar of Mapusa, Bardez - Goa under No. BRZ-1-3912-2019 dated 10/12/2019



20. In light of above, considering the fact that the Cadastral Survey Records, Registo Do Agrimensor, Correspondence Certificate, Sale Deed dated 06/11/1857, Judgement dated 26/04/2018 passed by the Hon'ble High Court of Bombay at Goa in First Appeal No. 136/2002, Judgement and Decree dated 28/11/2018 passed in Inventory Proceeding bearing No. 430/2017/F by the Civil Judge Junior Division at Mapusa - Goa, Deed of Sale dated 06/05/2019 and Deed of Sale dated 09/12/2019 and the Survey Records in respect of the **SAID PROPERTY**, have remained unchallenged and the survey records corresponds to the devolution of title and is consistent with the ownership of the present owner and that no objections were received in pursuance to the Public Notice, I am of the opinion that **RS DEVELOPERS** has clear and marketable title in respect of the **SAID PROPERTY** subject to the Production of the Nil Encumbrance Certificate in respect of the **SAID PROPERTY**.



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 25/02/2020 bearing No. 4/159/CNV/AC-III/2019/279 issued by the Additional Collector-III, North Goa District, Mapusa - Goa reveals that area admeasuring **1200 sq. mts.** from the **SAID PROPERTY** is converted for the Residential purpose with 60 F.A.R.
4. Land Use Zoning Information dated 13/03/2019 bearing Ref. No. NGPDA/Tech.Gen/Parra/3770/19 issued by North Goa Planning And Development





Authority, Panaji - Goa has been furnished which reveals that the **SAID PROPERTY** is earmarked as "Partly Settlement and Partly No Development Slope" as per the Regional Plan for Goa 2021. **However updated Zoning Certificate needs to be furnished since the said Zoning Certificate dated 13/03/2019 is valid only for SIX months from the date of issuance**

5. No NOC is furnished from the Forest Department to establish that the **SAID PROPERTY** is not identified as a Forest Land

V. **EVIDENCE OF POSSESSION:-**

The **SAID PROPERTY** bearing Survey No. 215/14 of Village Parra, Bardez - Goa reflects the name of **R. S. Developers** in Form I & XIV issued by the Department of Survey, Government of Goa, which establishes the possession of the present owner.



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 in the **SAID PROPERTY**. 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 **RS DEVELOPERS** has clear and marketable title in respect of the **SAID PROPERTY** subject to the Production of the Nil Encumbrance Certificate in respect of the **SAID PROPERTY**:

➤ 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;
  - (b) I have taken the title documents under which Idalina da Cruz widow of Joao Manuel de Souza and her son, Domingos Gabriel de Souza; Ana Francisca Martins widow of Joao Antonio de Souza and her son, Lourenco Justiniano de Souza; Angelo Paulo de Souza, son of Domingos Gabriel de Souza and of Angelina Esperanca Gama; Antonio Miguel de Souza and Diogo Joao de Souza, sons of Sebastiao Santana de Souza and of Rosa Maria de Souza AND Maria Rosaria de Souza, widow of Agostinho Mateus de Souza and her son, Jose Damasceno de Souza acquired the Land as the 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, as set 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:- 09/03/2020



(Adv. Shivan S. Desai)