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Date : 01/01/2018

(Original Report dated 10/6/2017)

LEGAL SCRUTINY REPORT

AND

CERTIFICATE OF TITLE

NAME OF THE APPLICANT : TATA HOUSING DEVELOPMENT COMPANY

LTD.,

TIMES TOWER, 12TH FLOOR,

KAMALA MILLS COMPOUND,

SENAPATI BAPAT MARG, LOWER PAREL (WEST),

MUMBAI 400 013

DESCRIPTION OF THE PROPERTY:

All that rural property without any special name situated at Sancoale Village, Mormugao, Taluka, Goa, within the limits of Village Panchayat of Sancoale, Taluka and Sub-Registration Office of Mormugao, District of South Goa, State of Goa, described in the Land Registration Office of Salcete under No.44533 at pages 15v of Book B-116 (new) and registered in the Taluka Revenue Office under Matriz No.815. This property is presently surveyed under S. No. 215 of sub division No. 1 of Sancoale Village, with an area of 19525 sq.mts. As per the Description in Land Registration Office it is bounded as under:-

East : By the properties of Ananta Panduronga
Valaulikar, Francisco Xavier Rodrigues
and Xantarama Pundolica Naique;

West : By property of Comunidade of Sancoale;

North : By property of Comunidade of Sancoale;

South : By property of Comunidade of Sancoale.



As per the Survey records it is bounded as under:-

East : By the properties surveyed under Nos.
214/2, 214/6, 214/8 and 216/2;

West : By the property surveyed under No. 197;

North : By the property surveyed under No. 198;

South : By the property surveyed under No. 195.

DOCUMENTS SCRUTINISED:

1. Photocopy of Certified copies of pages 78 to 81 of Book No. 5 of the Administrator of Comunidade, relating to the process of grant of aforamento, (in Portuguese Language and Translation in English).
2. Photocopy of the Certificate dated 21/08/2007 issued by Comunidade of Sancoale as regards the remission of twenty annuities.
3. Photocopy of the Certificate dated 23/12/1983 issued by the Court of the Civil Judge Senior Division at Vasco-da-Gama, Goa as regards relevant extracts of the Inventory proceedings No. 18961/76.
4. Photocopy of the plaint dated 20/01/1988 in Regular Civil Suit No. 6/1988 filed before the Civil Judge Senior Division at Vasco-da-Gama, Consent Decree and the Judgment dated 27/09/1988.
5. Photocopy of certified copy of Form I & XIV of Records of Rights pertaining to Survey No. 215/1 of Sancoale Village issued by the

Mamlatdar of Records of Rights on 1/10/2010 and certified copy dated 02/03/2015.

6. Photocopy of Survey Plan with respect to Survey No. 215/1 of Village Sancoale.
7. Photocopies of Nil Encumbrance Certificates dated 12/09/2013 and 20/1/2015 pertaining to the period from 1/01/1982 to 19/01/2015 with respect to the subject property.
8. Photocopy of the Certified True copy dated 19/07/2010 of the records of Description and Inscription in Portuguese language and translation of the same.
9. Photocopy of the Deed of Sale dated 02/08/2010 registered in the Office of the Sub Registrar of Mormugao under No. 1473 at pages 37 to 80 of Book No. I, Vol. No. 1146 on 3/08/2010, between Shri Manuel Filomena Gama alias Minguel Filomena Gama and his wife Smt. Cristina Piedade Costa e Gama, Shri Militao Avelino Gama and his wife Smt. Felicidade D'Silva e Gama as Vendors and Shri Anand Chandra Bose as Purchaser (Original seen).
10. Photocopy of Joint Development Agreement dated 16/03/2015 presented in the Office of the Sub Registrar of Mormugao, Goa on the same day and registered under No. MOR- BK1-00364-2015, CD No. MORD8, on 16/03/2015, between Shri Anant Chandra Bose and his wife Smt. Sneha Anand Bose as Owners and Tata Housing Development Company Ltd., a company governed under the companies Act, 2013, as other party termed as "Tata Housing".
11. Photocopy of Power of Attorney dated 16/03/2015 executed by Shri Anand Chandra Bose and his wife Smt. Sneha Anand Bose in favour of Tata Housing Development Company Ltd. (through any of its Directors/Officers/Authorised Signatory, jointly or severally) as the

Attorney, registered in the office of the Sub Registrar of Mormugao, Goa.

12. Photocopy of Letter No. MPDA/ODP-2011/10-11/1589 dated 12/01/2011 from Mormugao Planning and Development Authority to Anand C. Bose informing about zoning of the subject property.
13. Photocopy of Sanad No.Col/SG/CONV/48/2011/7082 dated 25/07/2011 issued by the Collector of South Goa District Margao, Goa in respect of conversion of the subject property for sub division and Photocopy of Challan No. 164/10-11 paid on 19/07/2011.
14. Photocopies of the Order No. MPDA/Infrastr-Tax/7-B-92/2012-13 dated 08/01/2013 issued by the Mormugao Planning and Development Authority and Certificate No. MPDA/ Infrastr-Tax /2013-14/65/65 dated 12/04/2013 regarding payment of the infrastructure Tax.
15. Photocopy of the Development Permission No. MPDA/7-B-92/2013-14/63 dated 12/04/2013 issued by Mormugao Planning and Development Authority.
16. Photocopy of NOC No. PHCC/CORT/NOC/13-14/140 dated 23/04/2013 issued by Primary Health Centre, Cortalim, Goa.
17. Photocopy of NOC No. SDE/VSC/TECH 1/05/2013-14 dated 23/04/2013 issued by Electricity Department, Vasco-da-Gama, Goa.
18. Photocopy of Construction Licence Mo. 27/2013-14 dated 30/04/2014 and the receipt No. 77 of Book No. 64 issued by the Village Panchayat of Sancoale-Goa.
19. Photocopy of Letter No. DFES/FP/C-1/3/13-14/67 dated 13/05/2013 issued by the Directorate of Fire and Emergency services informing about vetting of fire protection plans.

20. Photocopy of the Letter No. DFES/FP/C-1/3/13-14/92 dated 27/05/2013 issued by the Directorate of Fire and Emergency services as regards NOC for proposed construction and plan.
21. Photocopy of the Letter No. 5/0556/14-PCB/12560 dated 07/05/2015 issued by Goa State Pollution Control Board giving consent to Establish under S 26 of the water (Privation and control of Pollution) Act 1981.
22. Photocopy of Letter No. 3-181-2010/STE-DIR/51 dated 15/09/2014 issued by the Goa State Environment Impact Assessment Authority, conveying prior Environmental clearance (EC).
23. Photocopy of Nil Encumbrance Certificate dated 28/07/2017 issued by the Sub Registrar of Mormugao, Goa, for the period from 1/01/2015 to 23/07/2017 (Original seen).

TRACING OF THE TITLE:

The subject land forms part of the property of Comunidade of Sancoale governed by the code of Comunidade in the year 1955. One Shri Agostinho da Gama applied for the plot of land on "AFORAMENTO" basis. Upon completion of the requirements under the law, provisional possession of the land in lote No. 24 was given to him on 28/01/1957. Upon complying with the conditions, the definite possession of the same was given to him. Apparently the land granted on "AFORAMENTO" basis was irregular quadrilateral adm. 17934 sq.mts. and "foro" of Rs. 11.25 per year was payable by Grantee.

In pursuance of the said grant of "aforamento" and "dominio utile", the said property was described in the Land Registrations office of Salcete under No. 44533 at page 15v of Book 116 (new) and inscribed



in the name of the said Agostinho on 06/12/1962 under No. 48303 at pages 123 of Book G-7.

The said Shri Agostinho da Gama was married to Smt. Maria Clea Pereira under the regime of communion of Assets as per the Portuguese Law. Smt. Maria expired on 19/08/1969 leaving behind her the said Shri Agostinho as the moiety holder and the children namely Shri Manuel Filomena Gama married to Cristina Costa and Shri Militao Aleluia Gama alias Militao Avelino Gama married to Felicidade Silva.

Upon the death of the said Smt. Maria her husband the said Shri Agostinho initiated Inventory Proceeding bearing No. 18961/76 in the Court of Civil Judge Senior Division Vasco-da-Gama, Goa.

During the pendency of the said proceedings the said Agostinho expired on 02/03/1977. The said proceedings however continued wherein the subject property was described at item No. 2 amongst other properties, at other serial nos. In the partition the half of the said property was allotted to the said Shri Manuel Filomeno Gama and other half was allotted to the said Shri Militao Avelino Gama. The allotment was confirmed by the Civil Judge vide his Order on 28/04/1983. Thus the ownership of the said property devolved on Shri Manuel Filomeno Gama and Shri Militao Avelino Gama, both holding half share each.

In the meantime the Land Survey under the Goa Daman and Diu Land Revenue code 1968 started in the year 1971 and the said property was surveyed under No. 215 sub division No. 1 of Sancoale Village with an area of 19475 sq.mts. and the name of the Agostinho Avelino Gama appeared as occupant in Form I & XIV of Records of Rights.

On 20/1/1988 the said Shri Manuel Filomena Gama filed in Regular Civil Suit No. 6/1988 against his brother the said Shri Militao Avelino Gama for declaration that he is the owner in possession of half share of the said property and for inclusion of his name in the Form I & XIV of Records of

Rights. Both the parties filed consent terms and the Suit was decreed on 27/09/1988 whereby both the parties were declared as owners in possession of the said property.

In accordance with the Decree, the mutation was carried out in the Records of Rights deleting the name of their father Agostinho and by including their names as occupants.

In the year 2006 Shri Militao Gama paid twenty annuities of 'foro' plus the annuity relating to that year in redemption of the 'foro'. This was under Article 238 of the Code of Comunidade.

By Deed of Sale dated 02/08/2010 registered in the Office of the Sub Registrar of Mormugao, Goa under No. 1473 at pages 37 to 80 of Book No. I, Vol. No. 1146 on 3/08/2010, said Shri Manuel Filomena Gama alias Minguel Filomena Gama and his wife Smt. Cristina Piedade Costa e Gama, Shri Militao Avelino Gama and his wife Smt. Felicidade D'Silva e Gama sold the said property to Shri Anand Chandra Bose.

Said Shri Anand Chandra Bose initiated development of the property proposing to construct buildings thereon. Accordingly he has obtained all necessary permissions from various authorities, namely:-

- a) Mormugao Planning and Development Authority
- b) Collector of South Goa.
- c) Primary Health Centre, Cortalim, Goa.
- d) Electricity Department.
- e) Village Panchayat of Sancoale.
- f) Directorate of Fire and Emergency Services.

By the Joint Development Agreement dated 16/03/2015 presented in the Office of the Sub Registrar of Mormugao, Goa on the same day and registered under No. MOR- BK1-00364-2015, CD No. MORD8, on 16/03/2015, said Shri Anand Chandra Bose and his wife Smt. Sneha Anand

Bose agreed with Tata Housing Development Company Ltd., a company governed under the companies Act, 2013, for the joint development of the said property. The said Shri Anand Chandra Bose and his wife Smt. Sneha Anand Bose has also executed power of Attorney in favour of Tata Housing Development Company Ltd. in pursuance of the said Agreement and facilitating the development.

ENCUMBRANCES:

As per the Nil-Encumbrance Certificate dated 12/9/2013 issued by Sub-Registrar of Mormugao, the said property is free from any encumbrances or charges thereon for the period from 1/1/1982 to 11/09/2013. Further the Nil Encumbrance Certificate issued by the Sub-Registrar of Mormugao covers the period upto 19/01/2015. Thereafter the Nil Encumbrance Certificate dated 28/07/2017 issued by the Sub Registrar of Mormugao, Goa, for the period from 1/01/2015 to 23/07/2017 reveals that there are no encumbrances for the subject property for the said period. These Certificates therefore reveal that the subject property is free from encumbrances for the period from 1/1/1982 to 23/07/2017. The documents produced also does not show any effective encumbrance.

POSSESSION:

As per Survey Form I & XIV of Records of Rights issued on 1/10/2010 w.r.to surveyed under No. 215/1 of Sancoale Village, the name of Anand Chandra Bose appears in the Occupants Column. The title documents also reveal that Shri Anand Chandra Bose and his wife Smt. Sneha Anand Bose are in the possession of the subject property.

INSPECTION AND VERIFICATION:

I have verified photocopies of all the documents presented to me. Assuming that the photocopies are the true copies and the contents therein are true and correct. I opine that they are properly executed, attested, signed, and/or issued before/by the respective authorities and in



accordance with law in force during the respective periods. Originals of documents at Sr. Nos. 9, 10 and 23 have been seen and inspected.

CERTIFICATE OF TITLE:

Upon perusal of all the documents abovementioned I am of the opinion that title of Shri Anand Chandra Bose and his wife Smt. Sneha Anand Bose to the property surveyed under No. 215/1 of Sancoale Village, Mormugao Taluka, Goa is good, clear and legal subject to their Joint Development Agreement dated 16/03/2015 with Tata Housing Development Company Ltd.,

Place : Panaji-Goa.

Dated: 01/01/2018.



(ULHAS B.P. RAIKAR)

ADVOCATE