

NANDAN KAMAT HELEKAR

LLM, Advocate

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Patto- Panaji Goa

Mobile: - 8888831925

CERTIFICATE OF TITLE

To

General Manager,

Devashri Nirman Limited Liability Partnership,

710, 7th Floor, Dempo Towers,

Patto, Panaji Goa.

Dear Sir,

This has reference to your request for my legal opinion in respect of the property known as '**PALMAR BERNARDO FRANCISCO DA COSTA OU NAICALEM PREMEIRA ADICAO OU PREMEIRA LOTE E QUARTE PARTE DE RUMBRACHEM BATTA LOTE B**' admeasuring 4596.00 sq. mtr. situated at Aquem, within the limits of Municipal Council of Margao, Taluka and Sub-District of Salcete and District South Goa, described in the Land Registration Office of Salcete under No. 46107 at fls. 81V of Book B 120 of New Series enrolled in Taluka Revenue Office of Salcete under Matriz Nos. 96 and 210 and inscribed in the name of M/s Y. D. Sadekar & Bros. under No. 50887 at folios 14V of Book G 62.

In this connection I have perused the documents forwarded being:

1. Description of the property bearing No. 46107 at fls. 81V of Book B 120 New issued by the Land Registration Office, Margao, with english translation.



2. Inscription of the property bearing No. 50887 at folios 14V of Book G 62, issued by the Land Registration Office, Margao, with english translation.
3. Matriz Certificate in respect of the property bearing Matriz Nos. 96 and 210, issued by the Head of Taluka Revenue Office, Margao.
4. Deed of Sale dated 05.02.1979 registered before the Sub-Registrar of Salcete, Margao, Goa, under Registration No. 185 at pages 284 to 291, Book I, Vol. 231 dated 30.04.1981.
5. Deed of Sale dated 21.07.1980, registered in the Office of the Sub-Registrar of Salcete, Margao, Goa, under Registration No. 704 at pages 82 to 88, Book-I, Vol. 244 dated 26.12.1981.
6. Registration Certificate under code symbol No. HSG(a)-68/GOA dated 21.12.1978 with the Registrar of Cooperative Societies, in favour of Janata Coperative Housing Society Lt., Margao.
7. Form D of the property bearing Chalta No. 17 of P. T. Sheet No. 221 of City Survey Margao admeasuring 4596 sq. mtr. in the name of Janata Cooperative Housing Society Ltd.
8. Occupancy Certificate bearing Nos. MMC/ENGG/F.3/15/80 dated 24.05.1980 and MMC/ ENGG/ F.3/ 12/1984 dated 18.02.1984, issued by the Margao Municipal Council.



9. Deed of Release dated 14.12.2011 by the Goa State Co-operative Housing Finance & Federation Ltd. in favour of The Janata Co-operative Housing Society Limited registered in the Office of the Sub Registrar of Salcete at Margao under Registration No. MGO-BK1-06581-2011, Book-1, CD No. MGOD56 dated 14.12.2011.
10. AGREEMENT FOR REDEVELOPMENT dated 19th July, 2022 executed between The Janata Co-operative Housing Society Ltd and M/s Devashri Nirman Limited Liability Partnership, duly executed before Notary Public, Adv. Subhash Sawant registered under No. 1171/22 on 19.07.2022.
11. AGREEMENT FOR REDEVELOPMENT dated 02nd January , 2023 executed between The Janata Co-operative Housing Society Ltd and M/s Devashri Nirman Limited Liability Partnership, registered before sub registrar Salcete at Margao under Book 1 Document, Registration Number MGO-1-44-2023 dated 05.01.2023.
12. Permission for demolition of existing building issued by Margao Municipal Council, under No. MMC/22-23/F-700076201/TECH/1713 dated 15.11.2022.
13. Development Permission under ref. No. SGPDA/P/6586/1280/22-23 dated 30.11.2022 under section 44 of the Goa Town and Country Planning Act, 1974 issued by South Goa Planning & Development Authority, Margao Goa.

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14. Initial No Objection Certificate under File No. DFES/FPNA/2022/1 dated 28.12.2022 issued by Directorate of Fire& Emergency Services, St. Inez Panaji.
15. Feasibility Certificate under No. PWD-XXI(PHE)/SD.I/F.73/22-23/527 dated 22.12.2022 issued by Public Works Department, Aquem, Margao Goa.
16. No Objection Certificate under No. DHS/ 2022/ DHS0901/ O0028/1631 dated 06.12.2022 issued by Directorate of Health Services, Margao Goa.
17. Construction Licence under No. A/39/2022-2023 dated 28.12.2022 issued by Margao Municipal Council, Margao Goa.

On the analysis of the documents as aforesaid, it is evident that within limits of the Municipal Council Margao, Taluka and Sub-District of Salcete and District South Goa, in the State of Goa, at Aquem there exists a property known as **"PALMAR BERNARDO FRANCISCO DA COSTA OU NAICALEM PREMEIRA ADICAO OU PREMEIRA LOTE E QUARTE PARTE DE RUMBRACHEM BATTALOTE B'**, admeasuring 4596.00 sq. mtrs bearing Chalta No. 17 of P. T. Sheet No. 221 of City Survey Margao, described in the Land Registration Office of Salcete, under Description NO.46107 at fls 81 V of Book 120 New Series and enrolled in the Taluka Revenue Office under Matriz Nos.96 and 210

That vide Deed dated 19-04-1925 Miss Amelia Adelaide Diana de Costa and Francisco Xavier Azaredo and his wife Carlota de Costa Azaredo sold the entire property to Sociedade Denominado Costa e Companhia Limitada. The



said Costa e Companhia Limitada sub-divided the entire property into Lotes and Lote B was purchased by M/s Y.D. Sadekar & Brothers by virtue of Deed dated 31-12-1963 and the same was registered in their name on 23-10-1971.

That vide Agreement for Sale dated 15-09-1977 M/s Y.D.Sadekar & Brothers, a Partnership firm agreed to sell unto Shri. Raghurai Tamba or his nominee, a portion of the property aforesaid admeasuring 2,614 square metres and 1,568 square metres and Shri.Raghurai Tamba as required with M/s Y.D.Sadekar & Brothers agreed to sell to The Janata Co-operative Housing Society Ltd., a Housing Society under Sub Classification No. 5(a) Tenant Ownership Housing Society registered on 21.12.1978 under Code symbol No. HSG(a)-68/GOA the aforesaid portions.

Accordingly, M/s Y.D. Sadekar & Brothers sold to Janata Co-operative Housing Society Ltd, the SAID PROPERTY, excluding the area utilised for public road in two portions i.e (i) a portion admeasuring 2614.00 sq.mtrs vide Deed of Sale dated 05-02-1979 registered before the Sub-Registrar of Salcete at Margao Goa under No.185 at paged 284 to 291, Book No.1 Vol 231 dated 30-04-1981 and (ii) another portion admeasuring 1568.00 sq.mtrs , vide Deed of Sale dated 21-07-1980, registered in the Office of the Sub-Registrar of Salcete at Margao Goa under No.704 at pages 82 to 88, Book No.I, Vol 244 dated 26-12-1981. The said Society being the owners in possession of a total area of 4182.00 sq.mtrs hereinafter referred to as the "SAID PLOT".

Though, there is no document, it is apparent that the fact that an area of 4,182 square metres was agreed to be sold from 4,596 square metres indicates that an area of 414 square metres was utilised for the widening of the road.



That The Janata Co-operative Housing Society Ltd then constructed 8 (Eight) buildings in the SAID PLOT, the plans for construction of the said existing 8 (eight) buildings on the SAID PLOT , having been approved by the Town and Country Planning Department and the Construction License issued by the Margao Municipal Council. On completion of the construction, the Occupancy Certificate bearing Nos. MMC/ENGG/F.3/15/80 dated 24.05.1980 and MMC/ENGG/ F.3/ 12/1984 dated 18.02.1984, then came to be issued by the Margao Municipal Council.

That for the purposes of construction, loans were obtained from the Goa State Co-operative Housing Finance & Federation Ltd. The repayment of the loans having been secured by Deed of Mortgage dated 14-08-1979 and Deed of Mortgage dated 10-09-1982 registered in the Office of the Sub-Registrar of Salcete, Goa, by creating a charge on the said 8 (eight) buildings constructed on the SAID PLOT. Vide Deed of Release dated 14-12-2011 registered in the Office of the Sub Registrar of Salcette at Margao, under Registration No.MGO-BK1-06581-2011, Book-1, CD No.MGOD56 dated 14-12-2011 the Goa Co-operative Housing Finance & Federation Ltd released in favour of The Janata Co-operative Housing Society Limited, the SAID PLOT meaning thereby that the Mortgage that was registered in favour of the Bank stood cleared.

In view of the above, the title to the SAID PLOT admeasuring 2614.00 square metres plus 1568.00 sq. metres i.e 4,182 square metres vests in The Janata Co-operative Housing Society Limited, and in view of the Deed of Release, the same is clear and marketable.

That the BUILDINGS constructed on the SAID PLOT being in urgent need of repairs and maintenance, The Janata Co-operative Housing Society Limited,



along with majority of its members decided to redevelop the SAID PLOT by Resolution adopted in it's Special General Body Meeting dated 24.10.2021.

It is evident that vide AGREEMENT FOR REDEVELOPMENT dated 19th July, 2022 executed between The Janata Co-operative Housing Society Ltd and M/s Devashri Nirman Limited Liability Partnership duly executed before Notary Public, Adv. Subhash Sawant registered under No. 1171/22 on 19.07.2022 and AGREEMENT FOR REDEVELOPMENT dated 02nd January, 2023 executed between The Janata Co-operative Housing Society Ltd and M/s Devashri Nirman Limited Liability Partnership registered before sub registrar Salcete at margao under Book Document, Registration Number MGO-1-44-2023 dated 05.01.2023, The Janata Co-operative Housing Society Limited, has entrusted the work of Redevelopment of SAID PLOT to M/s Devashri Nirman Limited Liability Partnership on terms and conditions more specifically mentioned in the aforesaid Agreements.

The Margao Municipal Council has granted Permission for demolition of existing building under letter No. MMC/22-23/F-700076201/TECH/1713 dated 15.11.2022.

The South Goa Planning & Development Authority, Margao Goa under ref. No. SGPDA/P/6586/1280/22-23 dated 30.11.2022 has granted Development Permission under section 44 of the Goa Town and Country Planning Act, 1974 for carrying on the development on the SAID PLOT admeasuring 4182 sq. mtr. bearing Chalta No. 17 of P. T. Sheet No. 221 of City Survey Margao.

The Margao Municipal Council has issued Construction Licence bearing No. A/39/2022-2023 dated 28.12.2022 for carrying on the construction of Building A, B & C , Swimming Pool, Club House and Compound Wall on the SAID PLOT admeasuring 4182 sq. mtr. bearing Chalta No. 17 of P. T. Sheet No. 221 of City Survey Margao.

In my opinion, Devashri Nirman Limited Liability Partnership in view of both the AGREEMENT FOR REDEVELOPMENT dated 19th July, 2022 duly executed before Notary Public, Adv. Subhash Sawant registered under No. 1171/22 on 19.07.2022 and AGREEMENT FOR REDEVELOPMENT dated 02nd January , 2023 registered before sub registrar Salcete at margao under Book Document, Registration Number MGO-1-44-2023 dated 05.01.2023 and based on the permission/License issued by various authorities are legally entitled to construct on the SAID PLOT.

Panaji, Goa

06.01.2023

Nandan Kamat Helekar

ADVOCATE