*Ajit R. Kantak*
B.Sc.(Hons)LL.M.
ADVOCATE HIGH COURT

OFF: 1ST FLOOR, VIKAS BUILDING,
NEAR PHARMACY COLLEGE
PANAJI - GOA.
PHONE : OFFICE : 2223243
RES : 2463765

12.12.2025

To

**M/s SHIVANI BUILDERS AND**
**REAL ESTATE DEVELOPERS,**
Flat No. B-2 , Ground Floor ,
Joaciana Apartments ,
Santa Cruz , Ponda , Goa.

Dear Sirs ,

This has reference to your request for my Legal opinion in respect to the property .

**Description of the Property:**

ALL that **Plot No. 12** admeasuring an area of 980 square metres forming a portion of the property known as BORODO TILVASSAY @ BHARAD SILVA SAL SAIAL or FAKRU BHAT BHARAD SILVA SAL , described in the Land Registration Office of Ilhas under No. 8601 of Book B-23 New , enrolled in the Taluka Revenue Office under Matriz No. 118 and 131 , recorded in the Record of rights under Survey No. 131/1 and 131/2 of the Village of Ponda , admeasuring an area of 21,793 square metres within the Municipal limits of the City of Ponda , in the

Taluka and Sub-Registration District of Ponda , District of North Goa in the State of Goa .

In this connection , I have perused the copies of the following documents:

1. Description of the property under No. 8601 at folio 6 of Book B-23 New in the Land Registration Office of Ilhas .

2. Inscription No. 22828 at folio 22 of Book G 36 in the Land Registration Office of Ilhas .

3. Judgement dated 14.8.2003 made in Inventory Proceedings No. 18/2003/A by the Court of the Civil Judge Senior Division at Ponda.

4. Deed of Sale dated 23.9.2009 registered in the Office of the Sub-Registrar of Ponda at Ponda under No. 407 at Pages 48 to 75 in Book No. I Volume No. 1565 on 25.2.2010 .

5. Deed of Rectification dated 16.1.2015 registered in the Office of the Sub-Registrar of Ponda at Ponda under No.

412/15 at Pages 289 to 347 in Book No. I Volume No. 2753 on 11.3.2015 .

6. Deed of Consent dated 7.1.2013 recorded at Pages 14v to 16 of Deed Book No. 408 in the Notarial Office at Ponda .

7. Will dated 7.1.2013 , recorded at Pages 85 to 87 of the Notarial Book of Wills No. 46.

8. Deed of Succession dated 23.9.2014 recorded at Pages 79 to 81 of the Notarial Book No. 2 of Deeds before the Notary Ex-officio Dharbandora.

9. Order dated 8.3.2019 made by the Dy. Collector & S.D.O. Ponda in Partition Case No. PON/LRC/PART/19/ 2017/1680 .

10. Conversion Sanad bearing No. CAD3PON01-24-10/645 dated14.10.2024 issued by the Addl. Collector – II at Ponda , Goa .

11. Deed of Sale dated 4.9.2025 registered in the Office of the Sub-Registrar of Ponda at Ponda as Book No. I Document Regn. No. PON-1-1388-2025 dated 5.9.2025 .

12. Survey Form No. I & XIV of the property bearing Survey No. 131/1-I of the Village of Ponda in Ponda Taluka .

13. Development Permission issued by the South Goa Planning & Development Authority under No. SGPDA/P/3362/75/25-26 dated 19.6.2025 .

14. Order issued by the South Goa Planning & Development Authority under No. SGPDA/P/3362/142/25-26 dated 1.10.2025 .

15. Construction License No. CONSTLIC/PONDA/2025-26/9 dated 1.12.2025 issued by the Ponda Municipal Council .

16. Nil Certificate of Encumberance No. NEC/11/2025/1082 dated 26.11.2025 issued by the Sub Registrar , Ponda .

**Title & Permissions**

On the appreciation of the documents it is evident that the property BORODO TILVASSAY described in the Land Registration Office of Ilhas under No. 8601 of Book B-23 New stands inscribed under No. 22828 at folio 22 of Book G 36 in the Land Registration Office of Ilhas in the name of Nicolau

Tolentino Da Silva having purchased the same from Bernandina Fernandes Tolentina D'Silva and Maria Tolentina D'Silva .

It is then set out that the Plot Nos. 3 and 12 of the property aforementioned , came to be allotted to Maria Hortencia S. D'Silva alias Maria da Silva Telles and her husband Claudio Cesar da Silva Telles . Mr. Claudio Cesar da Silva Telles having expired on 5.5.1972 and his wife Maria Hortencia S. D'Silva alias Maria de Silva Telles on 21.7.1982 .

The deceased Maria Hortencia S. D'Silva alias Maria da Silva Telles and her husband Claudio Cesar da Silva Telles , Mr. Claudio Cesar da Silva Telles were the subject matter of Inventory Proceedings No. 18/2003/A before the Court of the Civil Judge Senior Division at Ponda initiated by their son Mr. Francis Telles .

The two properties aforementioned were the subject matter of auction between the family members of the deceased , and both the properties were taken in auction by Mr. Francis Telles , the allotment having been confirmed by the Civil Judge ,

Senior Division at Ponda vide Judgement dated 14.8.2003 . In terms of this Judgement , Mr. Francis Telles derived the ownership rights to the Plot No. 12 admeasuring 980 square metres , the same being for the last 22 years .

It is then evident that vide Deed of Sale dated 23.9.2009 registered in the Office of the Sub-Registrar of Ponda at Ponda under No. 407 at Pages 48 to 75 in Book No. I Volume No. 1565 on 25.2.2010 , Mr. Francis Telles along with his wife Mrs. Dominga J. D'Souza Telles sold unto Mr. Pedro Santana Fernandes son of Late Custodio Fernandes and Mr. Movin Anthony Gaspar Fernandes son of Mr. Roque John Basilio Fernandes . On the registration of this Deed of Sale , the title to the said Plot No. 12 came to vest unto the Purchasers Mr. Pedro Santana Fernandes and Mr. Movin Anthony Gaspar Fernandes .

It is then evident that there has been subsequently executed a Deed of Rectification dated 16.1.2015 registered in the Office of the Sub-Registrar of Ponda at Ponda under No. 412/15 at Pages 289 to 347 in Book No. I Volume No. 2753 on 11.3.2015 , in terms whereof , it stood clarified that Mr. Francis

Telles along with his wife Mrs. Dominga J. D'Souza Telles , on one hand and Ms. Anita Joysena Fernandes , daughter of Late Pedro Santana Fernandes and Mr. Movin Anthony Gaspar Fernandes on the other hand rectified the Deed of Sale dated 23.9.2009 aforementioned to hold that the SAID PLOT No. 12 formed part only of Survey No. 131/1 and not of Survey No. 131/2 of the Village of Ponda .

It is further evident that Mr. Pedro Santana Fernandes and his wife Mrs. Milagrina Pereira had executed a Deed of Consent dated 7.1.2013 recorded at Pages 14v to 16 of Deed Book No. 408 in the Notarial Office at Ponda and had then also executed separate Wills dated 7.1.2013 , in terms whereof Mr. Pedro Santana Fernandes had bequeathed his share in the Plot No. 12 unto his daughter Miss Anita Joysena Fernandes , this Will recorded at Pages 85 to 87 of the Notarial Book of Wills No. 46 .

It is further evident that Mr. Pedro Santana Fernandes expired on 13.9.2013 , and vide Deed of Succession dated 23.9.2014 recorded at Pages 79 to 81 of the Notarial Book No. 2 of Deeds before the Notary Ex-officio Dharbandora , Miss

Anita Joysena Fernandes was declared as the legatee and testamentary heir of the deceased Mr. Pedro Santana Fernandes .

It is further evident that vide Order dated 8.3.2019 the Dy. Collector & S.D.O. Ponda in Case No. PON/LRC/PART/19/2017/1680 partitioned the Plot No. 12 admeasuring 980 square metres and the same then came to be recorded in the Record of Rights under Survey No. 131/1-I of the Village of Ponda . The Survey Form No. 131/1-I indicates the names of Movin Anthony Gaspar Fernandes and Ms. Anita Joysena Fernandes .

It is then evident that vide Deed of Sale dated 4.9.2025 registered in the Office of the Sub-Registrar of Ponda at Ponda as Book No. I Document Registration No. PON-1-1388-2025 dated 5.9.2025 , Mrs. Milagrina Pereira along with her daughter Ms. Anita Joysena Fernandes and son-in-law Mr. Cedric Jacinto Goes , and Mr. Movin Anthony Gaspar Fernandes and his wife Mrs. Shainy Paulose sold unto M/s Shivani Builders & Real Estate Developers the said Plot 12 admeasuring 980 square metres bearing Survey No. 131/1-I of the Village of Ponda .

The Survey Form No. I & XIV now stands in the name of M/s Shivani Builders & Real Estate Developers . The title and possession of the Plot 12 admeasuring 980 square metres bearing Survey No. 131/1-I of the Village of Ponda consequently vests in favour of M/s Shivani Builders & Real Estate Developers .

The Conversion Sanad bearing No. CAD3PON01-24-10/645 dated14.10.2024 has been issued by the Addl. Collector – II at Ponda , Goa for the said Plot No. 12 admeasuring 980 square metres bearing Survey No. 131/1-I of the Village of Ponda .

The Development Permission No. SGPDA/P/3362/75/25-26 dated 19.6.2025 was issued by the South Goa Planning & Development Authority for the Plot No. 12 admeasuring 980 square metres bearing Survey No. 131/1-I of the Village of Ponda in the name of Mr. Movin Anthony G. Fernandes & others.

Vide Order No. SGPDA/P/3362/142/25-26 dated 1.10.2025 , the South Goa Planning & Development Authority transferred the Development Permission issued under Sec. 44 of the Town & Country Planning Act for the Plot No. 12 admeasuring 980 square metres bearing Survey No. 131/1-I of the Village of Ponda , to the name of M/s Shivani Builders & Real Estate Developers .

The Construction License No. CONSTLIC/PONDA/2025-26/9 dated 1.12.2025 has been issued by the Ponda Municipal Council for the construction to be carried out in the property bearing Survey No. 132 Sub-Div. No. 1-I of Ponda , Goa .

The Nil Certificate of Encumberance dated 26.11.2025 has been issued by the Sub-Registrar , Ponda in respect to the Plot No. 12 admeasuring 980 square metres bearing Survey No. 131/1-I of Ponda Village .

In terms of the Deed of Sale there are four Double Bedrrom Flats and one Triple Bed room Flat that is to be Delivered unto the Vendors/ Earlier owners of the Plot No. 12 .

This therefore remains a charge on the Flats to be allotted after construction .

**Opinion**

In view of the discussions as aforesaid , in my opinion , the title to the Property Plot No. 12 admeasuring 980 square metres bearing Survey No. 131/1-I of the Village of Ponda in Ponda Taluka clearly vests in M/s Shivani Builders & Real Estate Developers . M/s Shivani Builders & Real Estate Developers also have the Conversion Sanad for the Plot for the use for Non-agricultural purposes , the Development Permission u/s 44 of the Town & Country Planning Act and the Construction License issued under the Goa Municipalities Act , 1968 for the carrying of the construction on the said Plot .

**AJIT R. KANTAK**
Advocate

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