

**MILIND NAIK DESAI & ASSOCIATES**  
**ADVOCATES**

**Adv. Milind Naik Desai (M.Com. L.L.B.)**

---

**(OFFICE AT : E -203 , Block-E , Saldanha Business Towers, Above  
IDEA Outlet , Near Civil Court, Mapusa, GOA .403507. CONTACT:  
9822480660 / 9146670368; email : lawdesmil@rediffmail.com.)**

---

**TITLE SEARCH & LEGAL OPINION REPORT**

On behalf of the our client **M/s Archizi Developers LLP** a Limited Liability Partnership , with registered office at H no. 311 ,Sector 17-A, Gurugram, Gurgaon, Haryana, 122001. and in context to their request for legal opinion as to title of Immovable property known as “TOURANT”, bearing survey no. 355 sub division no. 3 , situated in the Village Socorro, within the jurisdiction of Village Panchayat of Sucorro Taluka and Sub District of Bardez, State of Goa , admeasuring an area of 2050 sq.mts. , neither found described in the Land Registration Office of Bardez , nor found enrolled in the Taluka Office of Bardez and is bounded on to the East : by the property bearing survey no 355 , sub division 2; onto West: by the property bearing survey no 355 sub division no. 4; on to North : by Rivulet or Nallah ; and on to South : by property bearing survey no.355 , Sub division no. 12-A-2.

Upon the request of said **M/s Archizi Developers LLP** I did conducted the legal scrutiny and investigated the title and the right of the of the present owners with respect to above described property mentioned in the schedule –II and during the process did conducted a reasonable possible search, inspection and examination of relevant documents and offices to search the title of said property since inception and finally submit my report as under :

**SCHEDULE - I**

1.	Name and Address of Owner and Developer	Owners: <b>M/s Archizi Developers LLP</b>
2	Address of the property under Project :	Near Kadamba Depo , Porvorim, Goa

**SCHEDULE –II**  
(Details of the property)

1	Plot no. / Land Revenue number.	Survey no 355 and sub division 3.
2	Name of the property if any.	“ TOURANT”
3	Boundaries	on to the East : by the property bearing survey no 355 , sub division 2; onto West: by the property bearing survey no 355 sub division no. 4; on to North : by Rivulet or Nallah ; and on to South : by property bearing survey no.355 , Sub division no. 12-A-2.
4	Nature/type of land /property/plot	Settlement Zone /partly Natural Cover (Note: plan from certified professional or TCP office may be obtained demarcating the area )
5	Nature of building project	Vacant Plot of land
6	Name and style of building Project	N.A.

**SCHEDULE –III**

1. Description of Documents submitted to us which are scrutinized & Verified :

Sr No.	Date of Documents	Name of Documents	Whether Original certified true copy/Photocopies
1	17.07.2022	Form I & XIV (computerized)	Downloaded copy of original



2	07.05.2022	Form I & XIV (computerized) which is in the name of Danny Fernandes and Mayfair Resorts India Pvt. Ltd.	Downloaded copy of original
3	04.02.2013	Survey Plan of the property bearing survey no 355/3.	Copy of Original
4	08.03.2013	Manuel Form I & XIV	Copy of Original
5	Date Not Legible	Manuel Form III and IX	Copy of Original
6	13.10.2021	Zoning Certificate showing partly falling into settlement zone with permissible FAR of 60% and VP2 and portion of the property is falling under Natural Cover Zone.	Copy of Original
7	26.09.2011	Proceeding of Inventory proceeding bearing no. IP 226/2011/B along with copy of order and decree dated 26.09.2011 passed by the Civil Judge Senior Division at Mapusa upon death of late Bernardo Mascarenhas alias Bernardo Lucas Piedade Joao Baptista Mascarenhas And his wife late Regina De Melo .	Copy of Original
8	27.07.2011	Proceeding of Inventory Proceedings bearing no. IP/42/2011/A along with the Order cum Decree dated	Copy of Original

		27.07.2011 passed by Hon'ble court of the Civil Judge Senior Division A Court at Panaji instituted upon the death of late Max Afonso Mario Mascarenhas alias Maxy Mascarenhas who expired as on 22.06.2009 .	
9	15.02.2012	Deed of sale between Maria Inocencia Clara Lucia Alice Luis Mascarenhas and Danny Fernandes and Mayfair Resorts India Pvt. Ltd.	Copy of Original
10		Deed of sale between Danny Fernandes and Mayfair Resorts India Pvt. Ltd. And Present Owner Archizi Developers LLP.	Copy of Original

2. Details of searches and investigation and finding , after scrutiny of the documents as mentioned in the schedule no II and searches of various records viz. Revenue records and records available and possible reasonably in the concern sub registrar office and other offices are given as below:

1	Whether the property is freehold or leasehold?	Freehold
2	If Lease hold then tenure	N.A.
2.1	Name of Lessor	N.A.
2.2	Whether permission for sale is/was obtained by the seller? (PI mentioned details of permission) Whether the same is required? Effects of not obtaining?	N.A.
2.3	Whether NOC for creation of mortgage obtained? Is it required? effects of Not obtaining	N.A.
2.4	Any other detrimental clause in the lease deed?	N.A.
3	How the present land owner acquired title over the property? Whether by Purchase/Gift/Inheritance/Partition/Release/Auct	Vide Deed of Sale



	ion/Will/Allotment /etc?	
3.1	In case of purchase through sale deed: whether the seller is /was competent to sell?	N.A.
3.2	How the seller acquired the property	Deed of sale
3.3	Whether all the previous deed and link documents till date in the name of present landowner is available? If not available then what is the effect.	mostly available
3.4	Whether seller has transferred clear, legal, marketable and free from all encumbrances title in favor of the present owner?	Yes
4	Whether minor's interest is involved in the property ? if yes precautions to be taken	Not found and traced during search.
5	Have you searched all the relevant records in the sub registrar office? Whether any defect or adverse entry found which affect the title of the present owners?	Yes, no encumbrance is found registered at Sub Registrar Office of Bardez at Mapusa.
6	Have you verified all the current and previous deeds, chain document, link docs, and revenue records at least for 30 years period? (plz. Mention specifically whether any defect found which affect the title of the present owners? Whether same is found correct and title from person to person have been legally transferred till present owners?	Search is conducted and revenue documents are verified and the same specifically mentioned in tracing of title. No Defects were noticed during verification and search reasonably conducted.
7	Whether you have verified the contents of Title Deed or title ? whether any defect is found in the same?	Yes , No defect is found on verification.
8	Are the chain of title deed are complete and genuine	yes
9	Whether title deed contain any restrictive clause in respect of free	No.

	transfer	
10	Whether any acquisition proceeding is in progress in the area? Whether the same will affect the mortgage or transfer of title of units in favor of the prospective purchasers?	NA.
11	Whether property is mutated in the name of present land owners /transferor? & Where?	Yes
11.1	With Revenue Authority (mentioned the name of documents by which it is ascertain)	From I & XIV.
12	What is the nature of title of the present owner ie.. tenancy right, possessory right, mnor's right or any other type or right clarify.	Full ownership right no adverse right found upon perusal of revenue records.
13	Have the provisions of the Indian registration Act and the Indian Stamps Act been complied	Yes relevant stamp duty is paid as approved and accepted by the Registering Authority.
14	Whether chain of title is complete and ownership in the name of the present land owner is legal, clear, marketable and free from all encumbrances?	Ownership is legal, clear and marketable
15	In case of transferor is POA holder verify the genuineness of POA and extent of powers whether POA is properly executed /stamped /authenticated /enforceable as per the law of the place	N.A.
16.	Whether up-to-date diversion rent/tax/property tax/lease rent receipt and other govt. taxes are paid?	N.A.
17	Whether property can be mortgaged and whether mortgager have valid and legal right to mortgage the said property with the Bank?	Yes



18	Whether bank can enforce the mortgage against the lease hold mortgaged property in case of default?	N.A.
19	Whether provision of urban land ceiling act applicable/permission obtained ? of any restriction in transfer of title by the present landowner?	N.A.
20	Whether all the legal requirement /permissions /under various act/laws viz local laws, municipal laws, panchayat act, TCP Act, land laws, laws applicable for development of land and construction of building , building regulation, development control regulation etc. in order to develop the aforesaid project have been completed and complied.	Permission for development and construction of building is obtained from the office of Town and Country Planning Dept and Village Panchayat of Sucooro as required.
22	Whether property belongs to HUF? If yes then whether major co-parcenor have no objection /join in execution minor's share if any . rights of female members etc	No

### 3. HISTORY OF TITLE:

I have Perused all the documents submitted and contents thereof believing the same to be genuine copies as were furnished to me and it is traced that the Immovable property known as "TOURANT", bearing survey no. 355 sub division no. 3, situated in the Village Socorro, within the jurisdiction of Village Panchayat of Sucorro Taluka and Sub District of Bardez, State of Goa, admeasuring an area of 2050 sq.mts., neither found described in the Land Registration Office of Bardez, nor found enrolled in the Taluka Office of Bardez and is bounded on to the East : by the property bearing survey no 355, sub division 2; onto West: by the property bearing survey no 355 sub division no. 4; on to North : by Rivulet or Nallah ; and on to South : by property bearing survey no.355, Sub division no. 12-A-2., originally owned belong to Bernardo

Mascarenhas alias Bernardo Lucas Piedade Joao Baptista Mascarenhas And his wife late Regina De Melo as per the statement of the head of family of in the Inventory Proceedings filed before the Hon'ble Court however no any document related to land registration were submitted as informed unavailable .

Further the said property upon the death of said late Bernardo Mascarenhas also known as Bernandino Lucas Peidade Joao Baptista Mascarenhas and his spouse late Regine Mascarenhas alias Ana Regina De Melo e Mascarnhas and their only legal heir son namely Late Max Afonso Mario Mascarenhas alias Maxy Mascarenhaas was inherited by the moiety holder of said Maxy Mascarenhas and in law of said late Bernandino and Regina, namely Mrs. Maria I.C.L.A Mascarenhas and four children namely Denis B.S. Mascarenhas , Clifford Mascarenhas and Newton P. Mascarenhas and Carol B. E Mascarenhas.

In the Inventory proceeding filed bearing no. IP 226/2011/B upon death of late Bernardo Mascarenhas alias Bernardo Lucas Piedade Joao Baptista Mascarenhas and his wife late Regina De Melo and vide order and decree 26.09.2011 passed by Civil Judge Senior Division at Mapusa and subsequent Inventory Proceedings bearing no. IP/42/2011/A filed upon the death of late Max Afonso Mario Mascarenhas alias Maxy Mascarenhas who expired as on 22.06.2009 which was concluded , ordered and decreed as on 27.07.2011 aforesaid schedule property was taken in auction by said Maria I.C.L. A Mascarenhas.

Name of said late Max Afonso Mario Mascarenhas alias Maxy Mascarenhas also found recorded in the Form I & XIV with respect to said property at the at the time of promulgation of survey records post liberation by the present government which further support the claim that the property is owned by Maxy Mascarenhas.

Vide Deed of sale dtd. 15.02.2012 duly signed , presented and executed in the Office of Sub Registrar of Bardez at Mapusa bearing registration no. BRZ-BK1-00822-2012, Cd No. BRZD288 as on 17.02.2012 the said property was sold as per agreement to MR. Danny Fernandes and Mayfair Resorts ( India) Ltd.

Again vide deed of sale the said property was sold to present owner Archizi Developers LLP by said MR. Danny Fernandes and Mayfair Resorts ( India) Ltd. Which is duly registered bearing registration no. BRZ-1-2102-2022 dated 10.05.2022.



Said Archizi Developers LLP subsequently found applied for construction license from Village Panchayat of Sucooro vide their letter dated 31.05.2022 bearing no. VP/SOC/607/2022 and approval from the Office of Town and Country Planning Department vide technical clearance letter dated 22.03.2022 bearing no. TPB/7452/NOC/TCP/2022.

It could be traced that said property is falling in the settlement zone as per the Zoning certificate and confirmed by visiting the office of the Town and Country Planning Department however letter to that effect shall be obtained from Certified Architect or Town and Country Planning Office .

#### **4. EVIDENCE OF POSSESSION:-**

The SAID PROPERTY bearing Survey No. 355, sub div. no. 3B, found to be owned and presently possessed by Archizi Developers LLP vide legal purchase and the name is accordingly found recorded in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the ownership and right of the of the present owner in respect of the Said Property.

#### **5. ENCUMBRANCE ON PROPERTY:-**

Encumbrance certificate to be applied from Sub Registrar Office of Bardez at Mapusa.

#### **6. DOCUMENTS TO BE APPLIED , OBTAINED AND TO BE COMPLETED :**

1. Conversion Sanad
2. Nil Encumbrance Certificate.

#### **CERTIFICATE**

From the documents produced from my scrutiny, I hereby certify that client **M/s Archizi Developers LLP** , have a clear and marketable title in respect of the **SAID PROPERTY** bearing survey no. 355 sub division no. 3 , situated in the Village Sucooro within the jurisdiction of Village Panchayat of Sucooro, Taluka and Sub District of Bardez, State of Goa admeasuring an area of 2050 sq.mts. **SUBJECT** to the following:

1. Publication of Public Notice inviting formal objections if any from the general public, if any
2. Production of updated Land Use Zoning Certificate/or sanad
3. Upon Depositing the original or certified copies of the above listed title documents as available to the concern :

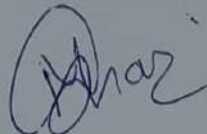
**SUBJECT TO : General Qualification and Assumptions :**

- 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 listed 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; documents furnished to me herein above.
  - (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;
- (g) The accuracy of this report on title necessarily depends on 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 assured 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.
- (h) This report on title is confined to the **SAID PROPERTY** only and to present owner.
- (i) 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.
- (j) The road widening /set back/CRZ from road and availability/existence of the access to the **SAID PROPERTY** is not within the scope of this report
- (k) 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: Mapusa-Goa  
Date: 11.08.2022



MILIND MAHADEV NAIK DESAI  
ADVOCATE