

Shivan S.Desai
ADVOCATE

Off:
603, Ambrosia Corporate Park,
6th Floor, Patto,
Panaji, Goa – 403 001.
E-mail: shivandesai@hotmail.com
☎ (0832) 6632470.
Mobile No 9822102911

TITLE REPORT

To,
OLALIAN ESTATE PRIVATE LIMITED,
Having its Registered Office at Unit No. 201,
Geras Imperium,
Patto Plaza, Panaji,
Goa – 403001.

- I. I have perused the photocopies of the following documents:
- a) Survey Records Form I & XIV bearing Survey No. 50/1 of Village Assagao, Bardez - Goa.
 - b) Proceedings of permanent Possession dated 05/05/1932 issued by the Administration Office of Bardez Comunidades
 - c) Extract from the Book of Livro do Tombo.
 - d) Registo do Agrimensor
 - e) Manual Form I & XIV
 - f) Inventory Proceedings bearing No. 314/07/A filed before the Civil Judge Senior Division at Mapusa (Statement on Oath; List of Assets; Chart of Allotment);

- g) Order dated 07/08/2008 passed in Inventory Proceedings bearing No. 314/07/A by the Civil Judge Senior Division at Mapusa
- h) Deed of Sale dated 09/08/2010 registered before Sub-Registrar of Bardez, Mapusa - Goa under No. BRZ-BK1-02927-2010, CD No. BRZD76 dated 09/08/2010
- i) Deed of Sale dated 20/08/2019 registered before Sub-Registrar of Bardez, Mapusa - Goa under No. BRZ-1-2663-2019 dated 20/08/2019
- j) Cadastral Survey Plan
- k) Survey Plan

PERMISSIONS OBTAINED

- l) Correspondence Certificate dated 17/05/2010 bearing No. 9-02(84)-DSLRL-10/151091 issued by Directorate of Settlement & Land Records, Panaji, Goa

- m) Conversion Sanad dated 13/10/2011 bearing No. RB/CNV/BAR/AC-I/13/2011 issued by the Collector, North Goa, Panaji – Goa
- n) Construction Licence dated 16/11/2011 bearing No. VP/ASS/234/2011-12 issued by Village Panchayat of Assagao, Bardez – Goa
- o) Construction Licence dated 29/10/2014 bearing No. VP/ASS/953/2014-15 issued by Village Panchayat of Assagao, Bardez – Goa
- p) Renewal Construction Licence dated 30/11/2017 bearing No. VP/ASS/1425/2017-18 issued by the Village Panchayat of Assagao, Bardez – Goa
- q) Nil Encumbrance Certificate dated 07/08/2019 bearing No. 1687/2019

II. **DESCRIPTION OF THE PROPERTY:**

SCHEDULE

ALL THAT immovable property known as “**BADEM**” or “**QUINZE ADICOES**”, admeasuring **3000 sq. mts.** and surveyed under **survey No. 50**, sub-**division No. 1**, situated at Badem of Village **Assagao**, within the limits of the Village Panchayat of Assagao in the Taluka and Sub-District of Bardez, District of North Goa in the State of Goa which is neither described in the Land Registration Office nor enrolled in the Taluka Revenue Office and is bounded as under:-

- Towards the North :- By the property bearing survey No. 67 of Village Assagao;
- Towards the South :- By the Public Road and plot of Comunidade;
- Towards the East :- By the public road;
- Towards the West :- By the Public Road and partly by the property bearing Survey No. 67 of Village Assagao

The said property shall hereinafter referred to as the
SAID PROPERTY

TRACING OF PARTIES TITLE:

1. The **SAID PROPERTY** originally belonged to Comunidade of Assagao and Proceedings of Permanent Possession dated 05/05/1932 issued by the Administration Office of Bardez Comunidades reveals that vide Sanction dated 19/04/1928, the Secretary of the Administration Office of the said Comunidade of Assagao granted **the SAID PROPERTY** on Aforamento basis (permanent lease) in favour of Sebastiao Caetano Rodrigues.
2. Vide Proceedings of Permanent Possession dated 05/05/1932, the Administration Office of Bardez Comunidades has given final possession of **the SAID PROPERTY** on Aforamento basis (permanent lease) in favour of Sebastiao Caetano Rodrigues.

3. **Extract from the Book of Livro do Tombo issued by the Comunidade of Assagao, Assagao, Bardez - Goa** reveals that **THE SAID PROPERTY** is registered in the YEAR 1931 in the Records of Administrator of Comunidade under Sr. No. 300 at page 3 overleaf in favour of Sebastiao Caetano Rodrigues and the said record reveals that **THE SAID PROPERTY** originally belonged to Comunidade of Assagao. **However complete translation of the said Extract from the Book of Livro do Tombo needs to be furnished.**

4. 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.

5. 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.

6. However the **SAID PROPERTY** is neither described nor inscribed in the Land Registration Records. ***Inscription and Description Records*** are records maintained during the Portuguese Regime wherein the record of title was maintained. The said records

carry presumption of possession of title under the applicable Portuguese Law.

7. Registo Do Agrimensor reveals that **the SAID PROPERTY** bearing old Cadastral Survey No. **341** originally belonged to Joaquim Antonio Rodrigues and Sebastiao Caetano Rodrigues sons of Filipe Rodrigues and of Rita Maria de Souza.
8. Correspondence Certificate dated 17/05/2010 bearing No. 9-02(84)-DSLRL-10/151091 issued by Directorate of Settlement & Land Records, Panaji, Goa reveals that the **SAID PROPERTY** bearing old Cadastral Survey No. **341(PART)** corresponds to survey No. **50/1(PART)** of Village Assagao, Bardez – Goa.
9. **Registo Do Agrimensor** are land records which were promulgated during the Portuguese Regime under theCodigo De Registo Rules. Under the said Rules,

the said Registo Do Agrimensor was prepared on the basis of 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 and the absence of Description and Inscription Certificate can be considered for the purpose of devolution of ownership.

10. The said Cadastral Survey No. 341(PART) read with the Registo Do Agrimensor and the Correspondence Certificate establishes that **the SAID PROPERTY** originally belonged to Joaquim Antonio Rodrigues and Sebastiao Caetano Rodrigues sons of Filipe Rodrigues and of Rita Maria de Souza.
11. Inventory Proceedings bearing No. 314/07/A filed before the Civil Judge Senior Division at Mapusa reveal as under:

- A. THAT the said Caitan S. Rodrigues alias C. S. Rodrigues alias Sebastiao Caitane Rodrigues passed away on 21/01/1983 leaving behind his widow and moiety holder, Mrs. Joana Joaquina Rodrigues and only son, namely Gerald Peter Simon Rodrigues married to Mrs. Isabel Rodrigues as his sole and universal legal heirs.
- B. THAT the said Gerald Peter Simon Rodrigues passed away on 15/09/2002 leaving behind his widow and moiety holder, the said Mrs. Isabel Rodrigues and only son, namely Mr. Michael Francis Rodrigues married to Mrs. Rochell Catharine Menezes as his sole and universal legal heirs
- C. THAT the said Mrs. Joana Joaquina Rodrigues passed away on 14/08/2003 leaving behind her daughter-in-law, the said Mrs. Isabel Rodrigues and only grandson, the said Mr. Michael Francis Rodrigues married to Mrs.

Rochell Catharine Menezes as her sole and universal legal heirs.

12. Upon the death of the said Caitan S. Rodrigues alias C. S. Rodrigues alias Sebastiao Caitane Rodrigues, Mrs. Joana Joaquina Rodrigues and Gerald Peter Simon Rodrigues, Inventory Proceedings bearing No. 314/07/A filed before the Civil Judge Senior Division at Mapusa was instituted by the said Mrs. Isabel Rodrigues and **the SAID PROPERTY** was listed at ITEM NO. I.

13. Inventory Proceedings are proceedings contemplated under the then applicable Portuguese Civil Code and the present Succession Act for partition of estate and confirmation of succession AND vide Order dated 07/08/2008 passed in Inventory Proceedings bearing No. 314/07/A by the Civil Judge Senior Division at Mapusa, **the SAID PROPERTY** at Item No. I was allotted to the said Mrs. Isabel Rodrigues and the

said Mr. Michael Francis Rodrigues married to Mrs. Rochell Catharine Menezes in the following manner:

Mrs. Isabel Rodrigues **1/4th SHARE**

Mr. Michael Francis Rodrigues
married to Mrs. Rochell Catharine **3/4th SHARE**
Menezes

14. Registo Do Agrimensor reveals that the SAID PROPERTY bearing old Cadastral Survey No. 341 recorded in the name of Joaquim Antonio Rodrigues and Sebastiao Caetano Rodrigues. However since the grant by Comunidade by way of definitive possession is finalized and confirmed only in the name of Sebastiao Caetano Rodrigues, the reference of his brother, Joaquim Antonio Rodrigues pales into insignificance.

15. Vide Deed of Sale dated 09/08/2010 registered before Sub-Registrar of Bardez, Mapusa - Goa under

No. BRZ-BK1-02927-2010, CD No. BRZD76 dated 09/08/2010, the said Mrs. Isabel Rodrigues; Mr. Michael Francis Rodrigues along with his wife, Mrs. Rochell Catharine Menezes sold their respective shares in **the SAID PROPERTY** in favour of Mr. Edgar Afonso.

16. In pursuance to the said Deed of Sale dated 09/08/2010, the said Mr. Edgar Afonso became owner in possession of **the SAID PROPERTY**.

17. Construction Licence dated 16/11/2011 bearing No. VP/ASS/234/2011-12 issued by Village Panchayat of Assagao, Bardez – Goa for construction of Residential Bungalow and Compound Wall in the **said Property** was obtained by the said Mr. Edgar Afonso which construction licence was duly renewed by Mr. Edgar Afonso, vide Construction Licence dated 29/10/2014 bearing No. VP/ASS/953/2014-15 issued by Village Panchayat of Assagao, Bardez – Goa and the said

renewed construction licenced was further renewed by the said Mr. Edgar Afonso vide Renewal Construction Licence dated 30/11/2017 bearing No. VP/ASS/1425/2017-18 issued by the Village Panchayat of Assagao, Bardez – Goa as per Revised Plan.

18. Vide Deed of Sale dated 20/08/2019 registered before Sub-Registrar of Bardez, Mapusa - Goa under No. BRZ-1-2663-2019 dated 20/08/2019, the said Mr. Edgar Afonso alias Edgar Braz Afonso along with his wife, Mrs. Vanda Afonso sold **the SAID PROPERTY** in favour of Olalian Estate Private Limited.

19. **Manual Form I & XIV** are Revenue Records prepared under the applicable Goa Land Revenue Code and in the same, names of C. S. Rodrigues, Isabel Rodrigues, Michael Francis Rodrigues and Rochelle Catharine Menezes were originally featuring and

subsequently they were deleted and name of Edgar Afonso was incorporated. The said Manual Form I & XIV is consistent with the devolution of ownership.

20. In light of above, considering the fact that the Registo Do Agrimensor, Correspondence Certificate, Proceedings of Permanent Possession dated 05/05/1932, Judgement dated 26/04/2018 passed by the Hon'ble High Court of Bombay at Goa in First Appeal No. 136/2002, Order dated 07/08/2008 passed in Inventory Proceedings bearing No. 314/07/A by the Civil Judge Senior Division at Mapusa, Deed of Sale dated 09/08/2010 and Deed of Sale dated 20/08/2019 and the Survey Records in respect of the **SAID PROPERTY** have remained unchallenged and survey records corresponds to the devolution of title and are consistent with the ownership of the present owner, I am of the opinion that **OLALIAN ESTATE PRIVATE LIMITED** have clear

and marketable title in respect of the **SAID PROPERTY** subject to the following :

- i. Production of the following documents:
 - a. Land Use Zoning Certificate
 - b. Complete translation of the Extract from the Book of Livro do Tombo.
- ii. Publication of Public Notice inviting objections from the general public, if any

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 13/10/2011 bearing No. RB/CNV/BAR/AC-I/13/2011 issued by the Collector, North Goa, Panaji – Goa reveals that

the **said Property** admeasuring 3000 sq. mts.
was converted for Residential Use.

4. 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. 50/1 reflects the name of Olalian Estate Private Limited 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. Nil Encumbrance Certificate dated 07/08/2019 bearing No. 1687/2019 in respect of the **SAID**

PROPERTY is furnished to establish that there is no encumbrance in the **SAID PROPERTY**.

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **OLALIAN ESTATE PRIVATE LIMITED** have a clear and marketable title in respect of the **SAID PROPERTY** subject to the following :

- i. Production of the following documents:
 - a. Land Use Zoning Certificate
 - b. Complete translation of the Extract from the Book of Livro do Tombo.
- ii. Publication of Public Notice inviting objections from the general public, if any

➤ **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 Joaquim Antonio Rodrigues and Sebastiao Caetano Rodrigues sons of Filipe Rodrigues and of Rita Maria 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.

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- 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:- 16/01/2020



A handwritten signature in blue ink, appearing to be "Shivan S. Desai".

(Adv. Shivan S. Desai)