

21.7.2022

To  
Devashri Nirman LL.P.,  
Dempo Towers , 7th Floor ,  
Patto , Panaji , Goa .

Dear Sir ,

This has reference to your request for my legal opinion in respect to the (1) property known as "AZULIANCHI GALLY" or "GOGOLLA", described in the Land Registration Office of Salcete at Margao under No. 458 at folio 31 of the Book B-2 of new series, enrolled in the Land Revenue Office of Salcete under Matriz No. 1085 and (2) property known as AZULEANCHI TOLLY or GOGOLLA, described in the Land Registration Office of Salcete at Margao under No. 459 at folio 31 reverse of the Book B-2 of new series, enrolled in the Land Revenue Office of Salcete under Matriz No. 1087, earlier surveyed under Chalta Nos. 1 and 2 of P.T. Sheet No. 122, and presently under Chalta Nos. 48 to 51 of P.T. Sheet No. 122, situated at Gogol, Margao, Goa.

*Ajit R. Kantak*

In this connection , I have perused the documents forwarded , being :

From the documents , it is evident that within the limits of the City Survey of Margao in the Taluka of Salcete in the State of Goa , at Gogol , there exists a property formed by amalgamation of two properties, namely (1) property known as "AZULIANCHI GALLY" or "GOGOLLA", described in the Land Registration Office of Salcete at Margao under No. 458 at folio 31 of the Book B-2 of new series, enrolled in the Land Revenue Office of Salcete under Matriz No. 1085 and (2) property known as AZULEANCHI TOLLY or GOGOLLA, described in the Land Registration Office of Salcete at Margao under No. 459 at folio 31 reverse of the Book B-2 of new series, enrolled in the Land Revenue Office of Salcete under Matriz No. 1087, earlier surveyed under Chalta Nos. 1 and 2 of P.T. Sheet No. 122, and presently under Chalta Nos. 48 to 51 of P.T. Sheet No. 122, situated at Gogol, Margao, Goa, hereinafter referred to as the "**LARGER PROPERTY**" .

*Agent*

It is further evident that this Larger Property was acquired by late Shri Vassanta Kare and his wife, Late Smt. Laxmibai Vassanta Kare , from Shri Jairama Voicunta Sinai Caro and his wife Lalita Jairama Caro, vide Deed of Gift, Sale and Exchange dated 15.1.1961 executed before Interim Notary of Judicial Division of Salcete, Shri Raul Gerson Purificacao de Santa Rita Vaz, recorded at page 30 reverse onwards of the Deeds No 1117.

It is then evident that Shri Vassanta Kare expired on 22.5.1976 leaving behind his widow, Smt. Laxmibai Vassant Kare as his moiety holder and his sole and universal heirs , his three children, namely (i) Shri Vaikunth Vassant Kare married to Smt. Shanta Vaikunth Kare , (ii) Shri Shrivallabh Vassant Kare married to Smt. Indira Shrivallabh Kare and (iii) Smt. Tejaswini Nagesh Naik Kurade married to Shri Nagesh Sagoon Naik Kurade.

It is further evident that vide Deed of Relinquishment of Illiquid and Undivided Rights dated 22.12.1984 , drawn at pages 85R (overleaf) onwards of Register of Deeds under No. 1299 and recorded in the books of the Ex-officio Notary of Salcete at Margao,

*dyant.*

namely, Shri Joanes Agnelo Lino Rodrigues, Smt. Tejaswini Nagesh Naik Kurade alongwith her husband, Shri Nagesh Sagoon Naik Kurade relinquished freely and voluntarily their illiquid and undivided rights to the estate left behind by their late father/father-in-law, Shri Vassanta Kare in favour of other co-heirs.

It is then evident that vide Deed of Succession drawn on 25.2.1987 before Ex-officio Notary of Salcete recorded at page 54 overleaf onwards of Register of Deeds under No. 1309, Smt. Laxmibai Vassant Kare, Shri Vaikunth Vassant Kare, Smt. Shanta Vaikunth Kare, Shri Shrivallabh Vassant Kare and Smt. Indira Shrivallabh Kare were declared as the sole owners and possessors of the Larger Property/estate left by late Shri Vassanta Kare.

It is also evident that a portion of the Larger Property initially bearing Chalta Nos. 1 and 2 of P. T. Sheet No. 122 forms an independent and separate property, , the same being hereinafter referred to as the "**SAID PROPERTY**".

*Copy sent.*



It is further evident that vide Agreement dated 3.12.1984 and Agreement dated 17.03.1986 entered into between Shri Vaikunth Vasant Kare, Smt. Shanta Vaikunth Kare, Shri Shrivallabh Vasant Kare and Smt. Indira Shrivallabh Kare as Owners and M/s Alcon Real Estate Pvt. Ltd. as Developers therein, the Owners entrusted the work of development of the SAID PROPERTY , to Alcon Real Estates Pvt. Ltd. on the terms and conditions recorded under the aforesaid Agreements .

It is then evident that pursuant to the aforesaid Agreements , M/s Alcon Real Estates Pvt. Ltd. carried out the development of the SAID PROPERTY and the said development was named as **VASSANT NAGAR .**

In view of the completion of the Development , pursuant to the Said Agreement , the Owners Smt. Laxmibai Vasant Kare, Shri Vaikunth Vasant Kare and his wife Smt. Shanta Vaikunth Kare and Mr. Shrivallabh Vasant Kare and his wife Mrs. Indira Shrivallabh Kare, executed in favour of M/s Alcon Real Estate Pvt. Ltd., the following Sale Deeds, namely,

*Agreement*

(a) Deed of Sale dated 17.04.1989 registered in the Office of the Sub Registrar of Salcete, Margao, under No. 2228 at pages 201 to 215 of Book No. I Vol. No. 101 dated 31.08.1989, in respect of Plot A-6 admeasuring area of 1048 sq. mtrs., earlier recorded in the Office of the City Survey of Margao under Chalta Nos. 1 and 2 of P. T. Sheet No. 122 and presently under **Chalta No. 51** of P. T. Sheet No. 122;

(b) Deed of Sale dated 18.04.1989 registered in the Office of the Sub Registrar of Salcete, Margao under No. 2229 at pages 216 to 231 of Book No. I Vol. No. 101 dated 31.08.1989, in respect of Plot A-5 admeasuring area of 834 sq. mtrs., earlier recorded in the Office of the City Survey of Margao under Chalta Nos. 1 and 2 of P. T. Sheet No. 122 and presently under **Chalta No. 48** of P. T. Sheet No. 122; and

(c) Deed of Sale dated 17.04.1989 registered in the Office of the Sub Registrar of Salcete, Margao under No. 2230 at pages 232 to 247 of Book No. I Vol. No. 101 dated 31.08.1989, in respect of Plot A-3 and A-4 admeasuring area of 808 sq. mtrs. and 928 sq. mtrs. respectively, earlier recorded in the Office of the City Survey of

*Original*

Margao under Chalta Nos. 1 and 2 of P. T. Sheet No. 122 and presently under **Chalta Nos. 49 & 50** of P. T. Sheet No. 122 respectively.

It is therefore evident that M/s Alcon Real Estate Pvt. Ltd. acquired absolute right of ownership and possession in respect to the Plot Nos. A-3, A-4, A-5 and A-6 presently bearing Chalta Nos. 49, 50, 48 & 51 of P. T. Sheet No.122 respectively .

It is also evident that thereafter there were Arbitration Proceedings before the Sole Arbitrator Smt. S. H. N. Gaunekar, Chartered Accountant, Margao, between the parties of Alcon Group i.e. M/s Alcon Real Estate Pvt. Ltd. and M/s Alcon Developers. The Arbitrator then vide Award dated 15.04.1998 passed by Sole Arbitrator, in the matter of Arbitration Partitioned the businesses and properties of Alcon Group, and in terms thereof the SAID PROPERTY was allotted to M/s Alcon Developers .This Arbitral Award dated 15.4.1998 has been registered in the Office of the Sub-Registrar of Bardez at Mapusa under No. 730 in Book No. I Volume No. 584 on 19.5.1998 consequent upon which the title to



the properties allotted vide the Award came to vest unto the allottees .

In terms of the Arbitration Award , there was a common order dated 10.11.2009 made by the Inspector of Survey and Land records, City Survey Margao , in Case Nos. 60/2009, 61/2009 & 62/2009 which confirms the possession of the properties bearing Chalta Nos. 49, 50, 48 and 51 of P. T. Sheet No. 122 in favour of M/s Alcon Developers .

On the demise of Smt. Laxmibai Vasant Kare expired on 24/10/2017 , her usufructory rights extinguished and the Award dated 15.04.1998 made by the Arbitrator and the Common order dated 10.11.2009 made by the Inspector of Surveys & Land Records conferred absolute owners in favour of Alcon Developers in respect to the properties aforementioned .

It is then evident that vide Deed of Sale dated 28.4.2022 registered in the Office of the Sub-Registrar of Salcete at Margao under Book -1 document bearing No. MGO-1-1824-2022 on

*August*



16.5.2022 M/s Alcon Developers sold to M/s Devashri Nirman LLP the Plot A-5 admeasuring 834 square metres and the Plot A-6 admeasuring 1048 square metres in the Project VASANT NAGAR bearing Chalta No. 48 and 51 of P.T.S. No. 122 of the City Survey of Margao . On the registration of this Deed , the ownership and possession in the said two properties came to vest unto Devashri Nirman LLP.

This has further reference to your request for my legal opinion in respect to the (1) property known as "AZULIANCHI TOLLOY™ or "GOGOLLA", described in the Land Registration Office of Salcete at Margao under No. 456 at folio 30 of the Book B-2 New , enrolled in the Land Revenue Office of Salcete under Matriz No. 1085 and (2) property known as AZULEANCHI TOLLOY or GOGOLLA, described in the Land Registration Office of Salcete at Margao under No. 457 at folio 30 reverse of the Book B-2 New , enrolled in the Land Revenue Office of Salcete under Matriz No. 1087, together surveyed under Chalta No. 1, sub-division 3, 4, 5 and 14 of P.T. Sheet No. 128 and Chalta No. 1/1, Chalta No. 2/1 and Chalta No. 3/1 of P.T. Sheet No. 127, situated at Gogol, Margao, Goa.

*Arjun*

It is then evident that Larger Property was acquired by Late Vassanta Kare and his wife , Late Laxmibai Vassanta Kare, from Shri Jairama Voicunta Sinai Caro and his wife Lalita Jairama Caro, vide Deed of Gift, Sale and Exchange drawn on 15th January 1961 executed before Interim Notary of Judicial Division of Salcete, Shri Raul Gerson Purificacao de Santa Rita Vaz, recorded at page 30 reverse onwards of the Deeds No 1117.

It is further evident that Shri Vassanta Kare expired on 22nd May 1976 leaving behind his widow, Smt. Laxmibai Vassant Kare as his moiety holder and his sole and universal heirs, his three children, namely (i) Shri Vaikunth Vassant Kare married to Smt. Shanta Vaikunth Kare, (ii) Shri Shrivallabh Vassant Kare married to Smt. Indira Shrivallabh Kare and (iii) Smt. Tejaswini Nagesh Naik Kurade married to Shri Nagesh Sagoon Naik Kurade.

It is further evident that vide Deed of Relinquishment of Illiquid and Undivided Rights dated 22.12.1984 , drawn at pages 85 R (overleaf) onwards of Register of Deeds under No. 1299 and recorded in the Books of the ex-officio Notary of Salcete at Margao,

*Jaikunth*

namely, Shri Joanes Agnelo Lino Rodrigues, Smt. Tejaswini Nagesh Naik Kurade alongwith her husband, Shri Nagesh Sagoon Naik Kurade relinquished freely and voluntarily their illiquid and undivided rights to the estate left behind by their late father/father-in-law, Shri Vassanta Kare in favour of the other co-heirs.

It is also evident that vide Deed of Succession drawn on 25.2.1987 before Ex-officio Notary of Salcete recorded at page 54 overleaf onwards of Register of Deeds under No. 1309, Smt. Laxmibai Vassant Kare, Shri Vaikunth Vassant Kare, Smt. Shanta Vaikunth Kare, Shri Shrivallabh Vassant Kare and Smt. Indira Shrivallabh Kare became the sole owners and possessors of the said Larger Property/estate left by Late Vassanta Kare.

It is then evident that a portion of the Larger Property initially bearing Chalta Nos. 1, 2 and 3, sub-division 1 of P.T. Sheet No. 127 and Chalta No. 1 sub-divisions 3, 4, 5 and 14 of P.T. Sheet No. 128, having an area of about 18,994.00 square meters or thereabout, forms an independent and separate property, which shall hereinafter referred to as the "**SAID PROPERTY**".

*Signature*

It is further evident that vide Deed of Partition dated 21.5.2007 registered in the Office of the Sub-Registrar of Salcete, Margao under No. 2556 at pages 211 to 248 of Book No. I Vol. 2474 dated 24.05.2007, executed by and between the owners Smt. Laxmibai Vassant Kare as First Party, Shri Vaikunth Vassant Kare, Smt. Shanta Vaikunth Kare as Second Party and Shri Shrivallabh Vassant Kare and Smt. Indira Shrivallabh Kare as Third Party, the SAID PROPERTY was partitioned and divided into 40 plots numbered as Plot Nos. 1 to 40 .

It is also evident that vide Agreement dated 29.10.2009 entered into between Smt. Laxmibai Vassant Kare, Shri Vaikunth Vassant Kare, Smt. Shanta Vaikunth Kare, Shri Shrivallabh Vassant Kare and Smt. Indira Shrivallabh Kare as Owners and M/s. Alcon Developers as Developers , the Owners entrusted the work of development of the Plots to the Developers unto M/s. Alcon Developers on the terms and conditions set out in the said Agreement .

*Signature*



It is evident that pursuant to the Said Agreement , the Developers carried out the development of the said Plots , the said development named as VASANT NAGAR -Phase II and in terms of the arrangements made in the SAID AGREEMENT the erstwhile owners i. e. Mr. Shrivallabh Vassant Kare and his wife Mrs. Indira Shrivallabh Kare and Shri Vaikunth Vassant Kare and his wife Smt. Shanta Vaikunth Kare executed in favour of M/s Alcon Developers the Transfer Deeds , comprising of

(a) Deed of Transfer dated 25.02.2016 BK-1 Document, Registration No. MGO-BK1-01033-2016 CD No. MGOD90 on 02.03.2016, Sub-Registrar of Salcete in respect of Plot No.21, admeasuring **247 sq. mtrs**, identified in the recent Survey records of City Survey of Margao under **Chalta No. 15 of P. T. Sheet No. 127,**

(b) Deed of Transfer dated 25.02.2016 BK-1 Document, Registration No. MGO-BK1-01009-2016 CD No. MGOD90 on 01.03.2016, Sub-Registrar of Salcete in respect of Plot No.22, admeasuring **242 sq. mtrs**, identified in the recent Survey records

*Signature*

of City Survey of Margao under **Chalta No. 16 of P. T. Sheet No. 127,**

(c) Deed of Transfer dated 25.02.2016 BK-1 Document, Registration No. MGO-BK1-01034-2016 CD No. MGOD90 on 02.03.2016, Sub-Registrar of Salcete in respect of Plot No.23, admeasuring **256 sq. mtrs,** identified in the recent Survey records of City Survey of Margao under **Chalta No. 17 of P. T. Sheet No. 127,**

(d) Deed of Transfer dated 25.02.2016 BK-1 Document, Registration No. MGO-BK1-01011-2016 CD No. MGOD90 on 02.03.2016, Sub-Registrar of Salcete in respect of Plot No.24, admeasuring **314 sq. mtrs,** identified in the recent Survey records of City Survey of Margao under **Chalta No. 18 of P. T. Sheet No. 127.**

In view of the execution of the Deeds of Transfer dated 25.02.2016 as aforementioned , N/s Alcon Developers , acquired the absolute right , title and possession in respect to the Plot Nos.



21, 22, 23, 24 in the Project **VASANT NAGAR Phase II** presently bearing Chalta Nos. 15, 16, 17 and 18 of P. T. Sheet No. 127 of the City Survey of Margao .

It is further evident that vide Deed of Sale also dated 28.4.2022 registered in the Office of the Sub-Registrar of Salcete at Margao under Book -1 document bearing No. MGO-1-1823-2022 on 16.5.2022 M/s Alcon Developers sold to M/s Devashri Nirman LLP the Plot No. 21 admeasuring 247 square metres , the Plot No. 22 admeasuring 242 square metres , the plot No. 23 admeasuring 256 square metres and the Plot No. 24 admeasuring 314 square metres all in the Project VASANT NAGAR bearing Chalta No. 15 , 16 , 17 and 18 of P.T.S. No. 127 of the City Survey of Margao . On the registration of this Deed , the ownership and possession in the said two properties came to vest unto Devashri Nirman LLP.

It is also evident that from the City Survey Records that in the Office of the City Survey at Margao , the properties bearing Chalta No.s 48 and 51 of P.T.S. No. 122 and the properties bearing Chalta No. 15 , 16 , 17 and 18 of P.T.S. No. 127 of the City Survey of



Margao stand transferred by Mutation to the name of Devashri Nirman LLP .

The South Goa Planning & Development Authority under No. SGPDA/P/6554/385/22-23 dated 20.6.2022 has granted the Development Permission u/s 44 of the Town & Country Planning Act for the carrying of the Development on the properties bearing Chalta No.s 48 and 51 of P.T.S. No. 122 and Chalta No. 15 , 16 , 17 and 18 of P.T.S. No. 127 of the City Survey of Margao .

The Margao Municipal Council , Margao has issued the Construction License bearing No. A/19/2022-23 dated 20.7.2022 for the carrying of the construction of the Residential Building comprising of Basement , Lower Ground Floor , Upper Ground Floor + 8 floors and Compound wall and swimming Pool on the properties bearing Chalta Nos. 48 and 51 of P.T.S. No. 122 and Chalta No. 15 , 16 , 17 and 18 of P.T.S. No. 127 of the City Survey of Margao.

In my opinion , Devashri Nirman LLP has a valid title to the properties bearing Chalta No.s 48 and 51 of P.T.S. No. 122 and





Chalta No. 15 , 16 , 17 and 18 of P.T.S. No. 127 of the City Survey of Margao and also have the required Permission from The South Goa Planning & Development Authority and the Construction License from the Margao Municipal Council and are therefore legally entitled to to carry on the construction on the said properties in terms of the Permissions/License and the Approved plans .

Yours faithfully ,



**Ajit R. Kantak**

Advocate