

Office No.: LG-2,
Fonseca Arcade,
Nr. Civil Court, Tisk,
Ponda - Goa
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Ramkrishna S. Naik

B. Com. LLB

Advocate & Notary

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Ref. No:-

Date:- 27.08.2024

LEGAL OPINION

1. OPINION SOUGHT BY :-

Shri Sham Mahadev Prabhudesai,
r/o Borim, Ponda-Goa

2. DESCRIPTION OF THE PROPERTY :

All that Plot bearing No. A of an area of 350.00 sq. mtrs., forming part of the property known as "TOLKA or TOLEBANDH" also known as "SAKAYLYA TOLYACHO BANDH" situated in village Borim of Ponda Taluka within the limits of village Panchayat of Borim, Taluka and Sub District of Ponda, District of North-Goa presently South-Goa, State of Goa, described in the land registration office of the judicial division under No. 17830 at pages 130 of book B47 (new) which is described under No. 513 on page 223 of Book B-7 old and survey No. 2/2 of village Borim and the said Plot is bounded as under :

East : by the property surveyed under no. 2/5 of village Borim

West : by road

North: By Plot B of Sy. No. 2/2 of village Borim

South : By road.



3. DOCUMENTS INSPECTED

- a. Inscription & Description
- b. Consent Decree dated 28.08.2012
- c. Land use Information dated 06.03.2023
- d. Deed of Sale dated 30.10.23
- e. Form I & XIV dated 28.11.2023
- f. Construction License dated 21.02.2024
- g. SANAD dated 20.05.2024
- h. Nil Encumbrance Certificate under No. NEC/11/2024/502

i. SEARCH REPORT:

(a) Whereas there exists a property known as "TOLKA or TOLEBANDH" also known as "SAKAYLYA TOLYACHO BANDH" situated in village Borim of Ponda Taluka within the limits of village Panchayat of Borim, Taluka and Sub District of Ponda, District of North-Goa presently South-Goa, State of Goa, described in the land registration office of the judicial division under No. 17830 at pages 130 of book B47 (new) which is described under No. 513 on page 258 of Book B-7 old and survey No. 2/2 and 381/1 of village Borim..

(b) From the Inscription and Description it is seen that the said property is inscribed in favour of Gopika Parab Dessai widow of Vishnu Porob Dessai and described under No. 17830 and duly described under No. 12769.

(c) And WHEREAS Shri Vishnu Sunand Prabhudesai and his wife filed a Regular Civil Suit No. 22/2009/C against the Shri Shekhar Prabhudessai and seven others before the Court of the Civil Judge Junior Division "C" court at Ponda-Goa for partition of the said property along with other property.

(d) And whereas vide consent terms filed before the Civil Judge Junior Division of Ponda dated 28.08.2012 it is seen that Shri Shri Shekhar Sunand Dessai and Mrs. Sumangala Shekhar Dessai were allotted Plot No. A admeasuring 350 sq. mtrs., from Survey No.



2/2, Plot No. A-1 admeasuring 220.00 sq. mtrs., and Plot No. A-2 admeasuring 820.00 sq. mtrs., from survey No. 381/1, of village of Borim, exclusively by virtue of Consent Decree passed in the said Regular Civil Suit No. 22/2009/C dated 28/08/2012 by the Civil Judge Junior Division "C" Court, Ponda Goa.

(e) And whereas vide Land use Zoning Information under Ref. No. TPP/3427/Zoning/Borim/2/2/23/550 dated 06.03.2023 issued by Office of the Town Planner, Town & Country Department, Ponda-Goa, it is seen that the said Plot bearing Survey No. 2/2 falls under settlement zone having permissible FAR-80.

(f) And whereas vide Deed of Sale dated 30.10.2023, duly registered before the Sub Registrar of Ponda under No. PON-1-1748-2023 dated 03.11.2023, it is seen that said Shri Shekhar Sunand Dessai and his wife Mrs. Sumangala Shekhar Dessai have sold and transferred Plot No. 'A' having area 350 sq. mtrs., being part of the property known as "TOLKA or TOLEBANDH" also known as "SAKAYLYA TOLYACHO BANDH" bearing survey no. 2/2 of village Borim to Shri Sham Mahadev Prabhudesai.

(g) From Form I & XIV dated 28.11.2023 of Survey No. 2/2 maintain by the Land records it is seen that the names of the Purchaser herein i.e. Sham Mahadev Prabhudesai is duly recorded as occupants in the survey records of Survey No. 2/2 of Village Borim and that there are no tenants to the same.

(h) From the Construction License dated 28.11.2023, issued by the Village Panchayat Borim it is seen that the said Village Panchayat had issued necessary construction license in favor of Sham Mahadev Prabbudessai, under the license bearing No. VPB/Const./Bor./2023-24/2088 dated 21.02.2024, for the construction of Residential buildings and compound wall in Plot A & B as per the Plans annexed and approved therein.



(i) From the Technical Clearance Order under Ref. No. TPP / 608 / Borim / 2 / 2 / 2023 / 2024 / 197 dated 30.01.2024 issued by Office of the Town Planner, Town & Country Department, Ponda-Goa, it is seen that the said office has granted the Technical clearance for carrying the amalgamation of Plot A & Plot B in survey no. 2/2 of village Borim for the construction of residential building as per the terms and condition contained therein.

(j) From Conversion Sanad was issued by Office of Additional Collector, III Ponda under No. CAD3PON12-23-130/269 dated 20.05.2024 it is seen that the said office has granted sanad for conversion of use of land in the said survey no. 2/2(part) for residential purpose.

(k) Nil Encumbrance certificate under No. NEC/11/2024/502 it is seen that the said Plot is not having any registered encumbrances for the period 30.10.2010 to 12.04.2024

Report and Certificate:

As discussed in detail above and from the searches made by me from the documents mentioned herein above I report that All that Plot bearing No. A of an area of 350.00 sq. mtrs., forming part of the property known as "TOLKA or TOLEBANDH" also known as "SAKAYLYA TOLYACHO BANDH" situated in village Borim of Ponda Taluka within the limits of village Panchayat of Borim, Taluka and Sub District of Ponda, District of North-Goa presently South-Goa, State of Goa, described in the land registration office of the judicial division under No. 17830 at pages 130 of book B47 (new) which is described under No. 513 on page 223 of Book B-7 old and survey No. 2/2 of village Borim and I hereby certify that their title to the said Plot is clean, clear, marketable and free from any encumbrance.

Place : Ponda-Goa.

Dated: 27.08.2024


Adv. R. S. NAIK



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Date:- 27.08.2024

LEGAL OPINION

1. OPINION SOUGHT BY :-

Shri Sham Mahadev Prabhudesai,
r/o Borim, Ponda-Goa

2. DESCRIPTION OF THE PROPERTY :

All that Plot bearing No. 'B' of an area of 925.00 sq. mtrs., forming part of the property known as "TOLKA or TOLEBANDH" also known as "SAKAYLYA TOLYACHO BANDH" situated in village Borim of Ponda Taluka within the limits of village Panchayat of Borim, Taluka and Sub District of Ponda, District of North-Goa presently South-Goa, State of Goa, described in the land registration office of the judicial division under No. 17830 at pages 130 of book B47 (new) which is described under No. 513 on page 223 of Book B-7 old and survey No. 2/2 of village Borim and the said Plot is bounded as under :

East : by survey no. 2/5 of village Borim

West : by existing road

North: By existing road and survey no. 2/3 of village Borim

South : By Plot No. A of survey no. 2/2 of village Borim.



3. DOCUMENTS INSPECTED

- a. Inscription & Description
- b. Consent Decree dated 28.08.2012
- c. Land use Information dated 06.03.2023
- d. Deed of sale dated 30.10.2023
- e. Form I & XIV dated 28.11.2023
- f. Construction License dated 21.02.2024
- g. SANAD dated 20.05.2024
- h. Nil Encumbrance Certificate under No. NEC/11/2024/497

i. SEARCH REPORT:

(a) Whereas there exists a property known as "TOLKA or TOLEBANDH" also known as "SAKAYLYA TOLYACHO BANDH" situated in village Borim of Ponda Taluka within the limits of village Panchayat of Borim, Taluka and Sub District of Ponda, District of North-Goa presently South-Goa, State of Goa, described in the land registration office of the judicial division under No. 17830 at pages 130 of book B47 (new) which is described under No. 513 on page 258 of Book B-7 old and survey No. 2/2 and 381/1 of village Borim..

(b) From the Inscription and Description it is seen that the said property is inscribed in favour of Gopika Parab Dessai widow of Vishnu Porob Dessai and described under No. 17830 and duly described under No. 12769.

(c) And WHEREAS Shri Vishnu Sunand Prabhudesai and his wife filed a Regular Civil Suit No. 22/2009/C against the Shri Shekhar Prabhudessai and seven others before the Court of the Civil Judge Junior Division "C" court at Ponda-Goa for partition of the said property along with other property.

(d) And whereas vide consent terms filed before the Civil Judge Junior Division of Ponda dated 28.08.2012 it is seen that Shri Shri Shekhar Sunand Dessai and Mrs. Sumangala Shekhar Dessai were allotted Plot No. A admeasuring 350 sq. mtrs., from Survey No.



2/2, Plot No. A-1 admeasuring 220.00 sq. mtrs., and Plot No. A-2 admeasuring 820.00 sq. mtrs., from survey No. 381/1, of village of Borim, exclusively by virtue of Consent Decree passed in the said Regular Civil Suit No. 22/2009/C dated 28/08/2012 by the Civil Judge Junior Division "C" Court, Ponda Goa.

(e) And whereas vide Land use Zoning Information under Ref. No. TPP/3427/Zoning/Borim/2/2/23/550 dated 06.03.2023 issued by Office of the Town Planner, Town & Country Department, Ponda-Goa, it is seen that the said Plot bearing Survey No. 2/2 falls under settlement zone having permissible FAR-80.

(f) And whereas vide Deed of Sale dated 30.10.2023, duly registered before the Sub Registrar of Ponda under No. PON-1-1747-2023 dated 03.11.2023, it is seen that said Shri Vishnu S. Prabhudessai and his wife Mrs. Girija Prabhudessai have sold and transferred Plot No. 'B' having area 925 sq. mtrs., being part of the property known as "TOLKA or TOLEBANDH" also known as "SAKAYLYA TOLYACHO BANDH" bearing survey no. 2/2 of village Borim to Shri Sham Mahadev Prabhudesai.

(g) From Form I & XIV dated 28.11.2023 of Survey No. 2/2 maintain by the Land records it is seen that the names of the Purchaser herein i.e. Sham Mahadev Prabhudesai is duly recorded as occupants in the survey records of Survey No. 2/2 of Village Borim and that there are no tenants to the same.

(h) From the Construction License dated 28.11.2023, issued by the Village Panchayat Borim it is seen that the said Village Panchayat had issued necessary construction license in favor of Sham Mahadev Prabbudessai, under the license bearing No. VPB/Const./Bor./2023-24/2088 dated 21.02.2024, for the construction of Residential buildings and compound wall in Plot A & B as per the Plans annexed and approved therein.



(i) From the Technical Clearance Order under Ref. No. TPP / 608 / Borim / 2 / 2 / 2023 / 2024 / 197 dated 30.01.2024 issued by Office of the Town Planner, Town & Country Department, Ponda-Goa, it is seen that the said office has granted the Technical clearance for carrying the amalgamation of Plot A & Plot B in survey no. 2/2 of village Borim for the construction of residential building as per the terms and condition contained therein.

(j) From Conversion Sanad was issued by Office of Additional Collector, III Ponda under No. CAD3PON12-23-130/269 dated 20.05.2024 it is seen that the said office has granted sanad for conversion of use of land in the said survey no. 2/2(part) for residential purpose.

(k) From Nil Encumbrance certificate under No. NEC/11/2024/497 it is seen that the Plot is not having any registered encumbrances for the period 30.10.2010 to 12.04.2024

Report and Certificate:

As discussed in detail above and from the searches made by me from the documents mentioned herein above I report that All that Plot bearing No. 'B' of an area of 925.00 sq. mtrs., forming part of the property known as "TOLKA or TOLEBANDH" also known as "SAKAYLYA TOLYACHO BANDH" situated in village Borim of Ponda Taluka within the limits of village Panchayat of Borim, Taluka and Sub District of Ponda, District of North-Goa presently South-Goa, State of Goa, described in the land registration office of the judicial division under No. 17830 at pages 130 of book B47 (new) which is described under No. 513 on page 223 of Book B-7 old and survey No. 2/2 of village Borim and I hereby certify that their title to the said Plot is clean, clear, marketable and free from any encumbrance.

Place : Ponda-Goa.

Dated: 27.08.2024

Adv. R. S. NAIK

(ADVOCATE)

