

**Shivan S.Desai**  
ADVOCATE

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

**TITLE REPORT**

To,  
**REALCON RESIDENCY LLP.**  
Office at 325 kholapawado,  
Canca, Bardez,  
Goa - 403510.

- I. I have pursued the photocopies of the following documents:
- a) Survey Records Form I & XIV bearing Survey No. 166 Sub-Division No. 14 of Village Assagao, Bardez – Goa.
  - b) Inscription Certificate (bearing Inscription No. 41572) and Description Certificate (bearing Description No. 51232)
  - c) Deed of Sale with Discharge dated 06/07/1964
  - d) Registo de Agrimensor
  - e) Old Cadastral Survey Plan



- f) Inventory Proceedings bearing No. 25/2002/A filed before the Court of the Civil Judge Senior Division 'A' Court at Mapusa - Goa
- g) Order dated 06/12/2004 passed in the Inventory Proceedings bearing No. 25/2002/A by the Court of the Civil Judge Senior Division 'A' Court at Mapusa - Goa
- h) Inventory Proceedings bearing No. 6/2007/C filed before the Court of the Civil Judge Senior Division at Mapusa - Goa
- i) Additional Statement on Oath dated 19/01/2009 was filed in the said Inventory Proceedings bearing No. 6/2007/C before the Court of the Civil Judge Senior Division at Mapusa - Goa
- j) Order dated 09/11/2010 passed in the Inventory Proceedings bearing No. 6/2007/C by the Court of the Civil Judge Senior Division at Mapusa - Goa



- k) Deed of Succession dated 18/08/2021
- l) Deed of Sale dated 23/08/2021, registered before the Sub Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-2946-2021 dated 23/08/2021
- m) Super Imposition Report dated 05/10/2021 issued by S. A. Dhuri, Architect & Govt. Approved Valuer, Mapusa - Goa
- n) Technical Clearance Order dated 14/06/2021 bearing Ref. No TPB/5993/ASSG/TCP-2021/2292 issued by Senior Town Planner, Town & Country Planning Department, Mapusa - Goa
- o) Provisional NOC from sanitation point of view dated 22/07/2021 bearing Ref. No PHCS/NOC-Const/21-22/748 issued by Primary Health Centre, Siolim, Bardez - Goa



- p) Conversion Sanad dated 19/10/2021 bearing No. 4/309/CNV/AC-III/2019/1370 issued by the Additional Collector-III, North Goa District, Mapusa - Goa
- q) Land Use Zoning Certificate bearing Ref. No. TPBZ/ZON/8839/ASSG/TCP-2021/3270 dated 11/08/2021 issued by the Senior Town Planner, Town and Country Planning Department, Mapusa - Goa
- r) NIL Encumbrance Certificate dated 09/09/2021 bearing No. 1927/2021
- s) Development Agreement dated 22/10/2021
- t) Survey Plan

**II. DESCRIPTION OF THE PROPERTY:**

**SCHEDULE I**

ALL THAT property known as "**GONGUEAREACHEM BATTA**" also known as "**GONGUEREACHEM BATTA**"



also known as "**GONGREACHEM BATTA**", situated in the Ward Gonguerem, within the limits of Village Panchayat of Assagao, Taluka and Registration Sub-District Bardez, District North Goa in the State of Goa, which property is described in the Land Registration Office under No. 51232 of Book B 108 at pages 112 overleaf and enrolled in the Land Revenue Office under Matriz No. 1479 of the First Circle and surveyed under Survey No. **166/14** of the Village **Assagao**, admeasuring an area **3950 sq. mts.** and the same is bounded as under :-

- North :- By the Public Road and property bearing Survey Nos. 166/2, 166/3 and 165/7 of Village Assagao;
- South :- By the property bearing Survey No. 166/28 of Village Assagao;
- East :- By the property bearing Survey Nos. 166/16, 166/19 and 166/23 of Village Assagao;
- West :- By the property bearing Survey No. 166/13 of Village Assagao;



This property shall hereinafter referred to as the  
**SAID PROPERTY.**

**III. TRACING OF PARTIES TITLE:**

1. The **SAID PROPERTY** is described under No. 51232 of Book B 108 at pages 112 overleaf and inscribed on **9<sup>th</sup> July 1964** under No. 41572 in favour of Caitano Xavier Rodrigues married to Agata Teodolinda de Souza e Rodrigues. Inscription Certificate reveals that the **SAID PROPERTY** was purchased by the said Caitano Xavier Rodrigues married to Agata Teodolinda de Souza e Rodrigues vide Deed dated 6<sup>th</sup> July 1964 From Elalina Athaide alias Elalina Veleze e Ataide alias Elalina Athaide alias Elalina Lucia Maria Marta Angelina Henriqueta Francisca Veleze e Athaide, widow of Reginaldo de Ataido alias Reginaldo Ataide alias Gonzega Baptista Reinaldo Mirandulane de Ataide; Maria Tereza Cristalina Ataide alias Maria Christalina Athaide e Halloweena and her husband, Melbourne Michael



Halloween and Francisco Xavier Domingo Caitano  
Ataide alias Francisco Xavier Domingos Caetano  
Ataide.

2. **Inscription and Description Certificates** are records maintained during the Portuguese Regime wherein the record of title was maintained. *Portuguese Regime in Goa continued upto 1961 and post 1961, the Land Registration records are not updated. However the said records are still recognized by the Courts and departments for the purpose of title to the property. In terms of the system then prevailant, every property had a description number which describes the property and a corresponding inscription number which records the name of the owner of the same which document is referred to as Description & Inscription Certificate. In terms of the Portuguese Law which is still applicable in Goa and in terms of*



*the principles of law laid down by the courts in Goa, the Inscription & Description Certificate (Land Registration Certificate) is a title document for all legal and practical purposes and therefore the same is a vital document for assessment of title to the property.*

3. Registo Do Agrimensor along with Old Cadastral Survey Plan reveals that the **SAID PROPERTY** bears old Cadastral Survey No. **1077** originally belonged to Antonio Ataide, Edwin Ataide, Ambrozio Ataide and Jose Ataide, children of Braz Antonio Ataide and of Elvira Mendonca.
4. Super Imposition Report dated 05/10/2021 issued by S. A. Dhuri, Architect & Govt. Approved Valuer, Mapusa – Goa establishes that the SAID PROPERTY bearing old Cadastral Survey No. 1077 and Survey No. 166/14 of Village Assagao, Bardez – Goa is almost same.





5. ***The Correspondence Certificate issued by Directorate of Settlement and Land Records would establish the co-relation between the old cadastral survey record and the present Goa Settlement records and assists in identifying the property for the purpose of due diligence.***
6. ***Registo Do Agrimensor*** and Cadastral Survey Records are land records which were promulgated during the Portuguese Regime under theCodigo De Registo Rules. Under the said Rules, the said Registo Do Agrimensor and Cadastral Survey Records were 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 in the absence of Description and Inscription Certificate can be considered for the purpose of devolution of ownership.



7. Inventory Proceedings bearing No. 25/2002/A filed before the Court of the Civil Judge Senior Division 'A' Court at Mapusa - Goa reveals THAT the said Mr. Caetano Xavier Rodrigues alias Cajetan Xavier Rodrigues passed away on 23/08/1986 leaving behind his widow and moiety holder, Mrs. Agatha Theodolinda Rodrigues alias Agaeda Teodolinda de Souza alias Agatha Theodolinda D'Souza and the following legal heirs:
- i. Mr. Hipolito Antonio Jose Rodrigues alias Anthony Rodrigues
  - ii. Mrs. Blossom Espy Lawrence alias Blossy Esspy Lawrence married to Mr. Derek Tom Lawrence
  - iii. Miss Cecilia Conceicao Rodrigues
  - iv. Mr. Dominic Angelo Rodrigues married to Mrs. Melda Margaret Rodrigues
  - v. Mrs. Escolastica Doris Rodrigues alias Doris Escolastica Rodrigues married to Mr. Leonard Joseph D'Souza



The said Mr. Derek Tom Lawrence passed away on 19/12/1999 leaving behind his widow and moiety holder, the said Mrs. Blossom Espy Lawrence alias Blossy Esspy Lawrence and the following legal heirs:

- i. Mrs. Nerissa Maria Lawrence married to Mr. Bernard John Cordeiro
- ii. Ms. Amanda Gillain Lawrence

8. Upon the death of the said Mr. Caetano Xavier Rodrigues alias Cajetan Xavier Rodrigues, Inventory Proceedings bearing No. 25/2002/A was initiated before the Court of the Civil Judge Senior Division 'A' Court at Mapusa – Goa by the said Mr. Hipolito Antonio Jose Rodrigues alias Anthony Rodrigues and the **SAID PROPERTY** was listed as **Item No. 3** in the LIST OF ASSETS.

9. Vide Order dated 06/12/2004 passed in the Inventory Proceedings bearing No. 25/2002/A by the Court of the Civil Judge Senior Division 'A'



Court at Mapusa – Goa, the Final Chart of Allotment dated 04/12/2004 were confirmed wherein the **SAID PROPERTY** was allotted in the following manner:

Mrs. Agatha Theodolinda Rodrigues alias Agaeda Teodolinda de Souza alias Agatha Theodolinda D'Souza	½ share
Mrs. Blossom Espy Lawrence alias Blossy Esspy Lawrence	1/12 <sup>th</sup> share
Mrs. Nerissa Maria Lawrence married to Mr. Bernard John Cordeiro	1/24 <sup>th</sup> share
Ms. Amanda Gillain Lawrence	1/24 <sup>th</sup> share
Ms. Cecilia Conceicao Rodrigues	1/6 <sup>th</sup> share
Mrs. Escolastica Doris Rodrigues alias Doris Escolastica Rodrigues married to Mr. Leonard Joseph D'Souza	1/6 <sup>th</sup> share



10. Inventory Proceedings bearing No. 6/2007/C filed before the Court of the Civil Judge Senior Division at Mapusa – Goa reveals THAT the said Mrs. Agatha Theodolina Rodrigues alias Agueda Teodolinda de Souza alias Agatha Theodolinda D'Souza widow of Mr. Caetano Xavier Rodrigues passed away on 20/08/2006 leaving behind her following legal heirs:

- i. Mr. Hipolito Antonio Jose Rodrigues alias Anthony Rodrigues
- ii. Mrs. Blossom Espy Lawrence alias Blossy Esspy Lawrence married to Mr. Derek Tom Lawrence
- iii. Ms. Cecilia Conceicao Rodrigues
- iv. Mr. Dominic Angelo Rodrigues married to Mrs. Melda Margaret Rodrigues
- v. Mrs. Escolastica Doris Rodrigues alias Doris Escolastica Rodrigues married to Mr. Leonard Joseph D'Souza



The said Mr. Derek Tom Lawrence passed away leaving behind his widow and moiety holder, the said Mrs. Blossom Espy Lawrence alias Blossy Esspy Lawrence and the following legal heirs:

- iii. Mrs. Nerissa Maria Lawrence married to Mr. Bernard John Cordeiro
- iv. Ms. Amanda Gillain Lawrence

11. Upon the death of the said Mrs. Agatha Theodolina Rodrigues alias Agueda Teodolinda de Souza alias Agatha Theodolinda D'Souza widow of Mr. Caetano Xavier Rodrigues, Inventory Proceedings bearing No. 6/2007/C was initiated before the Court of the Civil Judge Senior Division at Mapusa - Goa by the said Mr. Hipolito Antonio Jose Rodrigues alias Anthony Rodrigues and **HALF SHARE** in the **SAID PROPERTY** of the said Mrs. Agatha Theodolina Rodrigues alias Agueda Teodolinda de Souza alias Agatha Theodolinda D'Souza widow of Mr. Caetano Xavier Rodrigues allotted to her in Inventory

Proceedings bearing No. 25/2002/A was listed as  
**sole Item** in the LIST OF ASSETS.

12. Additional Statement on Oath dated 19/01/2009 was filed in the said Inventory Proceedings bearing No. 6/2007/C before the Court of the Civil Judge Senior Division at Mapusa - Goa stating that the said Mr. Hipolito Antonio Jose Rodrigues alias Anthony Rodrigues passed away in the status of bachelor on 30/04/2008
13. Vide Order dated 09/11/2010 passed in the Inventory Proceedings bearing No. 6/2007/C by the Court of the Civil Judge Senior Division at Mapusa - Goa, the Final Chart of Allotment dated 12/10/2010 were confirmed wherein the said **HALF SHARE** in the **SAID PROPERTY** of the said Mrs. Agatha Theodolina Rodrigues alias Agueda Teodolinda de Souza alias Agatha Theodolinda



D'Souza widow of Mr. Caetano Xavier Rodrigues was allotted in the following manner:

Mrs. Blossom Espy Lawrence alias Blossy Esspy Lawrence	5/40 <sup>th</sup> share
Mrs. Nerissa Maria Lawrence married to Mr. Bernard John Cordeiro	5/80 <sup>th</sup> share
Ms. Amanda Gillain Lawrence	5/80 <sup>th</sup> share
Ms. Cecilia Conceicao Rodrigues	5/20 <sup>th</sup> share
Mr. Dominic Angelo Rodrigues married to Mrs. Melda Margaret Rodrigues	5/20 <sup>th</sup> share
Mrs. Escolastica Doris Rodrigues alias Doris Escolastica Rodrigues married to Mr. Leonard Joseph D'Souza	5/20 <sup>th</sup> share

14. In view of above, the said Mrs. Blossom Espy Lawrence alias Blossy Esspy Lawrence; Mrs. Nerissa Maria Lawrence along with her husband, Mr.



Bernard John Cordeiro; Ms. Amanda Gillain Lawrence; Ms. Cecilia Conceicao Rodrigues; Mr. Dominic Angelo Rodrigues along with his wife, Mrs. Melda Margaret Rodrigues and Mrs. Escolastica Doris Rodrigues alias Doris Escolastica Rodrigues along with her husband, Mr. Leonard Joseph D'Souza became absolute owners in possession of THE SAID PROPERTY in their respective shares.

15. Deed of Succession dated 18/08/2021 reveals that the said Mr. Dominic Angelo Rodrigues alias Domnic Rodrigues alias Dominic Angelo passed away on 03/09/2019 leaving behind his widow and moiety holder, the said Mrs. Melda Margaret Rodrigues alias Melda Rodrigues and the following three children as his sole and universal legal heirs:
- (i) Mr. Sameer Regenald Juda Rodrigues alias Sameer Rodrigues
  - (ii) Mr. Shrey Anthony Rodrigues alias Shrey Rodrigues



(iii) Mr. Sunith Rodrigues alias Sunith Cajetan  
Rodrigues

16. Vide Deed of Sale dated 23/08/2021, registered before the Sub Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-2946-2021 dated 23/08/2021, the said Mrs. Melda Margaret Rodrigues alias Melda Rodrigues, Mr. Sameer Regenald Juda Rodrigues alias Sameer Rodrigues, Mr. Shrey Anthony Rodrigues alias Shrey Rodrigues and Mr. Sunith Rodrigues alias Sunith Cajetan Rodrigues and his wife, Mrs. Beena Shekhar Pednekar; Mrs. Blossom Espy Lawrence alias Blossy Esspy Lawrence alias Blossy Lawrence; Mrs. Nerissa Maria Cordeiro alias Nerissa Lawrence and her husband, Mr. Bertrand John Cordeiro; Ms. Amanda Gillain Dominica Lawrence alias Amanda Lawrence; Ms. Cecilia Conception Rodrigues alias Cecilia C Rodrigues alias Cecilia Conceicao Rodrigues and Mrs. Escolastica Doris Rodrigues D'Souza alias



Doris D'Souza and her husband, Mr. Leonard Joseph D'Souza sold the SAID PROPERTY in favour of Vianaar Heritage Development Pvt. Ltd.

17. In light of above, the said Vianaar Heritage Development Pvt. Ltd became the exclusive owner in possession of **the SAID PROPERTY.**

18. The said Vianaar Heritage Development Pvt. Ltd has obtained following permissions for proposed construction of Residential Units (8 nos.) along with Swimming Pools in the SAID PROPERTY bearing Survey No. 166/14 of Village Assagao, Bardez - Goa:

(i) Technical Clearance Order dated 14/06/2021 bearing Ref. No TPB/5993/ASSG/TCP-2021/2292 issued by Senior Town Planner, Town & Country Planning Department, Mapusa - Goa



- (ii) Provisional NOC from sanitation point of view dated 22/07/2021 bearing Ref. No PHCS/NOC-Const/21-22/748 issued by Primary Health Centre, Siolim, Bardez - Goa.
19. Vide Conversion Sanad dated 19/10/2021 bearing No. 4/309/CNV/AC-III/2019/1370 issued by the Additional Collector-III, North Goa District, Mapusa - Goa the nature of the **SAID PROPERTY**, bearing Survey No. **166/14** of Village Assagao, Bardez - Goa, admeasuring **3950 sq. mts.** was converted for the purpose of Residential with 60 F.A.R.
20. Vide Development Agreement dated 22/10/2021, the said Vianaar Heritage Development Pvt. Ltd agreed to grant the development and commercial utilization rights of **the SAID PROPERTY** in favour of Realcon Residency LLP.



21. **Manual Form I & XIV, Form IX AND Form III** are Revenue Records prepared under the applicable Goa Land Revenue Code

**Manual Form I & XIV, Form IX AND Form III:**

in respect of the SAID PROPERTY bearing Survey No. **166/14** of Village **Assagao**, Bardez - Goa clearly shows the name of Caitano Xavier Rodrigues or Caetan Saver Rodrigues.

22. In light of above, considering the fact that the Inscription and Description records, Deed of Sale with Discharge dated 06/07/1964, Order dated 06/12/2004 passed in the Inventory Proceedings bearing No. 25/2002/A by the Court of the Civil Judge Senior Division 'A' Court at Mapusa - Goa, Order dated 09/11/2010 passed in the Inventory Proceedings bearing No. 6/2007/C by the Court of the Civil Judge Senior Division at Mapusa - Goa, Deed of Succession dated 18/08/2021 and Deed of Sale dated 23/08/2021 and the Survey Records in



respect of the **SAID PROPERTY**, have remained unchallenged and the survey records corresponds to the devolution of title and is consistent with the ownership of the present owners, I am of the opinion that **VIANAAR HERITAGE DEVELOPMENT PVT. LTD.** has clear and marketable title in respect of **the SAID PROPERTY** subject to the following:

- (i) Publication of Public Notice inviting objections from the general public, if any
- (ii) Rights of Realcon Residency LLP in pursuance to Development Agreement dated 22/10/2021.

**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 19/10/2021 bearing No. 4/309/CNV/AC-III/2019/1370 issued by the Additional Collector-III, North Goa District, Mapusa - Goa has been furnished to establish that the **SAID PROPERTY**, bearing Survey No. **166/14** of Village Assagao, Bardez - Goa, admeasuring **3950 sq. mts.** was converted for the purpose of Residential with 60 F.A.R.
4. Land Use Zoning Certificate bearing Ref. No. TPBZ/ZON/8839/ASSG/TCP-2021/3270 dated 11/08/2021 issued by the Senior Town Planner, Town and Country Planning Department, Mapusa - Goa has been furnished which reveals that the SAID PROPERTY bearing Survey No. 166/14 of Village Assagao, Bardez - Goa falls in "Settlement Zone (VP-2) with permissible FAR



60” as per Regional Plan for Goa 2021. The said Land Use Zoning Certificate dated 11/08/2021 is valid for **THREE YEARS** or till the Regional Plan for Goa 2021 is in force, whichever is earlier from the date of issuance.

5. 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** admeasuring an area **3950 sq. mts.**, surveyed under Survey No. **166/14** of Village **Assagao** reflect the names of VIANAAR HERITAGE DEVELOPMENT PRIVATE LIMITED in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the ownership of the present owner in respect of **the SAID PROPERTY.**





**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 09/09/2021 bearing No. 1927/2021 in respect of the **SAID PROPERTY** is furnished to establish that there is no encumbrance.

**CERTIFICATE**

From the documents produced from my scrutiny, I hereby certify that **VIANAAR HERITAGE DEVELOPMENT PVT. LTD.** has clear and marketable title in respect of **the SAID PROPERTY** subject to the following:

- (i) Publication of Public Notice inviting objections from the general public, if any
- (ii) Rights of Realcon Residency LLP in pursuance to Development Agreement dated 22/10/2021.



➤ **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 not inspected the originals of the title documents produced for scrutiny referred to above; and
  - (c) I have taken the title documents under which Caitano Xavier Rodrigues married to Agata Teodolinda de Souza e Rodrigues 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, asset 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.

- 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



**Shivan S.Desai**  
ADVOCATE

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

- 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:- 20/11/2021



**(Adv. Shivan S. Desai)**