

Shivan S. Desai
ADVOCATE

Off:
603, Ambrosia Corporate Park
6th Floor, Patto,
Panaji-Goa
shivandesai@sdlegal.co.in
Mobile No 9822102911

TITLE REPORT

To,
M/S. EVERNEST LUXURY HOMES LLP,
having its registered office at 304,
Floor 3, Plot 506A, Doli Chambers,
Bhaskarrao, Kargutkar Marg,
Strand Cinema, Colaba,
Mumbai - 400005.

I. I have perused the photocopies of the following documents:

- a) Survey Records Form I& XIV bearing Survey No. 38 Sub-Division No. 2-A of Village Reis Magos, Baredz - Goa.
- b) Registo Do Agremensor
- c) Auto De Demarcacao
- d) Old Cadastral Survey Plan
- e) Manual Form I & XIV
- f) Form IX



- g) Corresponding Certificate dated 11/01/2021 bearing No. 9(02)-120/DSLRL-2020/3497 issued by Directorate of Settlement & Land Records, Panaji - Goa
- h) Deed of Lease dated 14/06/2000 duly registered before the Sub-Registrar of Ilhas under registration No. 1504 at pages 475 to 504 of Book No. I Volume No. 872 dated 01/08/2000
- i) Deed of Sub-Lease and Assignment dated 13/09/2007, duly registered before the Sub-Registrar of Bardez, Mapusa - Goa under registration No. 4656 at pages 214 to 235 of Book No. I Volume No. 2284 dated 17/09/2007
- j) Deed of Sale dated 31/03/2009 registered before Sub-Registrar of Bardez, Mapusa - Goa under No. 1027 at pages 98 to 110 of Book I, Volume No. 2799 dated 25/05/2009



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- k) Deed of Sale dated 21/05/2009, registered before the Sub Registrar of Bardez, Mapusa - Goa under Registration No. 1047 at pages 256 to 267 Book No 1 Volume no 2800 dated 05/06/2009
- l) Land Use Zoning Certificate bearing Ref. No. TPBZ/ZON/5853/RM/TCP-19/1084 dated 08/02/2019 issued by the Senior Town Planner, Town and Country Planning Department, Mapusa - Goa
- m) Conversion Sanad dated 26/08/2021 bearing No. 4/175/CNV/AC-III/2021/1094 issued by the Additional Collector-III, North Goa District, Mapusa - Goa
- n) Deed of Sale dated 28/10/2021, registered before the Sub Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-4005-2021 dated 03/11/2021



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o) NIL Encumbrance Certificate dated 27/08/2021
bearing No. 1821/2021

p) Survey Plan

II. DESCRIPTION OF THE PROPERTY:

SCHEDULE I

ALL THAT PROPERTY known as "FREIRICHEM BATTA", situated at Village Reis Magos, within the limits of the Village Panchayat of Reis Magoa, Taluka and Registration Sub-District of Bardez, District North Goa, State of Goa which property is neither registered in the Land Registration Office but bearing Revenue No. 112 and comprising holdings bearing Survey Nos. 71(Part), 41(Part), 37/2(Part), 38/2, 71, 41, 37/8, 37/9, 37/10, 37/2 and 37/1, and is bounded as follows:

North : By the property "Valverde" number 113
and "Quinta" number 117.



- South : By the property "Betim Pequeno" number 111, by public road and property "Quinta" number 117.
- East : By the property "Betim Pequeno" number 111 and by the hill of the Comunidade of Pilerne.
- West : By the road, by the property "Valverde" number 113, by the hill of the Comunidade of Pilerne, by the property "Mani Batta" number 119 and by the property "Xelaunem Batta" or "Revechem Batta" number 112.

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

SCHEDULE II

ALL THAT PLOT OF LAND admeasuring 4000 sq. mts., bearing Survey No. 38/2-A of Village Reis Magos, forming part of the **SAID PROPERTY** and is bounded as follows:

Towards North : By the internal access road;



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Towards South : By nallah and the remaining part of the original bigger property surveyed under Survey No. 38/2;

Towards East : By the remaining part of the original bigger property surveyed under Survey No. 38/2 and nallah;

Towards West : By the road

This property shall hereinafter referred to as the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**

III. TRACING OF PARTIES TITLE:

1. The **SAID PROPERTY** is neither described nor inscribed in the Land Registration Records. **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.

2. However the Registo Do Agremensor and Cadastral Survey Records reveal that the **SAID PROPERTY** bears old Cadastral Survey No. 1917 originally



- belonged to Convent of Saint Monica (Convento de Santa Monica).
3. Corresponding Certificate dated 11/01/2021 bearing No. 9(02)-120/DSLRL-2020/3497 issued by Directorate of Settlement & Land Records, Panaji - Goa reveals that the **SAID PROPERTY** bearing Old Cadastral Survey No. 1917(Part) corresponds to survey No. 38/2-A(Part) of Village Reis Magos, Bardez - Goa.
4. *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.*
5. Cadastral Survey Records and Registo Do Agrimensor are land records which were promulgated during the Portuguese Regime under



the Codigo De Registo Rules. Under the said Rules, the said cadastral Survey Records and Registo Do Agrimensor 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 the absence of Description and Inscription Certificate can be considered for the purpose of devolution of ownership.

6. Vide Deed of Lease dated 14/06/2000 duly registered before the Sub-Registrar of Ilhas under registration No. 1504 at pages 475 to 504 of Book No. I Volume No. 872 dated 01/08/2000, the said The Patriarchate of East Indies also known as Partiacado Das Indias Orientais also known as Archdiocese of Goa and Daman gave on 99 (Ninety Nine) years lease on the payment of lease rent of Rs. 1,53,250/- for the PLOT admeasuring **4000 sq. mts.** forming part of the SAID PROPERTY known as



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FREIRICHEM BATTA which plot is more particularly described in Schedule II hereinabove and hereinafter referred to as the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**, in favour of Mr. Prabhakar Vednkatesha Bhandare alias Prabacar VencTexa Bhandari.

7. Vide Deed of Sub-Lease and Assignment dated 13/09/2007, duly registered before the Sub-Registrar of Bardez, Mapusa - Goa under registration No. 4656 at pages 214 to 235 of Book No. I Volume No. 2284 dated 17/09/2007, the said Mr. Prabhakar Vednkatesha Bhandare alias Prabacar VencTexa Bhandari sub-leased and assigned the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**, forming part of the SAID PROPERTY known as **FREIRICHEM BATTA** for remaining 76 (Seventy Six) years on the payment of lease rent of Rs. 4,00,000/- in favour of Jagati Estate Developers Pvt. Ltd.



8. Vide Deed of Sale dated 31/03/2009 registered before Sub-Registrar of Bardez, Mapusa – Goa under No. 1027 at pages 98 to 110 of Book I, Volume No. 2799 dated 25/05/2009, the said Patriarchate of East Indies also known as Partiacado Das Indias Orientais also known as Archdiocese of Goa And Daman also known as Santa Monica Convent, through The Patriarch of East Indies also known as Patriarch of Indias Orientais, Most Rev. Fr. Filipe Neri Ferrao sold the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**, forming part of the SAID PROPERTY known as **FREIRICHEM BATTA** in favour of Mr. Prabhakar Venkatesh Bhandare alias Prabacar Venctexa Bhandari.
9. Vide Deed of Sale dated 21/05/2009, registered before the Sub Registrar of Bardez, Mapusa – Goa under Registration No. 1047 at pages 256 to 267 Book No 1 Volume no 2800 dated 05/06/2009, the said Mr. Prabhakar Venkatesh Bhandare alias



Prabacar Venctexa Bhandari sold the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**, forming part of the SAID PROPERTY known as **FREIRICHEM BATTA** in favour of M/s. Ajcon Infra Projects Pvt. Ltd. formerly known as M/s. Jagati Estate Developers Pvt. Ltd.

10. The **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**, forming part of the SAID PROPERTY known as **FREIRICHEM BATTA** was partitioned by the said M/s. Ajcon Infra Projects Pvt. Ltd. formerly known as M/s. Jagati Estate Developers Pvt. Ltd. and a separate survey Number i.e. **Survey No. 38/2-A** was allotted to the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**

11. Vide Conversion Sanad dated 26/08/2021 bearing No. 4/175/CNV/AC-III/2021/1094 issued by the Additional Collector-III, North Goa District, Mapusa – Goa the area admeasuring **3215 sq. mts.** from the **SAID PLOT OF LAND** bearing Survey **No. 38/2-A**



(Part 1 & 2) of Village Reis Magos, Bardez – Goa was converted for Residential with 80 FAR.

12. Public Notice dated 04/09/2021 was published in Gomantak (Marathi) and Navhind Times and Public Notice dated 07/09/2021 was published in Herald wherein objections within a period of 15 days from the date of publication were invited from the general public for sale of the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.** forming part of the SAID PROPERTY known as **FREIRICHEM BATTA** by the said M/s. Ajcon Infra Projects Pvt. Ltd. and after elapse of 15 days no objection are received.

13. Vide Deed of Sale dated 28/10/2021, registered before the Sub Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-4005-2021 dated 03/11/2021, the said M/s. Ajcon Infra Projects Pvt. Ltd. formerly known as M/s. Jagati Estate Developers Pvt. Ltd. sold the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**, forming part of the



SAID PROPERTY known as **FREIRICHEM BATTA** in favour of M/S. EVERNEST LUXURY HOMES LLP.

14. In view of above, the said **M/S. EVERNEST LUXURY HOMES LLP** became absolute owner in possession of the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**, bearing Survey No. 38/2-A of Village Reis Magos, Bardez - Goa.

15. **Form IX:**

in respect of the SAID PROPERTY bearing Survey No. **38/2** of Village Reis Magos, Bardez - Goa clearly shows the name of Santa Monica Convent of the Archdiocese of Goa and Daman as owner of the **SAID PROPERTY.**

Manual Form I & XIV:

in respect of the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**, bearing Survey No. 38/2-A of Village Reis Magos, Bardez - Goa clearly shows the name of M/s. Ajcon Infra Projects Pvt. Ltd. The said Manual



Form I & XIV is consistent with the devolution of ownership.

16. In light of above, considering the fact that the Cadastral Survey Records, Registo Do Agrimensor, Correspondence Certificate, Deed of Lease dated 14/06/2000, Deed of Sub-Lease and Assignment dated 13/09/2007, Deed of Sale dated 31/03/2009 and Deed of Sale dated 21/05/2009 and the Survey Records in respect of the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.** forming part of the SAID PROPERTY known as **FREIRICHEM BATTA** have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owners and considering the fact that No Objection has been received in pursuance to the public notice, I am of the opinion that **M/S. EVERNEST LUXURY HOMES LLP** has a clear and marketable title in respect of



the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**

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 PLOT OF LAND.**
2. The Urban Ceiling Act is not applicable to the State of Goa.
3. Conversion Sanad dated 26/08/2021 bearing No. 4/175/CNV/AC-III/2021/1094 issued by the Additional Collector-III, North Goa District, Mapusa - Goa has been furnished to establish that the area admeasuring **3215 sq. mts.** from the **SAID PLOT OF LAND** bearing Survey **No. 38/2-A (Part 1 & 2)** of Village Reis Magos, Bardez - Goa was converted for Residential with 80 FAR.



4. Land Use Zoning Certificate bearing Ref. No. TPBZ/ZON/5853/RM/TCP-19/1084 dated 08/02/2019 issued by the Senior Town Planner, Town and Country Planning Department, Mapusa - Goa has been furnished which reveals that the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**, bearing Survey No. 38/2-A of Village Reis Magos, Bardez - Goa falls in "Partly Settlement Zone and Partly Natural cover" as per Regional Plan for Goa 2021. However the said Land Use Zoning Certificate dated 08/02/2019 is valid only for SIX MONTHS from the date of issuance.

V. **EVIDENCE OF POSSESSION:-**

The **SAID PLOT OF LAND** admeasuring **4000 sq. mts.**, bearing Survey No. 38/2-A of Village Reis Magos, Bardez - Goa reflects the name of M/s. Ajcon Infra Projects Pvt. Ltd. in Form I & XIV



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issued by the Department of Survey, Government of Goa. **However it is advisable to carry out mutation proceedings and the name of the present owner may be incorporated in respect of the SAID PLOT OF LAND.**

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 PLOT OF LAND** admeasuring **4000 sq. mts.** NIL Encumbrance Certificate dated 27/08/2021 bearing No. 1821/2021 in respect of the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.** is furnished to establish that there is no encumbrance.

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **M/S. EVERNEST LUXURY HOMES LLP** has clear and marketable title in respect



of the **SAID PLOT OF LAND** admeasuring **4000 sq. mts.** subject to Observation made at **para V above**

➤ **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 PLOT OF LAND** and/or (ii) against the larger property; and
 - (b) I have taken the title documents under which Convent of Saint Monica (Convento de Santa Monica) acquired the land as 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 PLOT OF LAND** 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 PLOT OF LAND**; and



(f) that names of persons spelt differently in different documents in respect of the **SAID PLOT OF LAND** 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 PLOT OF LAND** 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.



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- The availability/existence of the access to the **SAID PLOT OF LAND** 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:- 10/01/2022

(Adv. Shivan S. Desai)