

LEGAL OPINION ON WHETHER FOMENTO REALTY PRIVATE LIMITED HAS LEGAL, MARKETABLE AND UNENCUMBERED TITLE TO THE PROPERTY BEARING SURVEY NO. 452/1 OF REVENUE VILLAGE CHORAO, TALUKA TISWADI, REGISTRATION SUB-DISTRICT OF ILHAS, DISTRICT NORTH GOA, STATE GOA

1. My opinion has been sought on whether **FOMENTO REALTY PRIVATE LIMITED**, a company registered under the Companies Act, 1956, having Corporate Identification No. U68100GA2016PTC013013, having its Registered Office at 301 Kamat Metropolis – I, behind Caculo Mall, St. Inez, Panaji, Goa, has legal, marketable and unencumbered title to the property described in Para 2 below ("**Said Property**").
2. The Said Property is a separate and independent property by itself, surveyed under Survey No. 452/1 of revenue Village Chorao, Taluka Tiswadi, Registration Sub-District of Ilhas, District North Goa, State Goa, admeasures 5,850 sq. meters and is bounded as under: **North:** By Nalla; **South:** By Survey No. 452/7; **East:** By Survey No. 452/2 and **West:** By Survey Nos. 453/6 and 453/7.

The aforesaid property surveyed under Survey No. 452/1 is stated to be one-half of the Western side of the following larger property ("**Said Larger Property**"), viz. immovable property known as "BAGA" or "KARBATA" or "CONOLDEM", located in and within revenue village Chorao, within the limits of Village Panchayat of Chorao, Taluka Tiswadi, Registration Sub-District of Ilhas, District North Goa, State Goa, described in the erstwhile Land



Registration Office of Ilhas at Panaji under No. 14266 at Folio 162 of Book B 37 (New Series), not enrolled in the Taluka Revenue Office of Tiswadi, and bounded as per the erstwhile land registration records as follows: **North:** By coconut grove and field of heirs of Gonzaga Fernandes; **South:** By hilly property of the Fabrica of the Church of Sr. Bartholomeu of Chorao; **East:** By hilly property of heirs of Militão de Noronha and **West:** By hilly property of Maria Angelica de Souza.

3. **DOCUMENTS SUBMITTED AND DEVOLUTION OF TITLE:**

- a) **Certified copy of a Deed of Sale (in Portuguese language) drawn up on 14th August, 1920 by and before Joao Cupertino da Caridade Frias, the then Notary of Bardez Judicial Division and recorded at Folio 41 (overleaf) to 43 (overleaf) of Deeds Book No. 197, which certified copy has been issued by the Archivist, Directorate of Archives, Archaeology & Museums, Panaji, Goa on 17th April, 1990 ALONG WITH its English Translation dated 2nd August, 1991 by the Under Secretary (Law)-cum-Official Translator, Government of Goa:**

The above document records that one-half of the Western side of the Said Larger Property was purchased by LOURENCO SANTANA GRAO *alias* JOAO LOURENCO SANTANA COPERTINO GRAO of Chorao.



- b) **English Translations certified on 8th January, 2025 by
Mr. Fernando Jorge Colaço, Notary Public at Panaji,
Goa of: (1) Description of the property described
under No. 14266 at Folio 162 of Book B 37 (New)
Certificate and (2) Inscription No. 11499 dated
20th December, 1920 at Folio 186 of Book F 19:**

The above documents describe the Said Larger Property
and duly records the transaction of sale recorded in the
Deed of Sale drawn up on 14th August, 1920 and referred
to in sub-clause (a) above.

- c) **Deed of Relinquishment of Rights drawn on
30th March, 1990 by and before the Sub-Registrar-cum-
Notary-Ex-Officio of Ilhas Taluka at Panaji, Goa and
recorded at Folio 26 (overleaf) onwards of Deeds Book
No. 634:**
- d) **Deed of Succession drawn up on 24th April, 1990 by
the Sub-Registrar-cum-Notary-Ex-Officio of
Ilhas Taluka at Panaji, Goa:**

The above documents record:

- 1) LOURENCO SANTANA GRAO *alias* JOAO
LOURENCO SANTANA COPERTINO GRAO and
his wife MARIA POLICIANA FERNANDES, both
died, the former on 3rd April, 1964 and the latter on
20th December, 1941, leaving behind them the
following as their sole and universal heirs,
viz. (a) MARIA REGINA GRAO, widow of JOAO



VICTOR D'SOUZA; (b) FELIX CAETANO GRAO, unmarried; (c) SANTANA PASCOAL GRAO, married to CONCEICAO MANUEL FERNANDES and (d) JACINTO ANTONIO GRAO *alias* JASINTO GRAO married to BELLA NORONHA E GRAO.

- 2) that the aforesaid MARIA REGINA GRAO, widow of JOAO VICTOR D'SOUZA and her children, viz. (a) ROSE MARY D'SOUZA (unmarried) and (b) GASPAR ASSIS D'SOUZA (unmarried), the aforesaid FELIX CAETANO GRAO, SANTANA PASCOAL GRAO and CONCEICAO MANUEL FERNANDES, all relinquished their rights to the inheritance left behind by the aforesaid LOURENCO SANTANA GRAO *alias* JOAO LOURENCO SANTANA COPERTINO GRAO and MARIA POLICIANA FERNANDES.
- 3) that, consequently, the aforesaid JACINTO ANTONIO GRAO *alias* JASINTO GRAO and his wife BELLA NORONHA E GRAO, became the sole and universal heirs and exclusively entitled to the estate of the aforesaid LOURENCO SANTANA GRAO *alias* JOAO LOURENCO SANTANA COPERTINO GRAO and MARIA POLICIANA FERNANDES.



- e) **Certified Copy issued 23rd January, 2025 by the Inspector of Survey & Land Records (Record of Rights), Panaji, Goa of the Index of Lands maintained in Form III in respect of the Said Property:**

The above document record that, ***at the relevant time***, FELIX GRAO was the “Occupant” of the Said Property and that the Field Name of the Said Property is “Conoldem”. It appears that the name FELIX GRAO which appeared in Form III is that of FELIX CAETANO GRAO referred to in sub-para (d)(1), i.e. one of the sons of LOURENCO SANTANA GRAO *alias* JOAO LOURENCO SANTANA COPERTINO GRAO and his wife MARIA POLICIANA FERNANDES.

- f) **Certified Copy dated 6th March, 2025 issued by the Public Information Office, Office of Mamlatdar of Tiswadi Taluka of Order No. LRC/MISC/64/90 passed on 20th April, 1990 by the Dy. Collector & S.D.O. Panaji:**

Vide the aforesaid Order, the name of FELIX GRAO was ordered to be deleted from the “Occupant”s column in Forms I & XIV in respect of the Said Property and the name of JASINTO GRAO was ordered to be mutated in its place.

- g) **Certified Copy dated 6th March, 2025 issued by the Public Information Office, Office of Mamlatdar of**



Tiswadi Taluka of Record of Rights maintained in Forms I & XIV in respect of the Said Property:

The above document shows that JASINTO GRAO was "Occupant" of the Said Property against Mutation No. 123. This mutation appears to have been done pursuant to the Order dated 20th April, 1990 referred to at sub-para (f) above.

- h) **Sale Deed dated 7th September, 1995, registered in the office of the Sub-Registrar of Ilhas at Panaji, Goa on 13th September, 1995 under Registered No. 1492 at Pages 520 to 546 of Book I, Volume No. 444:**

The above document records that JACINTO ANTONIO GRAO *alias* JASINTO GRAO and his wife BELLA NORONHA E GRAO sold and conveyed the Said Property jointly to XAVIER VALENTE SOARES and ORTY FIONA P. MENDONSA e SOARES.

- i) **Record of Rights maintained in Forms I & XIV in respect of the Said Property downloaded on 12th April, 2021 from <https://dsir.goa.gov.in>, certified by the Taluka Revenue Office, Panaji in respect of the Said Property:**

The above document shows that XAVIER VALENTE SOARES and ORTY FIONA P. MENDONSA e SOARES are "Occupants" of the Said Property against Mutation



No. 21248. In the columns “Name of Tenant” and “Details of Cropped Area”, “Nil” is stated.

- j) Conversion Sanad bearing No. RB / CNV / TIS / COLL / 16 / 2021 / 3505 dated 13th January, 2022, issued by the Office of the District Collector, North Goa, Panaji-Goa.
- k) Technical Clearance Order bearing No. TIS/9125/CHO/TCP/2024/695 dated 8th March, 2024, issued by the Office of the Town Planner, Town & Country Planning Department, Panaji, for construction of residential villas, swimming pool and compound wall.
- l) Construction License No. VP/C-M/1282/2024-25/L-24, dated 23rd December, 2024 from the office of the Village Panchayat of Chodan-Madel, for construction of residential villas, swimming pool and compound wall.

The above documents show:

- 1) That permission has been granted for using the Said Property for non-agricultural purpose, viz. residential purpose with 60% FAR.
- 2) That technical clearance has been granted for construction of residential villas, swimming pool and compound wall on the Said Property as permitted vide document at sub-para (k) above and



- 3) That technical clearance has been granted for construction of residential villas, swimming pool and compound wall on the Said Property as permitted vide document at sub-para (l) above.

m) **Sale Deed dated 3rd July, 2025, registered in the office of the Sub-Registrar of Tiswadi, Goa registered on 3rd July, 2025 under Registration No. PNJ-1-1752-2025:**

The above document records that XAVIER VALENTE SOARES and his wife MARIA TERESA MENEZES SOARES and ORTY FIONA P. MENDONSA e SOARES and her husband NICHOLAS BRYAN JOSEPH SOARES, sold and conveyed the Said Property to FOMENTO REALTY PRIVATE LIMITED referred to in Para 1 above and have also transferred all rights to and benefits of the licences and permissions referred to in sub-paras (j), (k) and (l) above, with full rights to undertake and complete construction of all permitted buildings on the Said Property by virtue of those licences and permissions.

n) **Nil Encumbrance Certificate No. NEC/4/2025/1152 issued on 22nd July, 2025 by the Sub-Registrar of Ilhas:**

The above document certifies that there are no encumbrances on the Said Property recorded in the Office of that Sub-Registrar from 7th September, 1995 to 21st July, 2025, i.e. for a period of nearly 30 years.



4. COMMENTS, OBSERVATIONS AND OPINION:

- a) The devolution of title to the Said Property to FOMENTO REALTY PRIVATE LIMITED can be traced back to 14th August, 1920, i.e. for a continuous and unbroken period of nearly 105 years.
- b) The Sale Deed at Para 3(h) above refers to the Said Larger Property as "RASBATA", which appears to be an erroneous reference to "KARBATA". This is not of much significance since the Said Larger Property is otherwise well described.
- c) The document referred to at Para 3(n) reveals that there are no encumbrances on the Said Property recorded in the Office of that Sub-Registrar from 7th September, 1995 to 21st July, 2025, i.e. for a period of nearly 30 years.
- d) There is slight difference of 25 sq. meters in the area of the Said Property as stated in the Record of Rights referred to at Para 3(i) above and as stated in the Sanad referred to at Para 3(j) above, inasmuch the former states the area as being 5,850 sq. meters and the latter states it to be 5,825 sq. meters. However, this is not of much significance.
- e) **IN THE LIGHT OF THE DOCUMENTS PRODUCED FOR MY PERUSAL AND ENUMERATED IN PARA 3**



HEREINABOVE AND MY COMMENTS AND OBSERVATIONS HEREINABOVE, I AM OF THE CONSIDERED OPINION THAT FOMENTO REALTY PRIVATE LIMITED HAS LEGAL, MARKETABLE AND UNENCUMBERED TITLE TO THE SAID PROPERTY ALONG WITH ALL RIGHTS TO AND BENEFITS OF THE LICENCES AND PERMISSIONS REFERRED TO IN PARAGRAPHS NOS. 3(j), 3(k) and 3(l) ABOVE.

Place: Margao, Goa


(Gurudatt R. Mallya)
Advocate

Date: 23rd July, 2025.

(Enrolment No.: Mah / 1874/ 1989)

