

TITLE REPORT

To,

1. **MR. HARPREET SACHDEVA,**
2. **MRS. SARIKA SACHDEVA,**
residing at A-1/132, 2nd Floor,
Safdarjung Enclave, South West Delhi,
Delhi - 110029.

- I. I have perused the photocopies of the following documents:
- a. Survey Records Form I & XIV bearing Survey No. 86
Sub-Division No. 16 of Village **Marra**, Bardez - Goa.
 - b. Registo Do Agremensor
 - c. Auto De Demarcacao
 - d. Numerical Index of Village Pilerne of the Taluka of
Bardez
 - e. Cadastral Survey Plan
 - f. Correspondence certificate dated 20/03/2023
bearing No. 9(02)-77/DSLR-2023/1053 issued by
Supdt. of Survey & Land Records, Directorate of
Settlement & Land Records, Panaji - Goa



- g. Manual Form I & XIV
- h. Form III
- i. Form IX
- j. Inventory Proceedings bearing No. 377/2016/B filed before the Court of the Civil Judge Senior Division at Mapusa, Goa
- k. Deed of Sale dated 29/12/1988 registered before the Sub Registrar of Ilhas under Registration No. 659/1990 in the Book No. I Vol. No. 88 dated 18/07/1990
- l. Inventory Proceedings No. 87/2017/C was initiated before the Court of the Civil Judge Senior Division at Mapusa - Goa
- m. Judgement dated 15/04/2017 passed in the said Inventory Proceedings No. 87/2017/C passed by the Court of the Civil Judge Senior Division at Mapusa - Goa



- n. Deed of Sale dated 22/07/2023 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-3533-2023 dated 24/07/2023
- o. Deed of Sale dated 12/03/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-1356-2024 dated 12/03/2024
- p. Survey Plan
- q. Land Use Zoning Certificate bearing No. TPBZ/ZON/14450/MARRA/TCP-2023/0595 dated 18/12/2023 issued by The Senior Town Planner, Town and Country Planning Department, Mapusa - Goa

II. DESCRIPTION OF THE PROPERTY:

SCHEDULE I

ALL THAT piece and parcel of land known as "**TEMBREM BATTA**", situated at Moicavaddo, Village **Marra**, within the jurisdiction of the Village Panchayat



of Marra, Taluka and Sub-District of Bardez, District of North Goa, State of Goa, which property is not described in the Land Registration Office but found enrolled in the Taluka Revenue Office under Matriz No. 1468 and surveyed under Survey No. **86/16** of Village Marra, admeasuring an area of **2800 sq.mts.** and is bounded as under:-

East : By the P.W.D Road going from Pilerne to Saligao;

West : By the property bearing survey no. 85/1-A;

North : By the property bearing survey no. 86/14 and 86/15;

South : Partly by the property bearing survey no. 86/17 and partly by the property bearing Survey No. 85/1-A.

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

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 there are some properties in Goa which are not registered under the said Regime

2. The Numerical Index of Village Pilerne of the Taluka of Bardez, Registo Do Agremensor and Cadastral Survey Records (Auto De Demarcacao) reveal that the property bearing old Cadastral Survey No. 932 originally belonged to Leucadia Nazare, wife of Vitorino Miguel Lobo ($\frac{1}{2}$) and Calisto Antonio Nazare, son of Domingos Nazare; Diogo Vicente Nazare, son of Carlos Nazare; Ana Maria Martins, widow of Caetano de Souza; Camilo Conceicao de Souza, son of Joaquim de Souza, Virginia Nazare and Correia, widow of Domingos Silvestre Nazare ($\frac{1}{2}$).



3. Correspondence certificate dated 20/03/2023 bearing No. 9(02)-77/DSLR-2023/1053 issued by Supdt. of Survey & Land Records, Directorate of Settlement & Land Records, Panaji - Goa establishes that the **SAID PROPERTY** bearing old Cadastral Survey No. 932(Part) corresponds to Survey No. **86/16** of Village **Marra**, 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, Registo Do Agrimensor and Numerical Index of Village Pilerne of the Taluka of Bardez are land records which were promulgated during the Portuguese Regime under theCodigo 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. The said Cadastral Survey No. 932 read with the Numerical Index of Village Pilerne of the Taluka of Bardez, Registo Do Agrimensor along with Correspondence Certificate establishes that the property bearing old Cadastral Survey No. 932 originally belonged to Leucadia Nazare, wife of Vitorino Miguel Lobo (1/2) and Calisto Antonio Nazare, son of Domingos Nazare; Diogo Vicente Nazare, son of Carlos Nazare; Ana Maria Martins, widow of Caetano de Souza; Camilo Conceicao de

Souza, son of Joaquim de Souza, Virginia Nazare and Correia, widow of Domingos Silvestre Nazare ($\frac{1}{2}$).

7. Inventory Proceedings bearing No. 377/2016/B filed before the Court of the Civil Judge Senior Division at Mapusa, Goa reveals as under:

- (a) That the said Leucadia Nazare and her husband, Vitorino Miguel Lobo who were owner of half of the property bearing old Cadastral Survey No. 932 passed away on 23/07/1964 and 18/10/1971 respectively leaving behind their legal heirs, Late Mr. Zacarias @ Zacharias @ Zakarias @ Jacris Lobo married to Mrs. Josephine Lobo @ Josefino Esperanca
- (b) That the said Leocardina Nazareth @ Leocardina Lobo, Ms. Maria Adriana Julia Paulina Nazareth and Joao Salvador Lourenco Paula P. Nazareth were brother and sisters

(c) That the said Joao Salvador Lourenco Paula P. Nazareth passed away on 14/04/1973 in the status of bachelor leaving behind his legal heirs, namely, (i) Miss Maria Adriana Julia Paulina Nazareth alias Adriana Nazareth, spinster, (ii) Mr. Zacharias Lobo and his wife, Mrs. Josephine Lobo and (iii) Mrs. Esperanca Pereira and her husband, Mr. Anthony Pereira

8. Vide Deed of Sale dated 29/12/1988 registered before the Sub Registrar of Ilhas under Registration No. 659/1990 in the Book No. I Vol. No. 88 dated 18/07/1990, the said Miss Maria Adriana Julia Paulina Nazareth alias Adriana Nazareth, spinster, Mr. Zacharias Lobo and his wife, Mrs. Josephine Lobo and Mrs. Esperanca Pereira and her husband, Mr. Anthony Pereira sold the **SAID PROPERTY** bearing Survey No. 86/16 of Village Marra, admeasuring 2800 sq. mts. along with one other



property in favour of Mr. Protasio Vincent Orlando
De Souza.

9. Inventory Proceedings No. 87/2017/C initiated
before the Court of the Civil Judge Senior Division
at Mapusa - Goa reveals that the said Mr. Protasio
Vincent Orlando D'Souza alias Protasio Vicent
Orlando D'Souza alias Protasio Vicent Orlando
D'Souza alias Protasio Cassiano D'Souza alias
Protasio Vincent Orlando De Souza alias P. V.
D'Souza passed away on 15/08/2003 and his wife,
Mrs. Celina D'Souza alias Celine D'Souza passed
away on 04/04/2016 leaving behind their only son,
Mr. Clayton Francisco D'Souza, bachelor.

10. Upon death of the said Mr. Protasio Vincent Orlando
D'Souza alias Protasio Vicent Orlando D'Souza alias
Protasio Vicent Orlando D'Souza alias Protasio
Cassiano D'Souza alias Protasio Vincent Orlando De
Souza alias P. V. D'Souza and Mrs. Celina D'Souza

alias Celine D'Souza, Inventory Proceedings No. 87/2017/C was initiated before the Court of the Civil Judge Senior Division at Mapusa - Goa by the said Mr. Clayton Francisco D'Souza wherein the **SAID PROPERTY** was listed at Item No. 2 in the List of Assets.

11. Vide Judgement dated 15/04/2017 passed in the said Inventory Proceedings No. 87/2017/C passed by the Court of the Civil Judge Senior Division at Mapusa - Goa, the Chart of Allotment was confirmed wherein the **SAID PROPERTY** was allotted in favour of the said Mr. Clayton Francisco D'Souza

12. Vide Deed of Sale dated 22/07/2023 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-3533-2023 dated 24/07/2023, the said Mr. Clayton F. D'Souza alias Clayton D'Souza sold the **SAID PROPERTY** in favour of **INFRAMAZE CONSTRUCTION**, a Proprietary



concern, represented by its Proprietor, **MR. VIJAY GOPI.**

13. Public notice was published in Gomantak (Marathi) and Navhind Times dated 18/01/2024 wherein objections within a period of 15 days from the date of publication were invited from the general public for sale of the **SAID PROPERTY** by the said **INFRAMAZE CONSTRUCTION**, a Proprietary concern, represented by its Proprietor, **MR. VIJAY GOPI** and after elapse of 15 days no objection were received.

14. Vide Deed of Sale dated 12/03/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-1356-2024 dated 12/03/2024, the said **INFRAMAZE CONSTRUCTION**, a Proprietary concern, represented by its Proprietor, **MR. VIJAY GOPI** sold

the **SAID PROPERTY** in favour of **Mr. Harpreet Sachdeva and Mrs. Sarika Sachdeva.**

15. **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. **86/16** of Village **Marra**, Bardez - Goa clearly shows the name of Joao Salvador Lourenco Paulo P. Nazareth as occupant in the Occupants column and after deleting the said name, the name of Protasio Vicent Orlando D'Souza was added as occupant in the Occupants column. The said Manual Form I & XIV is consistent with the devolution of ownership.

16. Under Section 105 of the Goa Land Revenue Code, entry reflected in Form I & XIV is presumed to be true unless substituted by an appropriate proceeding in terms of law. In view of the same,

there is presumption of possession in favour of a person reflected in Form I & XIV rebutted by cogent evidence in a Court of Law. The survey records were created in the year 1971 to 1975 and the entries are relatable to the said period of 1971 to 1975.

17. In the case of Diksha Holdings V/s Sita Rama Naik reported in 1998(2) GLT 444, the Hon'ble High Court of Bombay at Goa has held that *"upon promulgation of survey under the Goa Land Revenue Code, all the previous surveys ceased to exist and the presumption under Section 105 shall prevail"*.

18. In the case of Shri. Damodara Ranum Porobo Loundo versus Shri Bhaskar R. Jalmi and others, reported in 1990(2) GLT 407, the Hon'ble High Court of Bombay at Goa has held as under:

"In fact, Section 105 of the Land Revenue Code provides hat an entry in the Record of Rights and a certified entry in the register of mutation shall



be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefore. In other words, the presumption of correctness of the entries in the Record of Rights stands until duly rebutted or until the said entry is substituted by a fresh one."

"Therefore, affidavit evidence has got only prima facie value and does not constitute sufficient and conclusive proof to disprove and rebut a presumption that arises by law in respect of the entries made in the Record of Rights after due inquiry."

19. As per Article 529 of the Portuguese Civil Code, 1867, when the possession of immovable property has lasted 30 years, prescription shall operate regardless of bad faith or lack of title. The said provision of law essentially means that the principle of prescription shall be in favour of the occupant even if the same has been occupied in absence of a

legal title document. Applying the same principle to the SAID PROPERTY, the records disclose the said Mr. Protasio Vincent Orlando De Souza has been in peaceful possession of the said property since 1988 and the subsequent Judgement dated 15/04/2017 passed in the said Inventory Proceedings No. 87/2017/C passed by the Court of the Civil Judge Senior Division at Mapusa - Goa which was filed upon death of the said Mr. Protasio Vincent Orlando D'Souza alias Protasio Vicent Orlando D'Souza alias Protasio Vicent Orlando D'Souza alias Protasio Cassiano D'Souza alias Protasio Vincent Orlando De Souza alias P. V. D'Souza and his wife, Mrs. Celina D'Souza alias Celine D'Souza confirm the continuance of the possession of Mr. Clayton Francisco D'Souza and further Deed of Sale dated 22/07/2023 confirm the continuance of the possession of **INFRAMAZE CONSTRUCTION**, a Proprietary concern, represented by its Proprietor, **MR. VIJAY GOPI** and finally in pursuance to Deed



of Sale dated 12/03/2024 the possession of Mr. Harpreet Sachdeva and Mrs. Sarika Sachdeva is confirmed.

20. In light of above, considering the fact that the Cadastral Survey Records, Registo Do Agrimensor, Numerical Index of Village Pilerne of the Taluka of Bardez, Form III, Form IX, Manual Form I & XIV, Correspondence certificate dated 20/03/2023 bearing No. 9(02)-77/DSLRL-2023/1053 issued by Supdt. of Survey & Land Records, Directorate of Settlement & Land Records, Panaji - Goa, Inventory Proceedings bearing No. 377/2016/B filed before the Court of the Civil Judge Senior Division at Mapusa, Goa, Deed of Sale dated 29/12/1988 registered before the Sub Registrar of Ilhas under Registration No. 659/1990 in the Book No. I Vol. No. 88 dated 18/07/1990, Judgement dated 15/04/2017 passed in the said Inventory Proceedings No. 87/2017/C passed by the Court of

the Civil Judge Senior Division at Mapusa - Goa,
Deed of Sale dated 22/07/2023 registered before
Sub-Registrar of Bardez, Mapusa - Goa under
Registration No. BRZ-1-3533-2023 dated
24/07/2023 and Deed of Sale dated 12/03/2024
registered before Sub-Registrar of Bardez, Mapusa -
Goa under Registration No. BRZ-1-1356-2024 dated
12/03/2024 and the Survey Records in respect of
the **SAID PROPERTY** 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 **MR. HARPREET SACHDEVA AND MRS.**
SARIKA SACHDEVA have a clear and marketable
title in respect of the **SAID PROPERTY** bearing
Survey No. **86/16** of Village **Marra**, Bardez - Goa,
admeasuring **2800 sq. mts. SUBJECT** to Production
of Nil Encumbrance Certificate



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. No Conversion Sanad has been furnished to establish that the **SAID PROPERTY** is converted from agricultural to non-agricultural purposes.
4. Land Use Zoning Certificate bearing No. TPBZ/ZON/14450/MARRA/TCP-2023/0595 dated 18/12/2023 issued by The Senior Town Planner, Town and Country Planning Department, Mapusa - Goa has been furnished to establish that the **SAID PROPERTY** falls Partly in "Settlement Zone"



having (VP-1) status with permissible FAR 80 & partly in Orchard Zone. However as conveyed by the Chief Town Planner (Planning) vide Ref. No. 36/18/17(2)/156/MARRA/86/16/TCP-2023/475 dated 23/11/2023 as per Notification No. 36/18/17(2)/156/MARRA/86/16/TCP-2023/444 dated 14/11/2023 published in the Official Gazette Govt. of Goa, Series-II, No. 33 dated 16/11/2023, the said property is partly correct/rectified falling under Orchard Zone to Settlement Zone admeasuring 2058 sq. mts. as per plan enclosed, thus total settlement area is 2800 sq. mts. having (VP-1) status with permissible FAR-80", as per Regional Plan for Goa 2021 and the said Zoning Certificate dated 18/12/2023 is valid for three years or till the Regional Plan for Goa 2021 is in force

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** bearing Survey No. **86/16** of Village **Marra**, Bardez - Goa, admeasuring **2800 sq. mts.** reflects the name of Harpreet Sachdeva and Sarika Sachdeva in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the ownership of the present owners in respect of the **SAID PROPERTY**.

VI. **ENCUMBRANCE ON PROPERTY:-**

Bank mortgage is taken as against this property at the time of registration of Deed of Sale, the original Deed of Sale is now with custody of the concerned Bank.

No NIL Encumbrance Certificate in respect of the **SAID PROPERTY** is furnished to establish that



there is no encumbrance. **However updated Nil Encumbrance Certificate needs to be furnished in respect of the SAID PROPERTY**

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **MR. HARPREET SACHDEVA AND MRS. SARIKA SACHDEVA** have a clear and marketable title in respect of the **SAID PROPERTY** bearing Survey No. **86/16** of Village **Marra**, Bardez - Goa, admeasuring **2800 sq. mts. SUBJECT** to the following.

- i. Production of the Nil Encumbrance Certificate
- ii. Subject to Mortgage as mentioned in **Para VI 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 PROPERTY** and/or (ii) against the larger property; and
 - (b) I have taken the title documents under which Leocardina Nazareth @ Leocardina Lobo, Ms. Maria Adriana Julia Paulina Nazareth and Joao Salvador Lourenco Paula P. Nazareth 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
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.
- This Title Report in respect of the **SAID PROPERTY** is only for the use of Addressee
- 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.
- 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:- 05/07/2024



(Adv. Shivan S. Desai)