

TITLE REPORT

To,
BRIGHTSHAPE TOWNSHIP PRIVATE LIMITED,
having its registered office at 10th Floor,
Tower D, Global Business Park, MG Road,
Gurugram-122002.

- I. I have perused the photocopies of the following documents:
- a. Survey Records Form I & XIV bearing Survey No. 78 Sub-Division No. 2 of Village Assagao, Bardez - Goa.
 - b. Registo Do Agremensor (old Cadastral Survey No. 363)
 - c. Registo Do Agremensor (old Cadastral Survey No. 386)
 - d. Registo Do Agremensor (old Cadastral Survey No. 385)
 - e. Numerical Index of Village Assagao of the Taluka of Bardez



- f. Manual Form I & XIV
- g. Form III
- h. Form IX
- i. Cadastral Survey Plan
- j. Survey Plan
- k. Correspondence Certificate dated 05/09/2023
issued by G. U. Rivankar, Land Surveyor And
Planning, Mapusa - Goa
- l. Order dated 09/10/1979 passed by Deputy
Collector, Goa North Division Panaji in Case No.
LAND/PART/18/78
- m. Inventory Proceedings No. 135/2012/G initiated
before the Court of the Civil Judge Junior
Division 'C' Court at Mapusa - Goa



- n. Judgement and Decree Dated 04/06/2022 passed in the said Inventory Proceedings No. 135/2012/G passed by the Court of the Civil Judge Junior Division 'C' Court at Mapusa - Goa
- o. Writ Petition bearing No. 1318/2023(F) filed before the High Court of Bombay at Goa
- p. Order dated 04/07/2023 passed in Writ Petition bearing No. 1318/2023(F) by the Hon'ble High Court of Bombay at Goa
- q. Order dated 23/08/2023 passed by the Court of Joint Mamlatdar of Bardez-V at Mapusa - Goa in Mutation Review Case No. 79705
- r. Letter dated 17/11/2023 bearing No. CRSR/Bardez/2325/2023 issued by the Civil Registrar-Cum-Sub Registrar, Bardez, Mapusa - Goa



- s. Deed of Sale dated 29/11/2023 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-6090-2023
- t. Deed of Sale dated 02/05/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-2188-2024 dated 09/05/2024
- u. Joint Development Agreement dated 13/11/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-6381-2024 dated 22/11/2024
- v. Land Use Zoning Certificate bearing No. TPBZ/ZON/13534/ASSG/TCP-2023/7715 dated 06/09/2023 issued by Town and Country Planning Department, Mapusa - Goa
- w. NIL Encumbrance Certificate bearing Certificate No. NEC/9/2023/2582 dated 05/09/2023



- x. Conversion Sanad dated 21/03/2024 bearing
No. 4/124/CNV/ACIII/2024/480 issued by the
Office of the Additional Collector-III, North Goa
District, Mapusa, Bardez - Goa

II. **DESCRIPTION OF THE PROPERTY:**

SCHEDULE I

ALL THAT immovable Property known as "BADEM"
situated at Village Assagao, within the area of Village
Panchayat of Assagao, Bardez Taluka, Bardez Sub
District, of Registration District of State of Goa,
Surveyed under Survey No: 78/2, admeasuring 18,500
sqmts. and bounded as under:-

On the East : Partly by Road and partly by survey
no. 81/3, 79/4 and 79/3

On the West : By survey no. 78/1

On the North : By survey no. 78/1

On the South : Partly by survey no. 78/1, partly by
Road and partly by survey no. 80/2,
80/3, 79/4 and 79/3



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

SCHEDULE II

ALL THAT **PLOT No. C** admeasuring 5,000 sq. mts. surveyed under Survey No. 78/2-B of Village Assagao, Bardez - Goa forming part of the SAID PROPERTY more particularly described in Schedule I hereinabove and is bounded as under:-

North :- By property bearing Sy. No. 78/1

South :- By property bearing Sy. No. 78/1, Plot B

East :- By Property bearing Sy. No. 78/3 & 79/4,

West :- By property bearing Sy. No. 78/1

This PLOT C shall hereinafter referred to as **the SAID PLOT 'C'** admeasuring **5000 sq. mts.**

SCHEDULE III

ALL THAT **PLOT B** admeasuring 8,500 sq. mts. surveyed under Survey No. 78/2 of Village Assagao, Bardez - Goa forming part of the SAID PROPERTY more particularly



described in Schedule I hereinabove and is bounded as under:-

North :- By the property bearing Survey No. 78/1
South :- Part of the property bearing Survey No. 78/2
East :- By Property bearing survey no. 79/3 & 79/4,
West :- By property bearing Survey No. 78/1

This PLOT B shall hereinafter referred to as **the SAID PLOT 'B'** admeasuring **8500 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 there are some properties in Goa which are not registered under the said Regime



2. The Numerical Index of Village Assagao of the Taluka of Bardez and Registo Do Agremensor reveal that the **SAID PROPERTY** bearing old Cadastral Survey No. 363, 386 and 385 originally belonged to Domingos de Souza, son of Vicente de Souza.
3. Correspondence Certificate dated 05/09/2023 issued by G. U. Rivankar, Land Surveyor And Planning, Mapusa - Goa establishes that the **SAID PROPERTY** bearing old Cadastral Survey No. 363(part), 385(part) and 386(part) corresponds to Survey No. 78/2 of Village Assagao, Bardez - Goa. ***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.***



4. Cadastral Survey Records, Registo Do Agrimensor and Numerical Index of Village Assagao of the Taluka of Bardez 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.

5. Order dated 09/10/1979 passed by Deputy Collector, Goa North Division Panaji in Case No. LAND/PART/18/78 reveals that the said property was originally part of the property bearing Survey No. 78/1 and in pursuance to the application filed



by the said Domingo Vicente D'Souza and Order dated 09/10/1979 was passed wherein a separate Survey No. 78/2 was given in respect of the said property and the name of Domingo Vicente D'Souza was reflected in respect of Survey No. 78/2. The same is also confirmed by Form IX of the said property.

6. Inventory Proceedings No. 135/2012/G initiated before the Court of the Civil Judge Junior Division 'C' Court at Mapusa - Goa reveals as under :

(A) That the said Domingos Vicente de Souza alias Dumigues D'Souza alias Domingos D'Souza alias Domingo Vincent D'Souza and his wife, Mrs. Maria Quiteria de Souza alias Maria Quiteria Coelho both passed away respectively leaving behind their sole and universal legal heirs, namely, (i) Martha alias Marta Adhikari married to Lt. Col. Madhab Chandra Adhikari, (ii) Joseph D'Souza, (iii) Bertha D'Souza married to P. O.

Mandola, (iv) Ignatius D'Souza married to Edith D'Souza and (v) Mary D'Souza alias Maria Francisca D'Souza.

(B) That the said Martha alias Marta Adhikari and her husband, the said Lt. Col. Madhab Chandra Adhikari both passed away leaving behind her co-lateral heirs.

(C) That the said Lt. Col. Madhab Chandra Adhikari was first married to Jyotsna Bhattacharya who passed away before his second marriage with the said Martha alias Marta Adhikari and out of the said first marriage they had children, namely, (i) Manoj Kumar Adhikari married to Sushmita Ganguly and (ii) Dev Kumar Adhikari married to Ria Anthony Adhikari

(D) That the said Joseph D'Souza passed away in the status of bachelor

(E) That the said Bertha D'Souza and her husband, P. O. Mandola both passed away leaving behind their sole and universal legal heirs, namely, (i)

Mrs. Navnit Dwivedi married to M. S. Dwivedi,
(ii) Mrs. Madhu Sharma married to Mr. Satish
Kumar Sharma, (iii) Mr. Anup Bhushan
Maindola married to Mrs. Ragini Maindola and
(iv) Mr. Pradeep Bhushan Maindola married to
Mrs. Tripta Maindola

(F) That the said Edith D'Souza passed away and
the said Ignatius D'Souza passed away on
08/01/2020 leaving behind their sole and
universal legal heirs, namely, (i) Vincent
D'Souza married to Geeta D'Souza, (ii) Desmond
Maurice D'Souza married to Fatima D'Souza, (iii)
Nicholas D'Souza, unmarried, (iv) Kenneth
D'Souza married to Angelina D'Souza and (v)
Marisa Lobo married to Vincent Lobo

(G) That the said Manoj Kumar Adhikari passed
away leaving behind his widow, Sushmita
Ganguly and only daughter, Sumana M.
Adhikari married to Samir Karmakar



- (H) That the said Mr. Mohan Swarup Dwivedi passed away leaving behind his widow and moiety holder, Mrs. Navnit Dwivedi and their sole and universal legal heirs, namely, (i) Mrs. Mudita Pandey married to Atul Pandey and (ii) Mr. Mudit Dwivedi married to Madhuri Joshi
- (I) That vide Deed of Gift dated 09/01/1975 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 18/75 of Book No. I, Volume No.87 at pages 208 to 211 dated 01/02/1975, the said Domingos Vicente de Souza alias Dumigues D'Souza alias Domingos D'Souza alias Domingo Vincent D'Souza and his wife, Mrs. Maria Quiteria de Souza alias Maria Quiteria Coelho gifted their disposal quota in the property known as "Murdi Vericas" situated at Assagao, Bardez - Goa in favour of Marta Adhikari



(J) That the said Mary D'Souza alias Maria Francisca D'Souza passed away on 07/08/2018 as spinster.

7. Upon death of the said late Domingos Vicente de Souza alias Dumigues D'Souza alias Domingos D'Souza alias Domingo Vincent D'Souza and Mrs. Maria Quiteria de Souza alias Maria Quiteria Coelho, Inventory Proceedings No. 135/2012/G initiated before the Court of the Civil Judge Junior Division 'C' Court at Mapusa - Goa wherein the **SAID PROPERTY** was listed at Item No. III in the List of Assets.

8. Vide Consent Terms filed in the said Inventory Proceedings No. 135/2012/G before the Court of the Civil Judge Junior Division 'C' Court at Mapusa - Goa, the **SAID PROPERTY** listed at Item No. III, totally admeasuring 18,500 sq. mts. was allotted in the following manner :

(I) Undivided share of area admeasuring **6750 sq. mts.** from the SAID PROPERTY was allotted in



favour of Mrs. Navnit Dwivedi, Mrs. Mudita Pandey married to Atul Pandey, Mr. Mudit Dwivedi married to Madhuri Joshi, Mrs. Madhu Sharma married to Mr. Satish Kumar Sharma, Mr. Anup Bhushan Maindola married to Mrs. Ragini Maindola and Mr. Pradeep Bhushan Maindola married to Mrs. Tripta Maindola

(II) Undivided share of area admeasuring **6750 sq. mts.** from the SAID PROPERTY was allotted in favour of Vincent D'Souza married to Geeta D'Souza, Desmond Maurice D'Souza married to Fatima D'Souza, Nicholas D'Souza, unmarried, Kenneth D'Souza married to Angelina D'Souza and Marisa Lobo married to Vincent Lobo

(III) Undivided share of area admeasuring **5,000 sq. mts.** from the SAID PROPERTY was allotted in favour of Sushmita Ganguly, Sumana M. Adhikari and Dev Kumar Adhikari married to Reena Anthony Adhikari which undivided share of area admeasuring **5,000 sq. mts.** from the

SAID PROPERTY shall hereinafter be referred to
as the "SAID UNDIVIDED SHARE"

9. Vide Judgement and Decree Dated 04/06/2022 passed in the said Inventory Proceedings No. 135/2012/G passed by the Court of the Civil Judge Junior Division 'C' Court at Mapusa – Goa, the said allotment of undivided share of area admeasuring **5,000 sq. mts.** from the SAID PROPERTY in favour of Sushmita Ganguly, Sumana M. Adhikari and Dev Kumar Adhikari married to Reena Anthony Adhikari by Consent Terms was confirmed.

10. In view of above, the said Mrs. Navnit Dwivedi, Mrs. Mudita Pandey and her husband, Atul Pandey, Mr. Mudit Dwivedi and his wife, Madhuri Joshi, Mrs. Madhu Sharma and her husband, Mr. Satish Kumar Sharma, Mr. Anup Bhushan Maindola and his wife, Mrs. Ragini Maindola and Mr. Pradeep Bhushan Maindola and his wife, Mrs. Tripta Maindola became

absolute owners in possession of the SAID UNDIVIDED SHARE of area admeasuring **6750 sq. mts.** from the SAID PROPERTY, the said Vincent D'Souza and his wife, Geeta D'Souza, Desmond Maurice D'Souza and his wife, Fatima D'Souza, Nicholas D'Souza, unmarried, Kenneth D'Souza and his wife, Angelina D'Souza and Marisa Lobo and her husband, Vincent Lobo became absolute owners in possession of the SAID UNDIVIDED SHARE of area admeasuring **6750 sq. mts.** from the SAID PROPERTY and the said Sushmita Ganguly, Sumana M. Adhikari and Dev Kumar Adhikari and her husband, Reena Anthony Adhikari became absolute owners in possession of the SAID UNDIVIDED SHARE of area admeasuring **5,000 sq. mts.** from the SAID PROPERTY

11. The said Mr. Vincent D'souza filed Writ Petition bearing No. 1318/2023(F) before the High Court of Bombay at Goa which reveals as under:



(A) That on around 19/02/2022, Vincent D'Souza and Anup Bhushan Maindola were shocked to learn that the name of Dumigues D'Souza had been deleted from the Form I & XIV of property bearing survey no. 78/2 of Village Assagao and that the names of Branco Rodrigues, Royson D. Rodrigues, Mariano Antonio Teles Gonsalves and Paulina Juliana Diniz (who were complete strangers to the family) had been inserted in the said Form I & XIV. The said persons shall hereinafter be referred to as the **"Accused persons"**.

(B) Upon thorough enquiry which involved applying for documents by way of RTI applications, Vincent D'Souza and Anup Bhushan Maindola became aware that mutation was done illegally and without following the process in terms of law and reliance was placed on the following documents:



- (i) a purported Deed of Sale with Discharge dated 19/02/1934 drawn up at Folio 73, reverse 73, and partly at folio 74 of Book No. 403 of the Notary Public of Bardez, allegedly preserved in the Directorate of Archives and Archaeology, Panaji under its Serial no. 180 of 1934 bearing no. 346/468 wherein it was claimed that the said Dumigues D'Souza had sold the property known as "Sutarem Grande" situated at Village Assagao consisting of three plots with existing masonry house, stone quarry and Bharad land in favour of one Antonio Diniz, who was allegedly the son of one Sebastiao Diniz, from Village Siolim, Bardez, Goa
- (ii) Purported Deed of Succession dated 06/08/2021 recorded in the office at pages 46 to 48 reverse of the Notarial Deed of Book No. 70, in the office of the Civil



Registrar cum Sub-Registrar and Special Notary Ex-officio, Canacona, Goa establish the heirship of the said Antonio Diniz, whose name features as the purchaser in the purported Deed of Sale with Discharge dated 19/02/1934 in favour of Branco Rodrigues, Royson D. Rodrigues, Mariano Antonio Teles Gonsalves and Paulina Juliana Diniz.

- (C) That the purported deed of sale was fraudulent and no such sale had ever taken place. Furthermore, the said Dumigues D'Souza had been represented as a bachelor in the said recitals of the purported document, when in fact, his youngest child Mary D'Souza had been born in the very same year of 1934.
- (D) That in the purported Deed of Succession dated 06/08/2021, a line of succession was fabricated to establish a link with the said Antonio Diniz, whose name features as the purchaser in the



purported Deed of Sale with Discharge dated 19/02/1934. This was done to create a bogus right and inheritance in the property. In fact, the alleged Deed of Succession dated 06/08/2021 purports itself as having registered in the Civil Registrar cum Sub-Registrar of Canacona, when in fact, the Accused persons allegedly hail from Siolim Village and live in house no. 575/B, Marna, Baman Wado, Siolim, Bardez, Goa as per the mutation entry.

(E) On the basis of the aforementioned forged documents, the Accused persons made an application for mutation of their respective names in the Form I & XIV of the said survey no. 78/2 of Village Assagao before the Respondent no. 2 and obtained an order of mutation by blatant fraud, misrepresentation and suppression of facts.

(F) In light of above, the said Vincent D'Souza filed a criminal complaint dated 28/03/2022 before

the Crime Branch Ribandar and the Mapusa Police Station alleging that fraudulent deeds were executed and a fraud was played on the authorities. A First Information Report has been registered in respect of the same and the matter was referred to SIT.

(G) Being legal heirs of the said Dumigues D'Souza, the said Vincent D'Souza and Anup Bhushan Maindola and their family members sought to incorporate their own names in the Form I & XIV of the subject property. Accordingly, the said Vincent D'Souza and Anup Bhushan Maindola filed the subject application on 06/07/2022 seeking to carry out mutation in respect of the subject property and subsequently filed representations dated 22/08/2022 and 03/10/2022 for review of the order of mutation passed in favour of Branco Rodrigues, Royson D. Rodrigues, Mariano Antonio Teles Gonsalves and Paulina Juliana Diniz



- (H) After filing of the subject application on 06/07/2022, the said Vincent D'Souza and Anup Bhushan Maindola began pursuing the same regularly. However, despite more than a month elapsing since the filing, there was no communication intimated to the said Vincent D'Souza and Anup Bhushan Maindola as regards the status of the mutation request.
- (I) That the Dy. Superintendent of Police (SIT/LG) addressed a communication dated 13/10/2022 to the Superintendent of Police (North) wherein it has been specifically clarified that the alleged offence in relation to the petitions/complaints received from Vincent D'Souza does not fall under the purview of organized land grab. The said communication was also received by Vincent D'Souza
- (J) That vide communication dated 14/11/2022, the Mamlatdar of Bardez Taluka issued a letter to Vincent D'Souza, informing Vincent D'Souza



that the Hon'ble Collector, North Goa District had passed a memorandum dated 21/09/2022 no. DYC/RB/MUT/SIT-INQUIRY/2022/5579, whereby the said Authority had directed the Mamlatdar of Bardez Taluka not to process mutation/partition/conversion in respect of survey nos. mentioned in a letter no. SP/SIT-LG/39/2022 dated 10/09/2022 received from the Superintendent of Police, Crime Branch, SIT Land Grabbing, Ribandar.

(K) That the said Mamlatdar of Bardez Taluka further informed Vincent D'Souza vide the said communication dated 14/11/2022 the subject application pertained to the said property and that the said survey number was mentioned in the said letter dated 10/09/2022 issued by the Hon'ble Collector, North Goa District. On the basis of the same, the Mamlatdar of Bardez Taluka categorically informed Vincent D'Souza that the subject application cannot be processed

until further instructions/directions from the
Mamlatdar of Bardez Taluka.

12. In light of above, Vincent D'Souza and Anup Bhushan Maindola filed Writ Petition bearing No. 1318/2023(F) before the High Court of Bombay at Goa seeking mandamus to the Mamlatdar to dispose of Review Petition and the application for mutation filed before the said Mamlatdar

13. Vide Order dated 04/07/2023 passed in Writ Petition bearing No. 1318/2023(F), the Hon'ble High Court of Bombay at Goa directed the concerned Mamlatdar to decide the review application expeditiously.

14. Vide Order dated 23/08/2023 passed by the Court of Joint Mamlatdar of Bardez-V at Mapusa - Goa in Mutation Review Case No. 79705, application dated 29/03/2022 filed by Mr. Vincent D'Souza under



Section 193(1) of The Goa Land Revenue Code 1968 for review of the Mutation No. 79705 in respect of the property bearing Survey No. 78/2 situated at Assagao Village of Bardez Taluka was allowed and the Learned Mamlatdar ordered to revert the name of original occupant Domingo Vicente D'Souza in the occupants column in respect of the said property bearing Survey No. 78/2 of Village Assagao Bardez Goa.

15. Updated Form I & XIV dated 27/09/2023 reveals that as per Order dated 23/08/2023 passed by the Court of Joint Mamlatdar of Bardez-V at Mapusa - Goa passed in Mutation Review Case No. 79705, mutation proceedings were carried out in the name of Domingo Vicente D'Souza.

16. Letter bearing No. CRSR/Bardez/2325/2023 dated 17/11/2023 reveals that the Civil Registrar-Cum-Sub Registrar, Bardez, Mapusa - Goa requested the



State Registrar for clarification from the Special Investigation Team Land Grabbing for registration of the SAID PROPERTY bearing Survey No. 78/2 of Village Assagao, Bardez - Goa.

17. The Said Property totally admeasuring 18,500 sq. mtr. was divided into 3 (three) separate plots admeasuring 5000 sq. mtr. ("**Plot A**"), 8500 sq. mtr. ("**Plot B**") and 5000 sq. mtr. ("**Plot C**").

18. Vide Deed of Sale dated 29/11/2023 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-6090-2023, the said Sushmita Ganguly, Mrs. Sumana M. Adhikari and Mr. Dev Kumar Adhikari and his wife, Mrs. Reena Anthony Adhikari sold their UNDIVIDED SHARE of area admeasuring **5,000 sq. mts. (identified as Plot C)** which Plot C is more particularly described in Schedule II hereinabove and hereinafter referred to as **the SAID PLOT 'C'** admeasuring **5000 sq.**



mts., from the SAID PROPERTY in favour of Mr. Michael Lobo and M/s. Santa Monica Star LLP.

19. The said Deed of Sale dated 29/11/2023 was signed by Mr. Vincent Dsouza and his wife, Mrs. Geeta Dsouza, Mr. Desmond Maurice D'souza and his wife, Mrs. Fatima D'souza, Mr. Nicholas Joseph Dsouza, Mrs. Angelina Dsouza, Mrs. Marisa Lobo nee D'souza and her husband, Mr. Vincent Lobo, Mrs. Navnit Dwivedi, Mr. Mudit Dwivedi and his wife, Mrs. Madhuri Joshi, Mrs. Mudita Dwivedi and her husband, Mr. Atul Pandey, Mrs. Madhu Sharma and her husband, Mr. Satish Kumar Sharma, Mr. Anup Bhushan Maindola and his wife, Mrs. Ragini Maindola, Mr. Pradeep Bhushan Maindola and his wife, Mrs. Tripta Maindola as Confirming Party being owners of the balance portion totally admeasuring **13,500 sq. mts.** from the SAID PROPERTY as confirmed vide Judgement and Decree Dated 04/06/2022 passed in the said Inventory



Proceedings No. 135/2012/G passed by the Court of the Civil Judge Junior Division 'C' Court at Mapusa - Goa.

20. Vide Conversion Sanad dated 21/03/2024 bearing No. 4/124/CNV/ACIII/2024/480 issued by the Office of the Additional Collector-III, North Goa District, Mapusa, Bardez - Goa the **SAID PROPERTY**, bearing Survey No. **78/2** of Village **Assagao**, Bardez - Goa, admeasuring **18500 sq. mts.**, was converted for the purpose of **Residential with 60 FAR.**

21. Vide Deed of Sale dated 02/05/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-2188-2024 dated 09/05/2024, the said Mr. Vincent Dsouza and his wife, Mrs. Geeta Dsouza, Mr. Desmond Maurice D'souza and his wife, Mrs. Fatima D'souza, Mr. Nicholas Joseph Dsouza, Mrs. Angelina Dsouza, Mrs. Marisa Lobo nee D'souza and her husband, Mr.



Vincent Lobo, Mrs. Navnit Dwivedi, Mr. Mudit Dwivedi and his wife, Mrs. Madhuri Joshi, Mrs. Mudita Dwivedi and her husband, Mr. Atul Pandey, Mrs. Madhu Sharma and her husband, Mr. Satish Kumar Sharma, Mr. Anup Bhushan Maindola and his wife, Mrs. Ragini Maindola, Mr. Pradeep Bhushan Maindola and his wife, Mrs. Tripta Maindola sold **Plot B** admeasuring **8,500 sq. mts.** **from** their UNDIVIDED SHARE of area admeasuring **13,500 sq. mts.** from the SAID PROPERTY which Plot B is more particularly described in Schedule III hereinabove and hereinafter referred to as **the SAID PLOT 'B'** admeasuring **8500 sq. mts.**, in favour of **BRIGHTSHAPE TOWNSHIP PRIVATE LIMITED.**

22. The said Deed of Sale dated 02/05/2024 was signed by Mr. Michael Lobo and M/s. Santa Monica Star LLP. as Confirming Party being owners of the portion admeasuring **5,000 sq. mts.** from the SAID PROPERTY as they purchased it vide Deed of Sale



dated 29/11/2023 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-6090-2023.

23. The said Mr. Michael Lobo and M/s. Santa Monica Star LLP. entered into Joint Development Agreement dated 13/11/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-6381-2024 dated 22/11/2024 with the said **BRIGHTSHAPE TOWNSHIP PRIVATE LIMITED** for development of **the SAID PLOT 'C'** admeasuring **5000 sq. mts.** surveyed under Survey No. 78/2-B of Village Assagao, Bardez - Goa, on the terms and conditions mentioned therein.

24. It bears mentioning that the said criminal complaint is pending investigation

25. 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. **78/2** of Village Assagao, Bardez - Goa clearly shows the name of Domingo Vicente D'Souza as occupant in the Occupants column. The said Manual Form I & XIV is consistent with the devolution of ownership.

26. 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.

27. 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".

28. 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 that 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."

29. In light of above, considering the fact that the Cadastral Survey Records, Registo Do Agrimensor, Numerical Index of Village Assagao of the Taluka of Bardez, Order dated 09/10/1979 passed by Deputy Collector, Goa North Division Panaji in Case No. LAND/PART/18/78, Form III, Form IX, Manual Form I & XIV, Judgement and Decree Dated 04/06/2022 passed in the said Inventory Proceedings No. 135/2012/G passed by the Court of the Civil Judge Junior Division 'C' Court at Mapusa - Goa, Order dated 04/07/2023 passed in Writ Petition bearing No. 1318/2023(F) by the Hon'ble High Court of Bombay at Goa, Deed of Sale dated 29/11/2023 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-6090-2023, Deed of Sale dated 02/05/2024 registered before Sub-



Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-2188-2024 dated 09/05/2024 and Joint Development Agreement dated 13/11/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-6381-2024 dated 22/11/2024 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, I am of the opinion that, the said **BRIGHTSHAPE TOWNSHIP PRIVATE LIMITED** has a clear and marketable title in respect of **the SAID PLOT 'B'** admeasuring **8500 sq. mts.** surveyed under Survey No. 78/2 of Village Assagao, Bardez - Goa and has development rights in respect of **the SAID PLOT 'C'** admeasuring **5000 sq. mts.** surveyed under Survey No. 78/2-B of Village Assagao, Bardez - Goa under the Joint Development Agreement dated 13/11/2024 registered before Sub-



Registrar of Bardez, Mapusa - Goa under
Registration No. BRZ-1-6381-2024 dated
22/11/2024 **SUBJECT** to the following :

- (a) Publication of Public Notice inviting objections from the general public, if any
- (b) Inspection of original (a) Deed of Sale dated 02/05/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-2188-2024 dated 09/05/2024 and (b) Joint Development Agreement dated 13/11/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-6381-2024 dated 22/11/2024
- (c) Observation made at para 24 above
- (d) 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 PLOT 'B'**



admeasuring **8500 sq. mts.** surveyed under
Survey No. 78/2 of Village Assagao, Bardez -
Goa.

2. The Urban Ceiling Act is not applicable to the
State of Goa.

3. Conversion Sanad bearing No.
4/124/CNV/ACIII/2024/480 dated
21/03/2024 issued by the Office of the
Additional Collector-III, North Goa District,
Mapusa, Bardez - Goa has been furnished to
establish that the **SAID PROPERTY**, bearing
Survey No. **78/2** of Village **Assagao**, Bardez -
Goa, admeasuring **18500 sq. mts.**, was
converted for the purpose of **Residential with**
60 FAR

4. Land Use Zoning Certificate bearing No.
TPBZ/ZON/13534/ASSG/TCP-2023/7715
dated 06/09/2023 issued by Town and



Country Planning Department, Mapusa - Goa has been furnished which reveals that the SAID PROPERTY falls in "Settlement Zone, having (VP-2) status with permissible FAR 60", Also, proposed road 10.00 mts wide is passing through the property" as per Regional Plan for Goa 2021 and the said Zoning Certificate dated 06/09/2023 is valid for three years or till the Regional Plan for Goa 2021 is in force

V. **EVIDENCE OF POSSESSION:-**

The **SAID PLOT 'B'** admeasuring **8500 sq. mts.** surveyed under Survey No. 78/2 of Village Assagao, Bardez - Goa reflect the name of **BRIGHTSHAPE TOWNSHIP PRIVATE LIMITED** in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the possession of the present owner.



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 bearing Certificate No. NEC/9/2023/2582 dated 05/09/2023 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 PLOT 'B' admeasuring 8500 sq. mts. surveyed under Survey No. 78/2 of Village Assagao, Bardez - Goa**

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that the said **BRIGHTSHAPE TOWNSHIP PRIVATE LIMITED** has a clear and marketable title in respect of **the SAID PLOT 'B'** admeasuring **8500 sq. mts.** surveyed under Survey



No. 78/2 of Village Assagao, Bardez – Goa and has development rights in respect of **the SAID PLOT 'C'** admeasuring **5000 sq. mts.** surveyed under Survey No. 78/2-B of Village Assagao, Bardez – Goa under the Joint Development Agreement dated 13/11/2024 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-6381-2024 dated 22/11/2024 **SUBJECT** to the following.

- (a) Publication of Public Notice inviting objections from the general public, if any
- (b) Inspection of original (a) Deed of Sale dated 02/05/2024 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-2188-2024 dated 09/05/2024 and (b) Joint Development Agreement dated 13/11/2024 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-6381-2024 dated 22/11/2024
- (c) Observation made at para 24 above
- (d) Production of NIL Encumbrance Certificate



➤ **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 'B'** admeasuring **8500 sq. mts.** and/or (ii) against the larger property; and
 - (b) I have taken the title documents under which Domingos de Souza, son of Vicente de Souza 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 'B'** admeasuring **8500 sq. mts.** 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 'B'** admeasuring **8500 sq. mts.**; and
- (f) that names of persons spelt differently in different documents in respect of **the SAID PLOT 'B'** admeasuring **8500 sq. mts.** 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 'B'** admeasuring **8500 sq. mts.** 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 PLOT 'B'** admeasuring **8500 sq. mts.** 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:- 07/01/2025



(Adv. Shivan S. Desai)