

V. B. Ghodvaidya

B.SC.(Hons.), D.A.M., LL.M.

Advocate High Court.

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Date : 18.05.2018

To

- 1) M/s. Shree Balaji Homes
Hotel Sagar International,
Deepak Commercial Complex,
Vallipir Road, Kalyan (W).
- 2) M/s. Laxmi Sai Buildcon
Sugra Manzil, Dr. Ambedkar Road,
Shivaji Chowk, Kalyan (W)

TITLE CERTIFICATE

Reg: All those Plot B and Plot C forming an integral part of all those pieces and parcels of land lying, being and situate at village Pale, Taluka Ambernath, District Thane bearing Survey No. 49/4B admeasuring 0 Hectare 63 Are 0 Prati, Survey No. 49/6D admeasuring 0 Hectare 25 Are 5 Prati, Survey No 49/6E admeasuring 0 Hectare 54 Prati 0 Prati and Survey No. 49/4A admeasuring 0 Hectare 68 Are 0 Prati within the limits of the Ambernath Municipal Council comprising of

Plot No.	Survey No.	Area (sq.meters)
B	49/4/B	6300
	49/6/D	2550
	49/6/E	3350 out of 5400
C	49/4/A	6800

and an area admeasuring 900.962 sq. meters from Plot B and 594.089 sq. meters from Plot C is affected by 15 meter D.P. Road and an area admeasuring 666.910 sq. meters from Plot B and 99.185 sq. meters from Plot C is affected by the reservation of garden as per the layout plan sanctioned by Ambernath Municipal Council vide No. ANP /NRV /BP /14-15 /555 /8387/49 dated 26.08.2014 belonging to Shri Sadashiv Muddanna Shetty, Shri Sunder Muddanna Shetty, Shri Sitaram Sheena Shetty and Shri Mahesh Shyama Shetty.

Read:

1. Extracts of 7/12.
2. Relevant Mutation entries.
3. Deed of Conveyance dated 20.10.2009 registered at the office of Sub Registrar of Assurances at Ulhasnagar-3 under serial No. 3979/2009 on 12.11.2009 made and executed by Shri K. Mohandas Rai and others as the owners and Shri Sadashiv Muddanna Shetty and others as the purchasers in respect of Survey No. 49 Hissa No. 4A, Survey No. 49 Hissa No. 4B and Survey No. 49 Hissa No. 6E.
4. Deed of Conveyance dated 02.12.2009 registered at the office of Sub Registrar of Assurances at Ulhasnagar-3 under serial No. 4295/2009 made and executed by Smt. Niranjana Kaur Sehra Harbhajansingh as the owner and Shri Sadashiv Muddanna Shetty and others as the purchasers in respect of Survey No. 49 Hissa No. 6D.
5. Permission issued by the Ambernath Municipal Council vide No. ANP /NRV /BP /14-15 /555 /8387/49 dated 26.08.2014

6. Development Agreement dated 15.12.2014 registered at the office of Sub Registrar of Assurances at Ulhasnagar-3 under serial No. 8663/2014 on 15.12.2014 made and executed by Shri Sadashiv Muddanna Shetty and others as the owners and M/s Shree Balaji Homes as the Developer in respect of Plot C.
7. Power of Attorney dated 15.12.2014 registered at the office of Sub Registrar of Assurances at Ulhasnagar-3 under serial No. 8664/2014 on 15.12.2014 made and executed by Shri Sadashiv Muddanna Shetty and others in favour of M/s Shree Balaji Homes in respect of Plot C.
8. Development Agreement dated 15.12.2014 registered at the office of Sub Registrar of Assurances at Ulhasnagar-3 under serial No. 8661/2014 on 15.12.2014 made and executed by Shri Sadashiv Muddanna Shetty and others as the owners and M/s Laxmi Sai Buildcon as the Developer in respect of Plot B.
9. Power of Attorney dated 15.12.2014 registered at the office of Sub Registrar of Assurances at Ulhasnagar-3 under serial No. 8662/2014 on 15.12.2014 made and executed by Shri Sadashiv Muddanna Shetty and others in favour of M/s Laxmi Sai Buildcon in respect of Plot B.
10. Non-agricultural assessment for the property admeasuring 6800 sq. meters (Plot B) in pursuance to letter issued by the Tahasildar, Ambarnath under file reference No. Mahasul/T-3/Jaminbab/Vinishti/SR-119/2016 dated 04.07.2016
11. Non-agricultural assessment for the property admeasuring 14250 sq. meters (Plot A and B) in pursuance to letter issued by the Tahasildar, Ambarnath under file reference No. Mahasul /T-3 /Jaminbab /Vinishti /SR-118/2016 dated 07.07.2016
12. Revised Building Permission issued by the Ambernath Municipal Council vide No. ANP /NRV /BP /17-18 /1228/8802/86 dated 08.01.2017.
13. Search Reports.

I have investigated the title of the Owners to the above said property and I am of the opinion that the title of the Owners to the above referred property is clear, marketable and free from reasonable encumbrances and doubts.

It appears that by and under a Development Agreement dated 15.12.2014 registered at the office of Sub Registrar of Assurances at Ulhasnagar-3 under serial No. 8663/2014 on 15.12.2014, the owners have granted the development rights in respect of the Plot C favour of M/s Shree Balaji Homes.

It further appears that by and under Power of Attorney dated 15.12.2014 registered at the office of Sub Registrar of Assurances at Ulhasnagar-3 under serial No. 8664/2014 on 15.12.2014 made and executed by Shri Sadashiv Muddanna Shetty and others in favour of M/s Shree Balaji Homes, the Owners have granted the powers to M/s. Shree Balaji Homes to submit the plans and obtain building permission from the Ambernath Municipal Council.

It appears that by and under a Development Agreement dated 15.12.2014 registered at the office of Sub Registrar of Assurances at

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Ulhasnagar-3 under serial No. 8661/2014 on 15.12.2014, the owners have granted the development rights in respect of the Plot B in favour of M/s Laxmi Sai Buildcon.

It further appears that by and under Power of Attorney dated 15.12.2014 registered at the office of Sub Registrar of Assurances at Ulhasnagar-3 under serial No. 8662/2014 on 15.12.2014 made and executed by Shri Sadashiv Muddanna Shetty and others in favour of M/s Laxmi Sai Buildcon, the Owners have granted the powers to M/s. Laxmi Sai Buildcon to submit the plans and obtain building permission from the Ambarnath Municipal Council.

It appears that under the powers and authorities vested in M/s. Balaji Homes and M/s. Laxmi Sai Buidcon, they have amalgamated the properties taken up for development and have obtained revised permission from Ambarnath Municipal Council vide No. ANP /NRV /BP /17-18 /1228/8802/86 dated 08.012.2017.

I have gone through the search report taken at the office of Sub-Registrar of Assurances at Ambarnath in respect of the captioned property and the search report reveals an entry as regards the lis-pendence filed by virtue of the filing of Regular Civil Suit No. 20/2013 in the Court of the Civil Judge (Junior Division) at Ulhasnagar filed by one Hari Mahadu Mhaskar and others against Datta Songya Mhaskar and others for seeking relief of declaration, injunction and partition of the alleged 1/6th share in the suit properties which includes the land bearing Survey No. 49/6D and 49/6E out of the captioned property and on perusal of the Status Certificate dated 23.04.2018 issued by Advocate Kasim Sheikh & Associates, the advocate on record for the defendants viz. present owners Shri Sadanand Shetty and three others, it appears that after getting the knowledge of the notice of lis-pendence, the owners have suo-moto impleaded themselves as defendants in the said suit on 29.04.2017 and have filed their written statements, however till date the plaintiffs in the said suit have not preferred any relief against the said Sadanand Shetty and three others being Defendant Nos. 30 to 33 in the said suit and that the said suit proceedings are pending before the Hon'ble Court and that there are no prohibitory orders in the above litigation which may affect the development of the said property and except the above entry of lis-pendence in respect of the land bearing Survey No. 49/6D and 49/6E, the search reports do not reveal any adverse entry, which may fall in the category of encumbrances over the said property.

On the above observation, I am of the opinion that subject to the outcome of pending litigation, the title of the owners to the captioned property is clear, marketable and free from reasonable doubts and encumbrances and in accordance with the terms and conditions of above referred agreements as well as the permissions, sanctions and approvals and further renewals to be obtained from time to time and subject to the reservations therein, M/s Shree Balaji Homes and M/s. Laxmi Sai Buidcon are well and sufficiently entitled to develop the said property and to sell the flats /units therein constructed to intending purchasers.



(V. B. GHODVAIDYA)
Advocate