



Off. 1 : "Rishi Prasad" Block No. C/45/165, Shiv Colony, Ulhasnagar-3, Dist. Thane. (For Correspondence)
Off. 2 : C/o. S.D. Avhad, 3rd Floor, Shivalaya Shopping Centre, Opp. Natraj Cinema, Chembur, Mumbai 400 071.

RSP/Title/ AP Gr/ 015/2017

Dated: 25/09/2017

To,

M/S AP GROUP OF CONSTRUCTION ,
Proprietor Mr. Arun Balu Patil
office at 211 to 213, 2ND Floor,
Patel Plaza, Near Ajit Scanning Centre,
Murbad Road, Kalyan (West) -421301
Dist. Thane.

LEGAL OPINION

OWNER OF THE PROPERTY

Shri Ravi Sadashiv (Sadu) Kashiwale and
Shri Kaluram Dattu Kashivale and 12 others

BUILDER AND DEVELOPER

M/S A. P. GROUP OF CONSTRUCTION ,
Proprietor Mr. Arun Balu Patil

DISCRIPTION OF PROPERTY

ALL THAT piece or parcel of Non Agriculture land bearing Survey No-65, lying and situated at revenue village Khadvali , situated at Khadvali Grampanchyat, Tal. Kalyan, Dist. Thane admeasuring about area 170 Guntha equivalent to 1700 Sq. Meter within the limits of Grampanchyat Khadvali , Tal. Kalyan, Dist. Thane bounded as under Viz.: -

To the East :- Road of Kumbharpadagaon and Zilha Parishad
To the West :- Property of Dagdu Dharma and Namdeo Dharma Pitambre
To the South :- Road of Chincholi Gaon
To the North :- Property of Survey No 65 (P)

DOCUMENTS SCRUTINISED: -

- 1) Xerox Copy of 7/12 Extract of land bearing Survey No 65, in the name of Shri Ravi Sadashiv (Sadu) Kashivale and 12 others issued by Talathi Saja Khadvali, Taluka Kalyan, date 8/03/2017.
- 2) Xerox Copy of Mutation Entry No. 1, 214, 219, 392, 818, 1076, 1108, 1150, 1275, 1324, 1347 of Survey No 65, issued by Talathi Khadvali.



- 3) Xerox Copy of "Power of Attorney" dated 17.11.2015 which was registered before Sub Registrar Kalyan-1, vide registration No. 9447/2015 dated 17.11.2015, executed by the owner Smt. Tulsabai Dattu Kashivale and 5 others, in favour of Shri Kaluram Dattu Kashivale in respect of land bearing Survey No 65, village Khadvali.
- 4) Xerox Copy of "Power of Attorney" dated 17.11.2015 which was registered before Sub Registrar Kalyan-1, vide registration No. 9449/2015 dated 17.11.2015, executed by the owner Shri Anil Sadashiv Kasivale and 4 others, in favour of Shri Ravi alias Ravindra Sadashiv Kashivale in respect of land bearing Survey No 65, village Khadvali.
- 5) Xerox Copy of "Development Agreement" dated 10.10.2016, which was registered before Sub Registrar Kalyan-1, vide registration No. 10409, dated 10.10.2016, executed by the original owner Shri Ravi Sadashiv (Sadu) Kashivale and Shri Kaluram Dattu Kashivale for themselves and as Attorney holder of other co- owners, in favour of Shri Arun Balu Patil, proprietor of M/s AP Group of Construction as a Developer in respect of property bearing Survey No 65, village Khadvali.
- 6) Xerox Copy of "Irrevocable Power of Attorney" dated 10.10.2016 which was registered before Sub Registrar Kalyan-1, vide registration No. 10410 dated 10.10.2016, executed by the original owner Shri Ravi Sadashiv (Sadu) Kashivale and Shri Kaluram Dattu Kashivale for themselves and as Attorney holder of other co- owners, in favour of Shri Arun Balu Patil, proprietor of M/s AP Group of Construction as a Developer in respect of property bearing Survey No 65, village Khadvali.
- 7) Xerox Copy of "Deed of Correction" dated 03.06.2017, which was registered before Sub Registrar Kalyan-2, vide registration No. 5405, dated 03.06.2017, by the original owner Shri Ravi Sadashiv (Sadu) Kashivale and Shri Kaluram Dattu Kashivale for themselves and as Attorney holder of other co- owners, in favour of Shri Arun Balu Patil, proprietor of M/s AP Group of Construction as a Developer in respect of property bearing Survey No 65, village Khadvali.
- 8) xerox Copy of Sale Permission u/s 43 of Bombay Tenancy and Agricultural Land Act 1948 issued by Sub- Divisional Officer, Kalyan Division vide Order No. KD/T-7/ Kalyan/VP/SR-09/2016 dated 06/12/2016 in respect of land bearing Survey No- 65, of village Khadvali , Taluka Kalyan.
- 9) Xerox copy of sanction/recommendation issued by Assistant Director, Town planning, Thane vide their order no Bisesh/BP/Mauje Khadvali/Taluka Kalyan/Sasatahne/1290, dated 07.07.2017, in respect of land bearing Survey No-65, village Khadvali, Kalyan.
- 10) xerox Copy of N.A Order No. Mahasul/ K-1/T-7/NAP/Khadvali-Kalyan/ SR-07/2017 dated 22/09/2017 issued by Collector, Thane in respect of land bearing Survey No-65, village Khadvali, Kalyan.
- 11) Xerox copy of Search Report dated 16.03.2017 issued by Searcher Mr. G.H. Jagtap for 30 years, i.e. from 1988 to 2017. in respect of land bearing Survey No-65, village Khadvali, Taluka -Kalyan.



FLOW OF TITLE TO THE SAID PROPERTY

We have caused necessary searches through searcher Mr. G.H.Jagtap in the Sub-Registry office at Kalyan for the period from 1988 to 2017 and the documents mentioned herein above in respect of the aforesaid property. The report is as follows:

1. It is observed on perusal of mutation entry No.1 that originally the land bearing Survey No.65 situate at village Khadvali, Taluka Kalyan, Dist. Thane admeasuring about 4H-77 R- 5 P + Pot Kharaba 0 H- 14 R - 2 P (Herein after referred to as said entire land) was owned and possessed by Shri Trimbak Joshi . In the year 1880-81 Shri Dwarkanath Gupte purchased it by auction sale and become the owner of the land. After the death of Shri Dwarkanath Gupte , by inheritance Smt. Jankibai Dwarkanth Gupte got the ownership of said entire land.
2. It is observed on perusal of mutation entry No.214 that Shri Buga Padu Kashivale was the tenant of the said entire land bearing Survey No.65 situate at village Khadvali, Taluka Kalyan, Dist Thane. After the death of Shri Buga Padu Kashivale name of his legal heirs namely Smt. Anandibai Krishna Suroshe and Smt. Saraswatibai Ganpat were brought on revenue record, but in enquiry it was found that Shri. Dattu Solu Kashivale and Shri. Sadu Solu Kashivale were cultivating the said entire land as a tenant and they were in possession of the said entire land, therefore by Mutation Entry No. 214 dated 17.06.75 name of Shri. Dattu Solu Kashivale and Shri. Sadu Solu Kashivale were mutated on revenue record as a tenant on the said entire land.
3. It is observed on perusal of mutation entry No. 392 that Shri Sadu Solu Kashivale died intestated living behind the following legal heirs namely 1. Shri. Anil Sadu Kashivale, 2. Shri Ravi Sadu Kashivale, 3. Shri Sunil Sadu Kashivale, 4. Kumari. Maina Sadu Kashivale, 5. Kumari. Manja Sadu Kashivale and 6. Smt. Anandibai Sadu Kashivale. The name of the these legal heirs were mutated on revenue record by Mutation Entry No. 392, dated 18.07.83 as a tenant of the said entire land.
4. It is observed on perusal of mutation entry No. 818 that that Shri. Dattu Solu Kashivale died on 12.09.2004 leaving behind the following legal heirs 1. Smt. Tulsabai Dattu Kashivale, 2. Shri Kondiram Dattu Kashivale, 3. Shri Gulab Dattu Kashivale, 4. Shri Subhash Dattu Kashivale, 5. Shri. Kaluram Dattu Kashivale, 6. Shri Santosh Dattu Kashivale and 7. Smt. Anjana Dattu Kashivale, name of the these legal heirs were mutated on revenue record by Mutation Entry No. 818, dated 13.09.2005 as a tenant of the said entire land.
5. It is observed on perusal of mutation entry No. 1076 that by virtue of Suit No.15/2008, Tahsildar/Land Revenue Court Kalyan, pass the order U/s 32G of the Tenancy Act on 03.02.2009 and Rs. 14,694/- fixed as the sale price of the said entire land. By virtue of mutation entry No. 1076 dated 24.07.2009 the name of tenant Shri Kaluram Dattu kashivale was removed from other columns and entered in the column of kabjedar, at the same time the name of the old owner Smt. Shkuntala Anand Pradhan was removed from the column of kabjedar with the Charge of Rs. 14,694/- . As per mutation entry no. 1108 dated 27/01/2010, on 24/07/2009 Shri. Kaluram Dattu Kashivale and others paid an amount of Rs. 14,694/- therefore the charge which was created on the said entire land was removed. It is observed on perusal of mutation entry No. 1150 that Shri. Kondiram Dattu



Kashivale had obtained the loan from Nadgaon Seva Sahakari Soc. Ltd., and it was repaid, mutation entry No. 1150, dated 28.06.2010 was passed to that effect.

6. It is observed from the documents submitted before us that by virtue of Conveyance Deed dated 23/01/2012 bearing Registration No.1852/2012 dated 01/03/2012 and order of sale permission bearing no. TD/T6/KV/Kalyan/BP/SR-2/2011 dated 29/10/2011, issued by Sub Divisional Officer Thane, Shri Kaluram Dattu Kashivale and Shri. Kondiram Dattu Kashivale had purchased 20 Gunths land out of the said entire land from Shri. Anil Sadu Kashivale and 11 others. The name of the Shri Kaluram Dattu Kashivale and Shri Kondiram Dattu Kashivale was mutated on revenue record by Mutation Entry No. 1275 dated 26/03/2012.
7. It is observed from the documents submitted before us that by virtue of Registered Release Deed dated 17.11.2015, which was registered before Sub Registrar Kalyan, Vide Registration No.9446/2015 dated 17.11.2015. Smt Maina Sadashiv Kashivale, Smt. Manja Sadashiv Kashivale Smt. Gulab Dattu Kashivale, and Smt.Anjana Dattu Kashivale released their share along with right , title and interest in favour of remaining legal heirs for the consideration and upon the terms and conditions mentioned therein.
8. It is observed from the documents submitted before us that by virtue of Registered Power of Attorney dated 17.11.2015, which was registered before Sub Registrar Kalyan, Vide Registration No.9449/2015 dated 17.11.2015. Shri. Anil Sadashiv Kashivale, Shri Sunil Sadashiv Kashivale, Smt Maina Sadashiv Kashivale, Smt. Manja Sadashiv Kashivale and Smt. Andabai Sadashiv Kashivale executed Power of Attorney in favour of Shri. Ravi alias Ravindra Sadashiv (Sadu) Kashivale in respect of their share admeasuring about 85 Gunthas in the said entire land.
9. It is observed from the documents submitted before us that by virtue of Registered Power Of Attorney dated 17.11.2015, which was registered before Sub Registrar Kalyan, Vide Registration No.9447/2015 dated 17.11.2015. Smt. Tulsabai Dattu Kashivale, Shri Kontiram Dattu Kashivale, Smt. Gulab Dattu Kashivale, Shri Subhash Dattu Kashivale, Shri Santosh Dattu Kashivale and Smt. Anjana Dattu Kashivale executed Power of Attorney in favour of Shri. Kaluram Dattu Kashivale. In respect of their share admeasuring about 85 Gunthas in the said entire land.
10. It is observed from the documents submitted before us that out of said entire land an area admeasuring 35 Gunthas was sold by Shri. Kaluram Dattu Kashivale and others and holding remaining area admeasuring 4-56-7 H.P.R. and they are in possession of the same as a owner
11. It is observed from the documents submitted before us that by Virtue of 'Development Agreement' dated 10.10.2016 which was registered before Sub Registrar Kalyan-1 vide registration No. 10409 dated 10.10.2016, the original owner Shri. Ravi Sadashiv Kashivale and others had granted the development right in respect of land admeasuring 170 Guntha, bearing Survey No.65 situate at village Khadvali, Taluka Kalyan, Dist. Thane from the remaining land area admeasuring 4-56-7 H.P.R. (Herein after referred to as said Project land) in favour of Shri. Arun Balu Patil, proprietor of M/s AP Group of Construction at and for the price/consideration and upon the terms



and conditions therein contained. It is observed from the documents submitted before us that Shri. Ravi Sadashiv Kashivale and others also executed 'Power of Attorney' dated 10.10.2016 which was registered before Sub Registrar Kalyan-1 vide registration No. 10410 dated 10.10.2016, in favour of Shri Arun Balu Patil, proprietor of M/s AP Group of Construction along with development agreement in order to carry out the development work in smooth and proper way, and thereby Shri Arun Balu Patil, proprietor of M/s AP Group of Construction has got absolute right to develop the said project land.

12. It is observed from the documents submitted before us that by virtue of 'Correction Deed' dated 03.06.2017 which was registered before Sub Registered Kalyan-1 vide registration No. 5405 dated 03.06.2017, executed by the original owner Shri Ravi Sadashiv (Sadu) Kashivale and 12 others, in favour of Shri Arun Balu Patil, proprietor of M/s AP Group of Construction as a Developer in respect of property bearing Survey No 65, village Khadvali.
13. It is observed from the documents submitted before us that the Sub-Divisional Officer, Kalyan Division granted Sale Permission u/s 43 of Bombay Tenancy and Agricultural Land Act 1948 vide Order No. KD/T-7/ Kalyan/VP/SR-09/2016 dated 06/12/2016 in respect of said project land
14. It is observed from the documents submitted before us that the Assistant Director, Town planning, Thane by their order no Bisesh/BP/Mauje Khadvali/Taluka Kalyan/Sasatahne/1290, dated 07.07.2017, sanction/recommendation, in respect of said project land
15. It is observed from the documents submitted before us that the Collector, Thane by order No. Mahasul/ K-1/T-7/NAP/Khadvali-Kalyan/ SR-07/2017 dated 22/09/2017 granted permission of Non-Agriculture use of the said project land.
16. In pursuance to the powers and authorities vested to M/s AP Group of Construction are absolutely seized and possessed of or otherwise well and sufficiently entitled to develop the said property. They have obtained all the necessary permission from competent authority therefore entitled to carry out the construction of the proposed building as per the plans and specifications sanctioned by Concerned Authorities as per the terms and conditions as are set out in their letters/order/permissions. That by virtue of above referred documents M/s AP Group of Construction has also got the right to dispose of the flats in the said building on ownership basis and also to enter into agreement with the purchaser and to receive the price in respect thereof.
17. Search from the office of Sub-Registrar in reference to index II for 30 years and that from the revenue records for 30 years taken. No adverse entry affecting the title of the Owners is traced. Hence the above said project land is free from the clutches of reservations from the Local Authorities.
18. Thus it is seen that owners herein above mentioned absolutely owns and possesses the said land & builder and developers Shri Arun Balu Patil Proprietor of M/s AP Group of Construction is entitled to develop the said project land and sell the flats /unit to the prospective purchaser and title of the said project land is clear and marketable



ENCUMBRANCE CERTIFICATE FOR THE LAST 30 YEARS:-

Upon investigation and scrutiny of the documents mentioned herein above we are of the opinion that subject to the observations made herein the above said project land is freehold without encumbrances, claim charge etc, and its title is marketable of the owners Shri Ravi Sadashiv (Sadu) Kashiwale and Shri Kaluram Dattu Kashivale and 12 others, and therefore entitled to transfer development rights to M/s AP Group of Construction who in turn are entitled to develop it as per the plans and specifications sanctioned by competent authorities. We further confirm that we have caused search through Searcher G.H. Jagtap and investigated Title Deeds in respect of the aforesaid property for the last 30 years and the Search Report is enclosed herewith along with the Government Fee paid Receipt.

Yours faithfully,



R.S.Palve
Advocate



RAJENDRA S. PALVE

B.Com., G.D.C. & A., LL.M.

-ADVOCATE-

'Rishi Prasad' Block C/45, R. No.165,
Shiv Colony, Ulhasnagar-3