

LIBIN STANLEY

Advocate

Jewel Arcade

4th Floor

Layam Road, Kochi - 682 011

Phone: 0484 - 4030724

Mob: 9895722338, 9349253769

adv.libinstanley@gmail.com

adv.libinstanley@yahoo.com

Residence:

Kolpurath

S. Chittoor

Ph: 0484 - 2430724

06/05/2021

LEGAL OPINION

With respect to the property having a total extent of **1 Hectare 93.70 Ares (4 Acres 78.633 Cents)** made up of 1 Hectare 74.27 Ares in Re.Sy.No.1/38 and 19.43 Ares in Re.Sy.No.1/34 in Block No.182 in Erorr Desom in Nadama Village belonging to **M/s.MAC CHARLES (INDIA) LTD**

M/s.MAC CHARLES (INDIA) LTD

Purchased the following properties (Sl.No. 1 to 10)
and obtained the Sl.No.11 and 12 as per Exchange Deed

<u>Sl. No.</u>	<u>Seller</u>	<u>Sale deed No.</u>	<u>Old Sy.No.</u>	<u>Ares</u>	<u>Cent</u>	<u>Prior deed</u>
1.	M/s.Good Home (P) Ltd	562/2007	489/1	14.17	35.000	2658/1982
2.	M/s.Good Home (P) Ltd	563/2007	489/1 489/2	22.26	49.990 5.000	2494/1982
3.	M/s.Beaver Estates (P) Ltd	564/2007	490	45.17	111.590	170/1982
4.	M/s.Good Home (P) Ltd	565/2007	491	22.90	56.570	1424/1982
5.	M/s.Beaver Estates (P) Ltd.	566/2007	492	15.38	38.010	4532/1981
6.	Allesh and M/s.Capvest Wealth Management Services (P) Ltd.	2048/2006	494	30.76	76.000	1276/1977 1083/2006 (Agreement for Sale)
7.	B.R.Ajit	567/2007	495/1	6.72	16.600	4742/1986
8.	B.R.Ajit	568/2007	495/2	3.96	9.800	5133/1986
9.	B.R.Ajit	569/2007	495/2	1.29	3.200	895/1987

Libin Stanley. B.Sc., LL.B

Advocate

Jewel Arcade, Room No: 6

4th Floor, Layam Road

Kochi-682011, Ph:0484-4030724



10.	Thommi and M/s.Capvest Wealth Management Services (P) Ltd.	546/2007	495/4	1.78	4.420	1009/1964 4719/2006 (Agreement for Sale)
11.	M/s.Elton Web Solutions (P) Ltd and M/s.Mac Charles (India) Ltd.	571/2007 (Exchange deed)	492 (‘D’ sch)	22.57	55.850	796/2006 797/2006 950/1977
12.	M/s.Good Home (P) Ltd and M/s.Mac Charles (India) Ltd.	570/2007 (Exchange deed)	493 (‘D’ sch)	7.58	18.730	3041/1988
			Total	194.54 Ares	480.760 Cents	

BOUNDARIES:-

East : River

North : Property of B.R.Ajit in Re.Sy.No.1 of Block No.182

West : Private Road (Silver Sand Road)

South : Property of B.R.Ajit and others in Re.Sy.No.35 of Block No.182

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
Kochi-682011, Ph:0484-4030724



DERIVATION OF TITLE:-

1) Sale deed No.562/2007:-

As per the Sale Deed No.2658/1982 of Tripunithura Sub Registry, M/s.Good Home (P) Ltd, by its Managing Director B.R.Ajit purchased the property having an extent of 34.83 Ares in Old Sy.No.489/1 in Eroor Desom in Nadama Village, from Mr.V.Damodaran, son of Ammukutty Amma. Thereafter, M/s.Good Home (P) Ltd, by its Managing Director B.R.Ajit sold a plot on the west having an extent of **14.17 Ares (35 Cents)** in Old Sy.No.489/1 and together with the right of way over the **Private road** on the west for all kinds of traffic and for taking all kinds of connections to **M/s.Mac Charles (India) Ltd.**, by its Vice President and Director of Development, Mr.Vijay Gollarahalli as per the Sale deed No.562/2007 of Tripunithura Sub Registry, wherein it is described in the '**C**' schedule.

2) Sale deed No.563/2007:-

As per the Sale Deed No.2494/1982 of Tripunithura Sub Registry, M/s.Good Home (P) Ltd, by its Managing Director B.R.Ajit purchased the property having an extent of 32.80 Ares in Old Sy.No.489/1 and 2.02 Ares in Old Sy.No.489/2 in Eroor Desom in Nadama Village, from Mr.V.Damodaran, son of Ammukutty Amma. Thereafter, M/s.Good Home (P) Ltd, by its Managing Director B.R.Ajit sold a plot having a total extent of **22.26 Ares (54.990 Cents)** made up of **49.990 Cents** in Old Sy.No.489/1 and **5 Cents** in Old Sy.No.489/2 to **M/s.Mac Charles (India) Ltd.**, by its Vice President and Director of Development, Mr.Vijay Gollarahalli as per the Sale deed No.563/2007 of Tripunithura Sub Registry, wherein it is described in the '**C**' schedule.

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
Kochi-682011, Ph:0484-4030724



3) Sale deed No.564/2007:-

As per the Sale Deed No.170/1982 of Tripunithura Sub Registry, M/s.Beaver Estates (P) Ltd, by its Managing Director B.R.Ajit purchased the property having an extent of 94 Cents in Old Sy.No.490 and 498 and 1 Acre in Old Sy.No.490 and 498 in Eroor Desom in Nadama Village, wherein it described in 'A' and 'B' schedule from Mr.Bhaskaran *alias* Damodaranunni, Padmam *alias* Lakshmi Brahmani Amma, Raman Unni, Radha Brahmani Amma and Rugmini Brahmaniamma. Thereafter, M/s.Beaver Estates (P) Ltd, by its Managing Director B.R.Ajit sold a plot having an extent of **45.17 Ares (111.590 Cents)** in Old Sy.No.490 together with the right of way over the **Private road** on the west for all kinds of traffic and for taking all kinds of connections to **M/s.Mac Charles (India) Ltd.**, by its Vice President and Director of Development, Mr.Vijay Gollarahalli as per the Sale deed No.564/2007 of Tripunithura Sub Registry, wherein it is described in the '**C**' schedule.

4) Sale deed No.565/2007:-

As per the Sale Deed No.1424/1982 of Tripunithura Sub Registry, M/s.Good Home (P) Ltd, by its Managing Director B.R.Ajit purchased the property having an extent of 28.35 Ares in Old Sy.No.491 in Eroor Desom in Nadama Village, from Mrs.Sheela, wife of George. Thereafter, M/s.Good Home (P) Ltd, by its Managing Director B.R.Ajit sold a plot having an extent of **22.90 Ares** in Old Sy.No.491 together with the right of way over the **Private road** on the west for all kinds of traffic and for taking all kinds of connections to **M/s.Mac Charles (India) Ltd.**, by its Vice President and Director of Development, Mr.Vijay Gollarahalli as per the Sale deed No.565/2007 of Tripunithura Sub Registry, wherein it is described in the '**C**' schedule.

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
Kochi-682011, Ph:0484-4030724



5) Sale deed No.566/2007:-

As per the Sale Deed No.4532/1981 of Tripunithura Sub Registry, M/s.Beaver Estates (P) Ltd, by its Managing Director B.R.Ajit purchased the property having an extent of 28.71 Ares in Old Sy.No.492 in Eroor Desom in Nadama Village, from Mr.Raphael, son of Xavier. Thereafter, M/s. Beaver Estates (P) Ltd, by its Managing Director B.R.Ajit sold a plot having an extent of 15.38 Ares on the west in Old Sy.No.492 together with the right of way over the Private road on the west for all kinds of traffic and for taking all kinds of connections to M/s.Mac Charles (India) Ltd., by its Vice President and Director of Development, Mr.Vijay Gollarahalli as per the Sale deed No.566/2007 of Tripunithura Sub Registry, wherein it is described in the 'C' schedule.

6) Sale deed No.2048/2006:-

As per the Sale Deed No.1276/1977 of Tripunithura Sub Registry, Mr.Allesh, son of Kuttezhatu Xavier purchased the property having an extent of 30.76 Ares (76 Cents) in Old Sy.No.494 in Eroor Desom in Nadama Village, from Mr.Kalukurumban.

Thereafter, the said Allesh had entered into an Agreement for sale dated 09/03/2006 registered as No.1083/2006 of Tripunithura Sub Registry with M/s.Capvest Wealth Management Services (P) Ltd., for the sale of the said property having an extent of 76 Cents.

Subsequently, the said Allesh (as Vendor) and M/s.Capvest Wealth Management Services (P) Ltd., by its Director and authorised representative Mr.George Thomas (as Confirming/Consenting Party) sold the said property having an extent of 30.76 Ares in Old Sy.No.494 bounded by River on the east to M/s.Mac Charles (India) Ltd., by its Vice President and Director of Development, Mr.Vijay Gollarahalli as per the Sale deed No.2048/2006 of Tripunithura Sub Registry.

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
Kochi-682011, Ph:0484-4030724



7) Sale deed No.567/2007:-

As per the Sale Deed No.4742/1986 of Tripunithura Sub Registry, Mr.B.R.Ajit, son of Dr.K.S.Unnithan purchased the property having an extent of 6.879 Ares in Old Sy.No.495/1 in Eroor Desom in Nadama Village, from Mr.George, son of Porinju. Thereafter, B.R.Ajit sold the said property having an extent of only 6.72 Ares in Old Sy.No.495/1 to M/s.Mac Charles (India) Ltd., by its Vice President and Director of Development, Mr.Vijay Gollarahalli as per the Sale deed No.567/2007 of Tripunithura Sub Registry, wherein it is described in the 'C' schedule.

8) Sale deed No.568/2007:-

As per the Sale Deed No.5133/1986 of Tripunithura Sub Registry, Mr.B.R.Ajit, son of Dr.K.S.Unnithan purchased the property having an extent of 6.07 Ares in Old Sy.No.495/2 in Eroor Desom in Nadama Village, from Mr.George, son of Porinju. Thereafter, the said B.R.Ajit sold a plot on the north having an extent of 3.96 Ares in Old Sy.No.495/2 to M/s.Mac Charles (India) Ltd., by its Vice President and Director of Development, Mr.Vijay Gollarahalli as per the Sale deed No.568/2007 of Tripunithura Sub Registry, wherein it is described in the 'C' schedule.

9) Sale deed No.569/2007:-

As per the Sale Deed No.895/1987 of Tripunithura Sub Registry, Mr.B.R.Ajit, son of Dr.K.S.Unnithan purchased the property having an extent of 2.023 Ares in Old Sy.No.495/2, 2.023 Ares in Old Sy.No.495/3 and 1.21 Ares in Old Sy.No.497 in Eroor Desom in Nadama Village. Thereafter, the said B.R.Ajit sold a plot having an extent of 1.29 Ares in Old Sy.No.495/2 to M/s.Mac Charles (India) Ltd., by its Vice President and Director of Development, Mr.Vijay Gollarahalli as per the Sale deed No.569/2007 of Tripunithura Sub Registry, wherein it is described in the 'C' schedule.

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
Kochi-682011, Ph:0484-4030724



10) Sale deed No.546/2007:-

As per the Sale Deed No.1009/1964 of Tripunithura Sub Registry, Mr.Thommi, son of Xavier purchased the property having an extent of 8.000 Cents in Old Sy.No.495/4 along with other properties in Eroor Desom in Nadama Village, wherein it is described in the Item No.6 thereon, from Mr.Kesavan and his wife Lakshmi.

Thereafter, the said Thommi had entered into an Agreement for sale dated 06/11/2006 registered as No.4719/2006 of Tripunithura Sub Registry with M/s.Capvest Wealth Management Services (P) Ltd., for the sale of the said property having an extent of 8.000 Cents along with other properties.

Subsequently, the said K.X.Thommi (as Vendor) and M/s.Capvest Wealth Management Services (P) Ltd., by its Director Mr.C.S.Rajeev (as Confirming/Consenting Party) sold a plot out of the said property having an extent of **1.78 Ares** in Old Sy.No.495/4 to **M/s.Mac Charles (India) Ltd.**, by its Vice President and Director of Development, Mr.Vijay Gollarahalli as per the Sale deed No.546/2007 of Tripunithura Sub Registry, wherein it is described in the '**B**' schedule.

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
Kochi-682011, Ph:0484-4030724



11) Exchange deed No.571/2007:-

As per the Sale Deed No.950/1977 of Tripunithura Sub Registry, Mr.Francis Xavier, son of Kuttezath Thummi purchased the property having an extent of 1 Acre 11.500 Cents of land in Old Sy.No.492 in Eroor Desom in Nadama Village. Thereafter, he demarcated the said property into two plots with one on the east and other on its west each having an extent of 55.750 Cents and he sold the eastern plot having 55.750 Cents to Mrs.Ammu Premchander Director of M/s.Elton Web Solutions (P) Ltd as per the Sale deed No.796/2006 and he again sold the western plot having 55.750 Cents to the said Ammu Premchander Director of M/s.Elton Web Solutions (P) Ltd as per the Sale deed No.797/2007 both registered at Tripunithura Sub Registry.

M/s.Mac Charles (India) Ltd., purchased the property having an extent of 26.00 Ares in Old Sy.No.497 in Nadama Village as per the Sale deed No.2204/2006 of Tripunithura Sub Registry.

The aforesaid M/s.Elton Web Solutions (P) Ltd., by its Director Ammu Premchander and M/s.Mac Charles (India) Ltd., by its Vice President and Director of Development, Mr.Vijay Gollarahalli together exchanged their properties as per the Exchange deed registered as No.571/2007 of Tripunithura Sub Registry, whereby **M/s.Mac Charles (India) Ltd.**, obtained the property having an extent of **22.57 Ares** in Old Sy.No.492, wherein it is described in the 'D' schedule.

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
Kochi-682011, Ph:0484-4030724



12) Exchange deed No.570/2007:-

As per the Sale Deed No.3041/1988 of Tripunithura Sub Registry, M/s.Good Home (P) Ltd, by its Managing Director B.R.Ajit, purchased the property having an extent of 10.926 Ares in Old Sy.No.493 in Eroor Desom in Nadama Village, from Mr.Thommi, son of Xavier.

M/s.Mac Charles (India) Ltd., purchased the property having an extent of 4.00 Ares in Old Sy.No.497 in Nadama Village as per the Sale deed No.2729/2006 and the said company again purchased the property having an extent of 26.00 Ares in Old Sy.No.497 as per the Sale deed No.2204/2006 both registered at Tripunithura Sub Registry.

Thereafter, M/s. Good Home (P) Ltd by its Managing Director B.R.Ajit and M/s.Mac Charles (India) Ltd., by its Vice President and Director of Development, Mr.Vijay Gollarahalli together exchanged their properties as per the Exchange deed registered as No.570/2007 of Tripunithura Sub Registry, whereby **M/s.Mac Charles (India) Ltd.**, obtained the property having an extent of **7.58 Ares** in Old Sy.No.493, wherein it is described in the '**D**' schedule.

ENCUMBRANCE AND LIABILITIES:-

Encumbrance certificate dated and No.	SRO	period	Re.Sy.No.	Ares	Document No.
16/12/2020 No.11675/20	Tripunithura	01/01/1995 to 09/12/2020	1/34	14.17 Ares	562/2007
16/12/2020 No.11676/20	Tripunithura	01/01/1995 to 10/12/2020	1/34	22.26 Ares	563/2007

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
Kochi-682011, Ph:0484-4030724



16/12/2020 No.11673/20	Tripunithura	01/01/1995 to 10/12/2020	1/34	45.17 Ares	564/2007
16/12/2020 No.11672/20	Tripunithura	01/01/1995 to 10/12/2020	1/34	22.90 Ares	565/2007
16/12/2020 No.11674/20	Tripunithura	01/01/1995 to 10/12/2020	1/34	15.38 Ares	566/2007
16/12/2020 No.11668/20	Tripunithura	01/01/2005 to 10/12/2020	1/34	30.76 Ares	2048/2006
16/12/2020 No.11671/20	Tripunithura	01/01/1995 to 10/12/2020	1/34	6.72 Ares	567/2007
24/02/2021 No.2538/21	Tripunithura	01/01/1990 to 20/02/2021	1/34	3.96 Ares 1.29 Ares	568/2007 569/2007
22/02/2021 No.2404/21	Tripunithura	01/01/1995 to 11/02/2021	1/34	1.78 Ares	546/2007
16/12/2020 No.11677/20	Tripunithura	01/01/1995 to 10/12/2020	1/34	22.57 Ares	571/2007
16/12/2020 No.11670/20	Tripunithura	01/01/1995 to 10/12/2020	1/34	7.58 Ares	570/2007

On perusal of various documents produced before me it is seen that several attachments in AOP Nos. 12/1994, 26/1993, 2/1995, 38/1994 and O.S Nos.891/2007 and 908/2008 by various courts were effected on the said properties and the said attachments have been lifted by the concerned courts and also the same has been verified by the concerned Sub registry office. But it is seen that an O.A.No.42/2001 had been filed by the Housing and Urban, Development Corporation (HUDCO) before the Debt Recovery Tribunal,

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
Kochi-682011, Ph:0484-4030724



Ernakulam and an attachment was effected. On verification with the concerned Sub Registry Office, it has been informed that the said case and the connected attachment does not affect the said properties and concerned entry was made erroneously. Hence, the Sub Registry office concerned has struck off the said entry made mistakenly from the Encumbrance certificate and an endorsement to the same has been effected in the Encumbrance certificate. Hence the said properties are free from charges, court attachments and encumbrances or other liabilities.

OWNERSHIP OF LAND AS PER REVENUE RECORDS:-

Basic Tax Receipt dated 01/06/2020:- M/s.MAC Charles (India) Ltd., effected mutation in its name in the Village records and has paid basic tax as Pattadar for the aforesaid properties having a total extent of **1 Hectare 93.70 Ares** only as per the Resurvey records in Re.Sy.No.1/38 in Block No.182 under Thandapper account No.22316 for the period 2020-21. In the Basic tax receipt, nature of the land is mentioned as "Nilam".

Letter No.K3-4077/19, dated 13/12/2019 from the Revenue Divisional Office, Fort Kochi:- It is stated in the aforesaid letter that for converting the above said "Nilam" to "Dry land", M/s.MAC Charles (India) Ltd., had to remit Rs.5,27,34,825/- into the Account No.0029-800-88 of the Government of Kerala.

Challan dated 13/11/2020:- M/s.MAC Charles (India) Ltd., has remitted Rs.5,81,10,000/- to State Bank of India, Sub Treasury, Mattancherry, as the conversion fee of "Wet land" to "Dry land"

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
682011, Ph:0484-4030724



Order No.D.Dis/S7/(H3) 21007/2020 dated 02/03/2021 issued by the Tahsildar, Kanayannur Taluk office:- It is stated in the order that the Re.Sy.No.1/34 pertaining to the property having an extent of 174.27 Ares of land out of 193.70 Ares has been changed to Re.Sy.No.1/38 in Block No.182.

Order No.H3-21007/2020/K.Dis dated 12/03/2021 issued by the Tahsildar, Kanayannur Taluk office:- As per the said order the Tahsildar has directed the Village Officer, Nadama to change the classification of the property having an extent of **174.27 Ares** in Re.Sy.No.1/38 as "**Regularised dry Land**" in the Basic Tax Register.

Letter dated 29/10/2019 from Agricultural Field Officer, Krishi Bhavan, Tripunithura to Sub Collector, Fort Kochi: - It is stated that an area having an extent of **19.43 Ares** in Re.Sy.No.1/34 is to be set apart for **water conservancy measures**.

Basic Tax Receipt dated 25/03/2021:-M/s.MAC Charles (India) Ltd., has paid basic land tax as Pattadar for the said properties having a total extent of **174.27 Ares** in Re.Sy.No.1/38 in Block No.182 under Thandapper account No.22316 for the period 2020-21.

ROR certificate:- No.2021/21523/07, dated 25/03/2021 issued by the Village officer, Nadama Village Office for the aforesaid property having **174.27 Ares** in Re.Sy.No.1/38 and in the Village records, nature of the said land is mentioned as "**Regularised dry land**".

ROR certificate:- No.2021/21527/07, dated 25/03/2021 issued by the Village officer, Nadama Village Office for the aforesaid property having **19.43 Ares** in Re.Sy.No.1/34 and in the Village records, nature of the said land is mentioned as "**Nilam**".

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
Kochi-682011, Ph:0484-4030724



Possession certificate:- dated 08/04/2021 issued by the Village officer, Nadama Village Office shows that **M/s.MAC Charles (India) Ltd.,** is in possession of the property having an extent of 174.27 Ares Re.Sy.No.1/38 mentioned as "**Regularised dry land**" and 19.43 Ares in Re.Sy.No.1/34 mentioned as "**Nilam**" in Nadama Village.

Location sketch:- dated 15/10/2020 issued by Village Officer, Nadama Village Office shows that the western side of the aforesaid property having a total extent of 193.70 Ares is bounded by a Private Road by name **Silver Sand Road.**

Paper Publication:- The Indian Express and Mangalam daily, both dated 19/02/2021, stated that one duplicate each of the aforesaid Sale deed Nos.562/2007, 563/2007, 564/2007, 565/2007, 566/2007, 567/2007, 568/2007, 569/2007 and Exchange deed No.570/2007 and two set duplicate each of the aforesaid Sale deed Nos.2048/2006, 564/2007 and Exchange deed No.571/2007 were missing.

Remarks:-

- 1) The original of the **present 12 deeds** have been produced and verified.
- 2) The original of the **Prior deed Nos.1276/1977 and 4742/1986** have been produced and verified.
- 3) The aforesaid 12 Deeds are registered in **one original and 2 duplicates each.** But only one duplicate each of the aforesaid 9 deeds except the Exchange deed No.571/2007, Sale deed Nos.2048/2006 and 546/2007 are produced.

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
Kochi-682011, Ph:0484-4030724



Certificate of Title:

I am therefore of opinion that **M/s.MAC Charles (India) Ltd.,** has clear and marketable title over the said property having a total extent of **1 Hectare 93.70 Ares (4 Acres 78.633 Cents)** made up of 1 Hectare 74.27 Ares in Re.Sy.No.1/38 and 19.43 Ares in Re.Sy.No.1/34 in Block No.182 in Eroor Desom in Nadama Village and is free from encumbrances as on 10/12/2020 (date covered by Encumbrance certificate).



LIBIN STANLEY

ADVOCATE

Libin Stanley. B.Sc., LL.B
Advocate
Jewel Arcade, Room No: 6
4th Floor, Layam Road
Kochi-682011, Ph:0484-4030724