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Vilas A. Sawant.
Advocate High Court.

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Res. : 4, Gulmohar Soc., Mith Bunder Road, Thane (East), Thane 400 603. Tel. 25326974.

TO WHOMSOEVER IT MAY CONCERN

TITLE CERTIFICATE

1. THE OWNER :

ADIVASI SAHAKARI GHAR BANDHAKAM SANSTHA MARYADIT, a Society registered under the Co-operative Societies Act 1925 and Rules thereunder bearing Reg. No. B-715/49 dated 26/10/1949 and deemed to have been registered under Maharashtra Co-operative Societies Act 1960 and Rules thereunder, having its office at Village- Pahadi, Motilal Nagar No.2, Goregaon (W), Mumbai 400 070, hereinafter called and referred to as **"THE SOCIETY"**.

2. THE DEVELOPERS/PROMOTERS:

M/S. PRATHAMESH LAND DEVELOPERS a partnership firm registered under The Indian Partnership Act 1932, and having its office 704, Shukra Bldg, Goshala Lane, Malad (E), Mumbai- 400 097 hereinafter called and referred to as **"THE DEVELOPERS/PROMOTERS"**.

3. DESCRIPTION OF THE PROPERTY:

All that piece of parcel of land bearing S. No. 32, Hissa No. 6/A admeasuring 1 Acre, S. No. 32, Hissa No.1 (P) admeasuring 1 Acre 26 gunthas and S. No. 24 Hissa No. 3 (P) admeasuring 35.3/4 gunthas, Corresponding to City Survey Nos. 22, (23, 23/1 now merged in City S. No. 22) and 24, totally admeasuring 17193.47 sq. yards Or 14657.6 sq. meters lying being and situate at Village Pahadi, Motilal Nagar II, M. G. Road, Goregaon (W.), Tal. Borivali, and Reg. Sub. Dist. Mumbai Suburban District and as per City Survey record bounded as follows:-

East – by 12.20 M wide existing road;

West - by 12.20 M wide existing road;

North- by road under encroachment;

South – by Property bearing C.T.S. No.21.

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{Hereinafter called and referred to as "The Said Property"}.

4. PERUSED DOCUMENTS:

- 4.1 Certified copy of the Order dated 27/5/1970;
- 4.2 Certified copy of Letter of Handing Over and taking over Possession dated 04/06/1970;
- 4.3 Certified Copy of letter addressed by Executive Engineer, Housing, Goregaon Division, Bombay to the Housing Commissioner, ("L" Branch) M.H. Board thereby confirming to have handed over possession of said property to the society as per plan dated 17/06/1970;
- 4.4 The original approved Bye laws of the Society;
- 4.5 Certified copy of Village Form No. 6 i.e. Record of Rights bearing mutation No. 1913,
- 4.6 Certified copy of Village Form No. 7, 7A & 12 bearing name of the Society as in the possession of the said property;
- 4.7 Certified copies of Property Register Cards issued by the City Survey office bearing name of the society as well as the persons who are having structures thereon;
- 4.8 N. A. orders issued by Collector, Mumbai Suburban District dated 05/05/1997 and 02/07/2007;
- 4.9 Development Agreement executed by and between Society, Confirming parties and Developers dated 24/10/2005;
- 4.10 General Power of Attorney executed by the Society in favour of the Promoters dated 24/10/2005;
- 4.11 IOD issued by Brihan Mumbai Municipal Corporation bearing Nos. E.B./CE/6917BS/AP dated 20/01/2005 & CHE/9141/ BP(WS)/AP dated 08/08/2006;
- 4.12 C.C. bearing No. CHE/6917 BP(WS)/AP dated 29/01/2005;
- 4.13 Public Notice dated 05/05/2006;
- 4.14 Search for the period of 60 years commencing from 1947 to 2006 from the office of Sub-Registrar at Mumbai, Thane, Vasai and Bandra.

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5. **DISCUSSION:**

5-1 On perusal of the Byelaws approved by the Dy. Registrar Co-operative Societies under the provisions of Co-operative Act 1925 it appears that the above said Society had been registered with an object specified therein on 26/10/1949 now deemed to have been registered under the Maharashtra Co-operative Societies Act 1960 having its address as above with an object to provide houses to its members.

5-2 It appears from order issued by the Assistant Housing Commissioner (Estate Management) Bombay bearing No. 6114 MHB-I 70, office of the Maharashtra Housing Board, Griha Nirman Bhavan, Mumbai 400 051 dated 27/05/1970, that the said property had been earmarked for the housing purpose of the said society and therefore the Assistant Commissioner (Estate Management) directed the Executive Engineer, Housing, Goregaon Division to exchange the said land and hand over possession thereof to the society free from all encumbrances. Pursuant to the said directions the Executive Engineer Maharashtra Housing Board handed over and the said society took over the possession of the said property on 04/06/1970 and in turn the said Executive Engineer informed to the Housing Commissioner ("L" Branch) Maharashtra Housing Board, Bombay accordingly. Thus by virtue of the said grant the said society became the Owner of the said property free from all encumbrances.

5-3 It appears from the Revenue Record maintained by the office of Talathi village Pahadi that the said property was barren consisting of hills, hips of mud and standing in the name of Maharashtra Housing Board and due to above said order the mutation had been recorded at Sr. No. 1913 thereby deleting the name of Maharashtra Housing Board and registering the name of the said society as Owner thereof.

5-4 On perusal of Property Register Cards it appears that after coming into effect City Survey Scheme for the area of Goregaon the office of City Survey Goregaon has allotted corresponding CTS. Nos. 22, 23, 23/1, 24, 24/1 to 52 to the said property. It further appears that

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thereafter pursuant to the order issued by the District Collector Bombay Suburban dated 31/03/1997 the area of C. T. S. Nos. 23 & 23/1 adm. 33 sq. meters had been added in the area of CTS. No. 22 thereby making total area of 7402.5 sq. meters of C.T.S. No. 22 and cancelled the Property Register Card of CTS. No. 23, 23/1.

5.5 It further appears from the order passed by the Collector District Mumbai Suburb dated 02/07/07 the District Collector being Competent Authority under M. L. R. C. 1966 has on application of the society permitted to the said society to use the said property for non-agricultural use on the terms and conditions recorded therein.

5.6 It appears from the entry on property cards that the members of the society had constructed structures on part of the said property for their own use and occupation.

5.7 It appears from the Development Agreement dated 24/10/2005 executed between the parties therein, the said Society had appointed Mr. J. L. Dalvi Architect by profession as Developer of the said property. Pursuant to the terms agreed between the society & Mr. J. L. Dalvi he got approval to the building plan and on obtaining Commencement Certificate commenced the construction of building/s thereon the said property. However due to the reasons beyond his control he left incomplete work at site and property was lying undeveloped. Thereafter the said Mr. J. L. Dalvi introduced M/s. Sailee Developers as the Developers of the said property. Thereafter the said Sailee Developers commenced initial work required to commence the development of the said property but the said M/s. Sailee Developers also couldn't gear up the work therefore by and under above-said Development Agreement, the society along with those two parties i.e. Mr. J. L. Dalvi & M/s. Sailee Developers entrusted the said property with the above named Promoters/Developers for the consideration and on the terms & conditions recorded therein. This agreement is duly stamped & registered in the office of Sub-Registrar Borivali at Sr. No. BDR11-05672/2005. On perusal of the Development Agreement it

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reveals that in part performance of the said agreement the society has handed over possession of said property to the Developers & also executed General Power of Attorney thereby delegating all powers & authority to enable the Developers to commence and complete development of said property in accordance with the provisions of law and dispose of the premises therein on ownership basis. The Power of Attorney has been registered in the office of Sub-Registrar Borivali at Sr. No. BDR11-05673-2005.

- 5.8 It further appears that the Developers appointed Mr. Rajiv Mane as its Architect for preparation of the Layout and plans, design, elevation and sections of the buildings to be constructed on the said property. The said Architect submitted application along with layout & building plans, elevations and design for approval and permission for construction of the buildings on the said property & the BMC being Competent Authority under Maharashtra Regional & Town Planning Act as well as Municipal Corporation Act has approved the plans of buildings to be constructed on the said property vide I.O.D. bearing Nos. E.B./CE/6917BS/AP dated 20/01/2005 and CHE/9141/ BP(WS)/AP dated 08/08/2006. It further appears that on compliance of the terms and conditions of the I.O.D. the B.M.C. has issued certificate to commence the construction of the buildings on the said property, which has been extended from time to time. It also appears from the layout approved by B.M.C. the Developers have planned to construct separate buildings for the members of the said society and the encroachers on the said property and have commenced and completed the construction of the members' building in accordance with the plan approved and permission given by the B.M.C.

- 5.9 I have issued Public Notice in the Daily Newspapers viz. **Nav Shakti** and **Free Press Journal** published on 05/05/2006 thereby inviting the objections and/or claims if any from the public at large in the said property and during the statutory period of notice or thereafter

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till date I have not received any claim or objection of any nature whatsoever from any corner of the society/public.

- 5.10 I have taken search in the office of the Sub Registrar Mumbai, Bandra, Vasai & Thane for the period of 60 years commencing from 1947 till 2006 through the search clerk and as per his report no entry adverse to the interest of the said society has been noticed by him in the record available in the offices of the Sub Registrar at Mumbai, Bandra, Vasai and Thane.

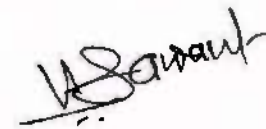
6. **CONCLUSION:**

In the premises I am of the opinion that *ADIVASI SAHAKARI GHAR BANDHAKAM SANSTHA MARYADIT* being the Owner has clear & marketable title to the said property free from all encumbrances and doubts of any nature whatsoever.

I hereby further certify that M/s. Prathamesh Land Developers being Promoters/Developers are entitled to develop the said property by constructing sale buildings thereon and sell the premises therein to the prospective purchasers on ownership basis under the provisions of the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and Rules there under.

Place: Mumbai

Date :07/07/2007.



V. A. SAWANT.
Advocate High Court Mumbai.