

# Prajakta Madan Vanjari

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April 8, 2024

## FORMAT – A (MahaRERA) (Circular No.: - 28/2021)

To,  
MahaRERA  
Mumbai.

### LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to all that piece and parcel of All that piece and parcel of land bearing Survey No.89 (pt) (adm. 4642.70 Sq. Mtrs.) and 90 (pt) (adm 6223.03 Sq. Mtrs.) thereby aggregating to 10895.73 Sq. Mtrs. having corresponding CTS No. 1007 (adm. 5644.00 Sq. Mtrs.,) and CTS No. 1008 (adm. 4332.00 Sq. Mtrs.) thereby aggregating to 9976 Sq. Mtrs. Lokmanya Colony, Village Kothrud, Taluka Haveli, District Pune (hereinafter collectively referred to as the “said Property”)

I have investigated the title of the Said Property owned by M/s. Prathamesh Constructions a partnership firm (“said Owner”) on the request of **Build to Live Realty Development No. 1 LLP**, a limited liability partnership firm registered under the provisions of Limited Liability Partnership Act, 2008 having its registered office at “Solitaire World”, Level 8, S. No. 36/1/1, Opp. Regency Classic, Mumbai- Bangalore Highway, Baner, Pune - 411 045 (hereinafter referred to as “said Client / Developer” as the context may require).

#### 1) DESCRIPTION OF THE PROPERTY:

All that piece and parcel of land bearing Survey No.89 (pt) (adm. 4642.70 Sq. Mtrs.) and 90 (pt) (adm 6223.03 Sq. Mtrs.) thereby aggregating to 10865.73 Sq. Mtrs. having corresponding CTS No. 1007 (adm. 5644.00 Sq. Mtrs.,) and CTS No. 1008 (adm. 4332.00 Sq. Mtrs.) thereby aggregating to 9976 Sq. Mtrs. and which is bounded as under:

On or towards East	By 9.14 Mtrs. wide road.
On or towards South	By 9.14 Mtrs. wide road.
On or towards West	By 24 mtrs. wide DP road.
On or towards North	By 9.14 Mtrs. wide road.

(hereinafter collectively referred to as the “said Property” and individually by its respective Survey Number / CTS No.).

#### 2) THE DOCUMENTS OF ALLOTMENT OF SAID PROPERTY:

DOCUMENTS EXAMINED AND REVIEWED FOR SURVEY NO.89 (pt.) AND

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## SURVEY NO. 90 (pt.)

1.	Copies of the 7/12 Extracts and CTS extracts of the said Property.
2.	Mutation Entry nos.626, 796, 927, 1285, 1418, 2037, 10768, 16165, 17703.
3.	Copy of the registered Sale Deed dated 13/03/1950 executed by Shri. Maganlal Vallabhbhai Desai in favour of Shri Haribhau Vinayak Likhite & others, which is registered in the Office of Sub-Registrar Haveli No. I at Serial No. 421/1950.
4.	Copy of the Sanctioned Lay-out of the S. No. 89+90 sanctioned by Asst. Director of Town Planning, Pune Branch, Pune on 22/06/1945.
5.	Copy of the Development Agreement dated 16/11/1999 executed by Shri Sharad Haribhau Likhite & others in favour of M/s. Riswadkar Associates through its proprietor Shri. Shirish Riswadkar in respect of the Said Property and other properties.
6.	Copy of the Development Agreement dated 16/11/1999 executed by Sou. Rohini Sharad Nagarkar in favour of M/s. Riswadkar Associates through its proprietor Shri. Shirish Riswadkar in respect of the Said Property and other properties.
7.	Copy of the Development Agreement dated 23/11/1999 executed by Smt. Sumati Sharad Jagalpure in favour of M/s. Riswadkar Associates through its proprietor Shri. Shirish Biswadkar in respect of the Said Property and other properties.
8.	Copy of the Development Agreement dated 09/12/1999 executed by Shri. Shankar Haribhau Likhite in favour of M/s. Riswadkar Associates through its proprietor Shri. Shirish Riswadkar in respect of the Said Property and other properties.
9.	Copy of the Power of Attorney dated 16/11/1999 executed by Shri Sharad Haribhau Likhite in favour of Shri. Shirish Riswadkar as a Proprietor of M/s. Riswadkar Associates for the Said Property and other properties.
10.	Copy of the Power of Attorney dated 16/11/1999 executed by Sau. Rohini Sharad Nagarkar in favour of Shri. Shirish Riswadkar as a Proprietor of M/s. Riswadkar Associates for the Said Property and other properties.
11.	Copy of the Power of Attorney dated 23/11/1999 executed by Smt. Sumati Sharad Jagalpure in favour of Shri. Shirish Riswadkar as a Proprietor of M/s. Riswadkar Associates for the Said Property and other properties.
12.	Copy of the Power of Attorney dated 09/12/1999 executed by Shri. Shankar Haribhau Likhite in favour of Shri. Shirish Riswadkar as a Proprietor of M/s. Riswadkar Associates for the Said Property and other properties.
13.	Copy of Power of Attorney dated 20/08/2003 executed by Sau Sharmishta Vijay Kulkarni in favour of Shri. Shirish Riswadkar, proprietor of M/s. Riswadkar Associates for the Said Property and other properties.
14.	Copy of Deed of Confirmation dated 28/08/2003 executed by Shri. Sharad Haribhau Likhite & others in favour of M/s. Riswadkar Associates through its proprietor Shri. Shirish Riswadkar, in respect of the Said Property and other properties, which is registered in the Office of Sub-Registrar Haveli No. IV at Serial No. 7357.

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15.	Copy of Sale Deed dated 02/05/2009 executed by Shri. Shankar Haribhau Likhite & others in favour of M/s. Prathamesh Constructions, A registered Partnership Firm, with the consent of M/s. Riswadkar Associates, which is registered in the Office of Sub-Registrar Haveli No. X at Serial No. 3033.
16.	Irrevocable General Power of attorney dated 02/05/2009 executed by Shri. Shankar Haribhau Likhite & others in favour of M/s. Prathamesh Constructions, A registered Partnership Firm, with the consent of M/s. Riswadkar Associates, which is registered in the Office of Sub-Registrar Haveli No. X at Serial No. 3034.
17.	Affidavit dated 02/05/2009 executed by Shri. Shankar Haribhau Likhite and others and M/s. Prathamesh Constructions, acting through its Partners Shri Jagadish Deshpande and Shri. Shirish Riswadkar.
18.	Copy of the RTS Appeal No. 251/2002 filed by Shri. Purushottam Dixit and others against Shri. Shankar Haribhau Likhite & others before the Hon'ble Sub- Divisional Officer (SDO) Pune in respect of the Said Property and other properties along with its order passed on 19/03/2012.
19.	Copy of the Review order passed in RTS Revision Appeal No. 40/1992 dated 10/11/2003 passed by Deputy Collector and Special Land Acquisition Officer.
20.	Copy of the order dated 29/09/2008 Passed in RTS/2/A/211/2004 filed by Smt. Indirabai Dixit and others against Shankar Likhite & others in respect of the Said Property and other properties.
21.	Copy of the Plaintiff of Special Civil Suit No. 749/2001 filed by Smt. Indirabai Shridhar Dixit & others as Plaintiffs against Shri. Shankar Likhite & others as Defendants before the Court of Hon'ble Civil Judge Senior Division Pune at Pune for Partition and other reliefs in respect of the Said Property and other properties.
22.	Copy of the Written Statement filed by Shri. Shirish Riswadkar in Special Civil Suit No. 749/2001.
23.	Copy of the Lis- Pendency dated 31/01/2002, which is registered in the Office of Sub-Registrar Haveli No. IV at Serial No. 834 in respect of pendency of Special Civil Suit No. 748/2001.
24.	Copy of the Lis Pendency dated 31/01/2002, which is registered in the Office of Sub-Registrar Haveli No. IV at Serial No. 835 in respect of pendency of Special Civil Suit No. 749/2001.
25.	Copy of the Order dated 08/11/2010 passed in Special Civil Suit No. 749/2001 by the Hon'ble Civil Judge Senior Division Pune of rejecting the Plaintiff for being "Barred by Law of Limitation".
26.	Copy of Decree passed by the Hon'ble Civil Judge Senior Division Pune in Special Civil Suit No. 749/2001.
27.	Copy of dismissal order dated 05/09/2014 passed in Special Civil Suit No. 748/2001 by the Hon'ble Civil Judge Senior Division Pune at Pune.
28.	Copy of the First Appeal No. 1275/2011 filed by Smt. Indirabai Shridhar Dixit & others as Appellants against Shri. Shankar Likhite & others as Respondents before

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	the Hon'ble Bombay High Court challenging the decree passed in Special Civil Suit No. 749/2001 passed by Hon'ble Civil Judge Senior Division Pune at Pune.
29.	Copy of the Civil Application No. 3657/2012 filed by Smt. Indirabai Dixit and others in the First Appeal No. 1275/2011 before the Hon'ble High Court Mumbai, for amendment and adding the said M/s. Prathamesh Constructions through its partner Shri. Jagadish Deshpande and Shri. Shirish Riswadkar along with others as Respondents.
<b>Documents/papers pertaining to Slum Rehabilitation of the Said Property:</b>	
30.	Copy of the Plaintiff of Regular Civil Suit No. 1265/1998 filed by Pandurang Sadafule & others as Plaintiffs against Pune Municipal Corporation as Defendants for declaration and Injunction before the Court of Hon'ble Civil Judge Senior Division Pune at Pune in respect of Survey no 89 and 90 along with Order of Dismissal dated 14/11/2005.
31.	Copy of Order dated 27/04/2001 passed by Division Bench of Bombay H.C. in Writ Petition bearing no. 5422/2000.
32.	Copy of the Writ Petition bearing no. 9176/2004 filed by Pandurang Sadafule & others as Plaintiffs against Pune Municipal Corporation and others as Defendants for declaration and Injunction before the Hon'ble Bombay High Court along with Order dated 18/08/2005.
33.	Copy of the Order dated 25/07/2014 passed by the Hon'ble Bombay High Court in Public Interest Litigation bearing No. 123/2008.
34.	Public Notice dated 15/12/2018 giving Intimation to declare the said Property as Slum Rehabilitation Area by Slum Rehabilitation Authority.
35.	Order of Slum Rehabilitation dated 21/01/2019 by Slum Rehabilitation Authority under section 3C of Slum Act 1971.
36.	The final qualified list of hutment dwellers published by Slum Rehabilitation Authority on 06/01/2020 as per qualification list dated 01/01/2020.
37.	Administrative consent dated 09/01/2020 given to Prathamesh Constructions for Slum Rehabilitation on the said Property as per Rule 4(5) of SRA Rules 2014.
38.	Intimation of Order of removal of hutment dwellers dated 24/02/2020 given by Slum Rehabilitation Authority under section 3D of the Slum Act 1971.
39.	Clearance Order (Demolition) dated 13/01/2023 passed by Slum Rehabilitation Authority under sec. 3D with Sec. 12 of Slum Act 1971.
40.	Layout IOD Sanction dated 21/02/2023 by Asst. Director Town Planning, Slum Rehabilitation Authority to Prathamesh Construction.
41.	Development Agreement dated 30/03/2024 registered with the office of Sub Registrar of Assurances at XI bearing no. 8043 of 2024 between Prathamesh Construction and Build to Live Realty Development No. 1 LLP
42.	Power of Attorney dated 30/03/2024 registered with the office of Sub Registrar of Assurances at XI bearing no. 8047 of 2024 between Prathamesh Construction and Build to Live Realty Development No. 1 LLP

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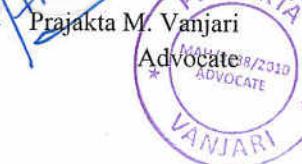
On perusal of the above-mentioned documents and all other relevant documents relating to the title of the said Property I am of the opinion that, the title of the Developer namely **Build to Live Realty Development No. 1 LLP** is clear, marketable and without any encumbrances.

3) Owner and Developer of the said Property:

Owner of the said Property	M/s. Prathamesh Construction a partnership firm
Developer of the said Property	Build to Live Realty Development No. 1 LLP

4) The report reflecting the flow of the title of the Developer to the said Property is enclosed herewith as an Annexure.

Encl: Annexure



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## **FORMAT – A** **(Circular No.: 28/2021)**

### **FLOW OF THE TITLE OF THE SAID PROPERTY.**

After perusing the documents as aforesaid I give the brief history of Survey No. 89 (pt.) and Survey No. 90 (pt.) as under:

After perusing the documents as aforesaid it is observed that:

- (a) As could be ascertained from the contents of Sale Deed dated 04/12/1944 registered in the Office of Sub-Registrar Haveli No. I at Serial No. 2903/1944, it is noted that land bearing Survey Nos. 90/2, 89/2 lying and situated at Village Kothrud, Pune were purchased by Shri. Shridhar Mahadeo Dixit, Shri. Haribhau Likhite, Shri. Maganlal Desai and Shri. Rajaram Sitaram Thakur from Ramchandra Dagdu Fengse.
- (b) In pursuance of the above Shri. Shridhar Mahadeo Dixit, Shri. Haribhau Likhite, Shri. Maganlal Desai and Shri. Rajaram Sitaram Thakur owned and possessed the land and hence formed a Partnership Firm on 01/05/1945 namely "The National Constructions Company" ("NCC") as could be ascertained from the extract of register of firms.
- (c) Shri. Rajaram Sitaram Thakur thereafter sold his share by Sale Deed dated 29/11/1949 to Shri. Haribhau Likhite and Shri. Shridhar Dixit which is evident from Mutation Entry no.1285 dated 25/12/1949.
- (d) Furthermore, Shri. Maganlal Desai also sold his share to Shri. Haribhau Likhite and Shri. Shridhar Dixit vide Sale Deed dated 13/03/1950 registered in the Office of Sub- Registrar Haveli at Serial No. 421 which is evident from Mutation Entry no.1418 dated 09/04/1951.
- (e) Subsequently, it is observed from the extract of register of firms that NCC was dissolved on 13/03/1950.
- (f) As informed by the said Owner, the NCC got a layout sanctioned for 60 residential plots from Hon'ble Collector of Pune vide its No. S.R.15.56 (4) /22 / 08/ 45 out of total 66 residential plots proposed for the sanction. The remaining 6 residential plots were sanctioned at a later stage. The said 66 residential plots is however excluding the following properties forming part of the larger layout namely –

<b>Sr. No.</b>	<b>Land description</b>	<b>Corresponding CTS No.</b>	<b>Area in Sq. Mtrs.</b>
1.	Land under Open Space (Triangular in shape)	968	1814.65

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2.	Land under open space - Lawn	985	4150.68
3.	Land for Playground of School	1007	6223.03
4.	Land for the School	1008	4642.70
5.	Land under open space for erection of statue	-	91.69
6.	Land under Plot to be kept open	1021	850.33

Such layout was referred to as Lokmanya Colony. We are concerned with the lands bearing CTS No. 1007 and 1008.

It is noted that the above plots were owned and possessed by Shri. Haribhau Likhite.

(g) It is observed from **Mutation Entry no.10763 dated 04/06/1990** that in pursuance of the order bearing no.10392/14/89 dated 24/10/1989 of the Circle officer of Kothrud and order bearing no.THO/VASHI/3073/89 dated 18/10/1989 of Tehsildar, Pune the layout sanctioned in the year 1945 was brought onto the record of rights. As per the directions in the said orders the name of M/s. National Construction Company a partnership firm was recorded against the unsold plots and portion of land under such sanctioned layout which is as below thereby renumbering the balance area as Survey no. 89/90:

Plot details	Area in Sq.Mtrs.
Plot No.1	1573 (this is not the subject matter of the present report)
89/90 Road	21354
89/90 Open Space	14359
<b>Total</b>	<b>37286</b>

(h) Shri. Haribhau Likhite died intestate on 01/12/1974 leaving behind him his legal heirs as mentioned below:

Son	Shri. Shankar Likhite
Son	Shri. Sharad Likhite
Daughter	Smt. Sumati Sharad Jagalpure
Daughter	Sau. Rohini Sharad Nagarkar

However, the names of the aforesaid legal heirs remained to be mutated on the record of rights of the said Property.

(i) All the legal heirs of Shri. Haribhau Likhite assigned the Development rights of their respective share vide separate agreements to M/s. Riswadkar Associates through proprietor Shri Shirish Riswadkar as mentioned below. In pursuance of such Development

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Agreements the legal heirs have also appointed M/s. Riswadkar Associates through proprietor Shri Shirish Riswadkar ("Riswadkar") as their duly constituted attorney for various purposes:

Assignor	Date of Notarised Development Agreement and Power of Attorney
Shri. Shankar Likhite	09/12/1999
Shri. Sharad Likhite	16/11/1999
Smt. Sumati Sharad Jagalpure	23/11/1999
Sau. Rohini Sharad Nagarkar	16/11/1999

The said legal heirs filed RTS Appeal bearing No.40/92 in the office of Sub-Divisional Officer, Pune Division on 26/05/1991 for recording their names on the record of rights. The Sub-Divisional Officer, of Pune Division vide its order dated 21/10/2003 in the RTS Appeal bearing No.40/92 confirmed the ownership of the legal heirs of Shri. Haribhau Likhite thereby directing to record their names. However, since the area of the Said Property in the order dated 21/10/2003 of Sub-Divisional Officer, of Pune Division was incorrectly recorded the legal heirs of Shri. Haribhau Likhite through their duly constituted attorney Riswadkar filed a review application for the RTS Appeal bearing No. 40/92 on 01/11/2003. The same was allowed vide order dated 10/11/2003 in pursuance of which the area was rectified as given below and the names were brought onto the record of rights. The same is seen to be recorded vide Mutation Entry No.16165 dated 24/11/2003.

Area Type	Area prior to the Order dated 10/11/2003	Area post the rectification vide Order dated 10/11/2003	Plot description	Area in Sq. Mtrs.	Differential Area in Sq. Mtrs
Sanctioned Layout Area	1123701.54 Sq.Ft (104394.41 Sq. Mtrs.)	1142399 Sq.Ft (104394.41 Sq. Mtrs.)	-	-	1737.06
Road Area	21354.00 Sq. Mtrs.	19677.68 Sq. Mtrs.	-	-	1676.32
Open Space	14359.70 Sq. Mtrs.	17773.08 Sq. Mtrs.	Land under open space - Lawn	4150.68	3414.08
			Land under Open Space (Triangular)	1814.65	

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			in shape)		
			Land under open space for erection of statue	91.69	
			Land under Plot to be kept open	850.33	
			Land for the School	4642.70	
			Land for Playground of School	6223.03	

(j) Thereafter (1) Shri. Sharad Likhite, (2) Sau. Rohini Sharad Nagarkar, (3) Shri. Shankar Likhite, and (4) Sumati Sharad Jagalpure since deceased through her legal heir Shri. Girish Jagalpure executed a Deed of Confirmation dated 28/08/2003 in favour of M/s. Riswadkar Associates and thereby confirmed the development rights of the said Property in favour of M/s. Riswadkar Associates. The said Deed of Confirmation is duly stamped and registered at Sub-Registrar Office Haveli No.IV at serial no. 7357/2003 along with an Irrevocable General Power of Attorney dated 28/08/2003 duly stamped and registered at Sub-Registrar Office Haveli No.IV at serial no. 7358/2003. It is recorded in the said Deed of Confirmation that Smt. Sumati Sharad Jagalpure died on 23/02/2002 leaving behind her legal representatives namely her son Shri. Girish Sharad Jagalpure and her married daughter namely Sau. Sharmishta Vijay Kulkarni. It is further observed that the married daughter of Smt. Sumati Jagalpure namely Sau. Sharmishta Vijay Kulkarni although not party to the said Confirmation Deed but has executed Power of Attorney on 20/08/2003 in favour of Shri. Shirish Riswadkar, proprietor of M/s. Riswakar Associates which is duly notarized by Adv. A.D. Ghospurkar (Notary Union of India, Pune) at serial no.5075/2003 on 29/09/2003.

(k) That thereafter (1) Shri. Shankar Likhite alongwith his family members, (2) Shri. Sharad Likhite alongwith his family members, (3) Sumati Sharad Jagalpure since deceased through her legal heir Shri. Girish Jagalpure and Sau. Sharmishta Vijay Kulkarni and (4) Sau. Rohini Sharad Nagarkar alongwith her family members transferred and conveyed the said Property vide Sale Deed dated 02/05/2009 to M/s. Prathamesh Constructions through its partners Shri Jagadish Deshpande and Shri. Shirish Riswadkar with the consent of the said M/s. Riswadkar Associates through its proprietor Shri. Shirish Riswadkar. The said Sale Deed and Power of Attorney both dated 02/05/2009 is duly stamped and registered in the Office of Sub-Registrar Haveli No. X at Serial No. 3033 and 3034/2009 respectively. The same is seen to be recorded onto the record of rights vide **Mutation entry no. 17703 dated 02/07/2009**.

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- (l) It appears from the **Mutation entry no. 20143 dated 03/03/2017** that as per direction given by Government Circular bearing No. Ra.Bhu.A./Pra.Kra.180/L-1 dated 07/05/2016, Tehsildar, Haveli directed on 02/03/2017 to tally computerized 7/12 extract with handwritten 7/12 extract and do the necessary corrections.
- (m) It is further observed that M/s. Prathamesh Construction has assigned the development rights of the said Property to Build to Live Realty Development No. 1 LLP vide Development Agreement and Power of Attorney both dated 30/03/2024 registered in the office of Sub Registrar of Assurances at Haveli No. XI at Serial no. 8043/ 2024 and 8047/2024 on the same day.

## **LITIGATIONS:**

- (n) **Regular Civil Suit bearing no. 1265/1998** - Pandurang Sadafule & 146 others (slum dwellers) filed suit against Pune Municipal Corporation for declaration and Injunction thereby restraining the Pune Municipal Corporation from carrying out work of demolition in Survey no. 89 and 90 and for declaring that the notice of demolition dated 13/08/1998 published by Pune Municipal Corporation as illegal and void. It was the contention of the plaintiffs that the said Property is occupied by them before passing of the development plan for the city of Pune by Municipal Corporation in 1987. There are more than 2000 hutments on the suit land, and they have been occupying these hutments since 1982 whereby Pune Municipal Corporation itself has provided water and drainage facilities to the plaintiffs for their hutments.

However, the said suit is dismissed for default vide order dated 14/11/2005.

- (o) **Special Civil Suit No. 748/2001 ("SCS 748/2001") and Special Civil Suit No. 749/2001 ("SCS 748/2001") ("SCS 748/2001 and SCS 749/2001" collectively referred to as "Civil Suits")** -

It is noted that Shri. Shridhar Dixit who was one of the partner of NCC died intestate on 29/06/1988 leaving behind his legal representatives namely his wife Smt. Indirabai Dixit, his two sons namely Shri. Purushottam Dixit and Shri. Arun Dixit and his two married daughters, namely Sau. Rohini Nandkumar Kale and Sau. Smita Sadanand Gore (**"Dixit family"**). The Dixit family filed two separate suits before the Hon'ble Civil Judge Senior Division Pune at Pune bearing Special Civil Suit No. 748/2001 for Injunction and Declaration and Special Civil Suit No. 749/2001 for Partition (collectively **"Civil Suits"**) against Shri. Shankar Likhite, Shri. Sharad Likhite, Smt. Sumati Jagalpure through her legal representatives Shri. Girish Jagalpure and Sau. Sharmishta Vijay Kulkarni, Sau. Rohini Nagarkar, Shri. Rahul Nagarkar, Shri. Ketan Nagarkar, Shri. Digambar Deshpande, Shri. Ratnakar Chandorkar, Shri. Sunil Chandorkar and Shri. Shirish Gangadhar Riswadkar. The Dixit family has registered Lis- Pendens dated 31/01/2002 duly registered in the Office of

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Sub-Registrar Haveli No. IV at Serial No. 834 and 835 ("Lis Pendens") respectively for the Civil Suits.

**Special Civil Suit No. 749/2001** - all the Defendants in general and Defendant no. 7 i.e. Shri. Shirish Riswadkar, in particular, have filed their Written Statements on record contending that, "the suit is time barred by Law of Limitation and also suffered by Estoppel, Delay, latches, waiver and acquiescence". Additionally, one of the Defendant also filed an application under Order 7 Rule 11(d) of the Civil Procedure Code for "Rejection of Plaintiff". Subsequently, the Hon'ble Civil Judge Senior Division dismissed the SCS 749/2001 vide its order dated 08/11/2010 on the grounds of Limitation.

Being aggrieved and dissatisfied by the aforesaid order dated 08/11/2010 the Dixit family filed First Appeal bearing No. 1275/2011 before the Hon'ble High Court at Bombay which is still pending for its adjudication. The Dixit family has also filed a Civil Application bearing No. 3657/2012 for the amendment of the Appeal for adding M/s. Prathamesh Constructions as a party in the same. The Hon'ble High Court Mumbai has allowed the said Application and ordered to issue the notices to the newly added Respondents (*the copy of the said order of amendment is not provided for our perusal*).

As informed by the said Owner, the said appeal has been pending for hearing since 2015. The petitioner has not taken any further step to proceed.

**Special Civil Suit No. 748/2001**- the Dixit family failed to appear before the Hon'ble Court to lead the evidence and hence the suit was dismissed for want of prosecution vide order dated 05/09/2014.

- (p) While the said Civil Suits were ongoing, the Dixit family filed an application before the Hon'ble Tehsildar on 18/03/2002 for recording the abovementioned Lis Pendens. However, the same was rejected by the Tehsildar on 04/05/2002 vide its letter bearing No. THN/KV/ 558/2002 (the same is not available for our perusal). Being aggrieved by the order dated 04/05/2002, the Dixit family filed an RTS Appeal bearing no. ADM/SR/251/2002 before the Hon'ble Sub-Divisional Officer (SDO) Haveli, Pune. However, SDO Haveli confirmed the order dated 04/05/2002 passed by the Tehsildar Haveli thereby disposing the RTS Appeal on 19/03/2012.
- (q) Simultaneously, the Dixit family also filed an appeal bearing No. RTS/2/A/211/2004 before the Hon'ble Additional Collector Pune against the order of the Additional and Special Land Acquisition Officer No. 23 for recording the names of Likhite family in the matter RTS / Appeal/40/92 dated 21/10/2003. However, the same was rejected vide order dated 29/09/2008 on the ground that since the Civil Suits pertaining to the same cause of action were already pending before the competent authority and that the final decision of the same will be binding upon both the parties.

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(r) **Writ Petition bearing no. 5422/2000** – Ramkrishna Paramhansa Nagar Seva Mandal Pune, a Public Trust, registered under the provisions of Bombay Public Trust Act, 1950 through its Chairman Shri. P. S. Dandwate filed Writ of Mandamus before the Hon'ble Bombay High Court against the Pune Municipal Corporation and others for demolishing the illegal hutments of the slum dwellers on the said Property. It was contended by the Trust that the said Property is specifically reserved for purpose of playground and a school in the development plan of Pune City and hence the Pune Municipal Corporation should be directed to take over the possession of such reserved plots (*we are not provided with the copy of the Writ Petition for our perusal*).

The Writ Petition was disposed of vide order dated 27/04/2001 of the Division Bench of Bombay High Court thereby directing Pune Municipal Corporation to conduct necessary inquiry to ascertain whether unauthorized constructions are on public land or private land.

If the construction is on the public land, then the Pune Municipal Corporation should remove such unauthorized constructions in accordance with the provisions of law and if the construction is on private property, then to ascertain if the construction on the said Property is in accordance with DC Rules. If the construction on the private property is not as per the DC Rules then the Pune Municipal Corporation is directed to proceed in accordance with law.

**Contempt Petition 342/ 2002** – (*there are no details provided to us for our perusal*).

(s) **Writ Petition bearing no. 9176/2004** – Pandurang Sadafule and others filed Writ of Mandamus before the Hon'ble Bombay High Court against The State of Maharashtra & others for directing Pune Municipal Corporation to declare Survey no.89/90 of Kothrud as a slum area under the provisions of the Maharashtra Slum Areas Act, 1971 and provide alternate accommodation. Additionally, to quash and set aside impugned notices issued by the Pune Municipal Corporation to slum dwellers for removal of such slum hutments thereby praying for Temporary Injunction.

As could be ascertained from the contents of the petitions, it is noted that prior to filing of the Writ Petition no.9176/2004, Pune Municipal Corporation vide its letter dated 23/01/2003 to Slum Rehabilitation Authority inquired if a Slum Rehabilitation Scheme could be implemented on the said Property. In pursuance of the same, there were several meetings held whereby it was decided to implement Slum Rehabilitation Scheme. The same was communicated to the Municipal Commissioner vide letter dated 28/01/2003. Consequently, the Pune Municipal Corporation sent notices to all the slum dwellers for vacating the said Property within 30 days failing to which the Pune Municipal Corporation shall forcefully vacate the said Property (*We have not been provided with the aforesaid letters for our perusal. However, the same is recorded from the contents of the Writ Petition no. 9176/2004*).

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The said Writ Petition is disposed of by the Hon'ble Bombay High Court vide Order dated 18/08/2005 stating that a civil suit for the same relief has already been instituted and there is injunction granted in the said suit and hence there is no reason to interfere with the proceedings of the civil court (*We have not been provided with the aforesaid civil suit for our perusal. However, the same is recorded from the contents of the Writ Petition no. 9176/2004*)

(t) **Public Interest Litigation bearing No.123/2008 ("PIL")** - Shashikant Anant Adhyapak and others filed a PIL before the Hon'ble High Court Bombay against the Pune Municipal Corporation for removal of hutments of slum dwellers on the several lands including the said Property (*we are not provided with the copy of the Writ Petition for our perusal*).

M/s. Prathamesh Constructions filed a Civil Application bearing no. 98/2014 on 16/07/2014 in the aforesaid PIL seeking intervention in the PIL for impleading itself as Respondent in pursuance of which M/s. Prathamesh Constructions was impleaded as a party in the said PIL. It was further contended that there is no reservation on the said Property in the sanctioned development plan and that it desires to implement Slum Rehabilitation Scheme on the said Property as is proposed under the draft development plan.

The said PIL was disposed of vide order dated 25/04/2014 thereby giving directions to Pune Municipal Corporation to conduct inquiry and hearing of slum dwellers and to take action for demolition of illegal structures which are not protected under any of the policies of Government under the Slum Act.

In pursuance of the same, a necessary inquiry was conducted by the Deputy Commissioner/ Ward Officer of Kothrud, Pune after publishing a Public Notice in the daily News Paper dated 20/05/2015 and submitted its report on 13/08/2015 about qualified and non-qualified hutment dwellers after conducting necessary hearing.

## **SLUM REHABILITATION AND APPROVALS-**

(u) It is noted that Assistant Commissioner Pune Municipal Commissioner submitted its Report bearing no. UAP/1/871 dated 28/10/2016 to Slum Rehabilitation Authority confirming the existence of Slum on the said Property.  
(*We have not been provided with the said report. However, the said fact is recorded from the Slum Rehabilitation Order dated 21/01/2019*).

(v) In pursuance of the same M/s. Prathamesh Constructions submitted a proposal on 26/11/2018 to Slum Rehabilitation Authority for rehabilitation of the slum dwellers on the said Property.  
(*We have not been provided with the said proposal. However, the said fact is recorded from the Intimation of Order of removal of hutment dwellers dated 24/02/2020*).

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(w) In accordance whereof, a Public Notice was issued by the Slum Rehabilitation Authority in daily newspaper "Maharashtra Times" on 21/12/2018 giving prior intimation to declare the said Property as Slum Rehabilitation Area thereby calling for objections within 30 days.  
*(We have not been provided with the said Public Notice. However, the said fact is recorded from the Slum Rehabilitation Order dated 21/01/2019).*

(x) Under the provisions of Section 3A, the Chief Executive Officer of Slum Rehabilitation Authority declared the said Property as a "**Slum Rehabilitation Area**" vide its order dated 21/01/2019 bearing no. ZO.PU.PRA / KA.A.TA/ ZO.PU.AA/ 75/ 2019.

(y) M/s. Prathamesh Constructions was declared to be a Developer of said Property for Slum Rehabilitation by the Slum Rehabilitation Authority in respect of the qualified hutment dwellers vide its order dated 09/01/2020.  
*(We have not been provided with the said order for our perusal. However, the said fact is recorded from the Order dated 24/02/2020).*

(z) Thereafter, a pre-intimation order for demolishing the hutments of slum dwellers was published by Chief Executive Officer of Slum Rehabilitation Authority vide its order dated 24/02/2020 bearing no. ZO.PU.PRA/S.PRA.2/ZO.PU. AA/245/2020 under the provisions of section 3D of the Slum Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971.

(aa) The list of qualified hutment dwellers was issued on 06/01/2020. However, aggrieved by the same some of the non-qualified hutment dwellers filed appeals with the Slum Rehabilitation Authority. The authority on re-investigation into the matter and by taking additional evidence from the appellants declared some of the non-qualified hutment dwellers as qualified. Thereafter the Slum Rehabilitation Authority published a revised final list of hutment dwellers on 10/10/2023.

(bb) Thereafter, Chief Executive Officer of Slum Rehabilitation Authority issued a Clearance Order on 13/01/2023 bearing no. ZO.PU.PRA/S.PRA.2/ZO.NI.AA/29/2023 whereby it directed that the said Property should be vacated, and the slum hutments should be removed within 30 days of this order. It was also stated in the said order that the persons aggrieved by this order may file an appeal before "Apex Grievances Redressal Committee" SRA Mumbai within 30 days.

(cc) Subsequent to the order, it is informed that only one Slum Dweller namely Smt. Radha Raju Dhire filed an appeal before the Apex Grievances Redressal Committee on 20/02/2023. The said appeal is still pending.

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- (dd) It is further noted that the owner M/s. Prathamesh Constructions entered into Agreements (*Notarised*) with Slum Dwellers for the terms and conditions as stated therein in the year 2016 and 2022.
- (ee) It is observed vide Intent of Development dated 21/02/2023 that Assistant Director Town Planning, of Slum Rehabilitation Authority sanctioned a layout on the said Property.
- (ff) In view of the said Development Agreement and Irrevocable Power of Attorney both dated 30/03/2024 executed by the Owner in favour of the Client, the Client has obtained absolute development rights of the said Property and has thus derived the title as Developer in respect of the slum rehabilitation project to be developed and executed in accordance with the terms of Slum Rehabilitation Act and guidelines issued by the competent authority.

## **ZONE:**

It is seen from the Zone Certificate dated 11/07/2023 issued by Building Development Department of Pune Municipal Corporation that the part of said Property falls in residential zone and part of it falls in EWS/SI Zone.

## **ENCUMBRANCES:**

### ➤ **SEARCH IN THE OFFICE OF THE SUB-REGISTRAR OF ASSURANCES:**

On the request of **Build to Live Realty Development No. 1 LLP**, I have caused the online Search in the offices of Sub-Registrar of Haveli pertaining to the said Property through Simply Cersai for the period of 30 years commencing from 1994 to 2023 who has issued its report on 13/07/2023 and through Adv. Sagar Narale for the year 2023-2024 who has issued his report on 30/03/2024 on the website of IGR Maharashtra.

The search was caused in the Office of the Sub Registrar Haveli and the e-search on the web site of [igrmaharashtra.gov.in](http://igrmaharashtra.gov.in).

In addition to the documents provided and the available entries in E-search on the web site of [www.igrmaharashtra.gov.in](http://www.igrmaharashtra.gov.in) no entry is found encumbering the said Property.

### ➤ **THIRD PARTY INTEREST**

No third-party interest apart from those mentioned by way of encumbrances and legal liability/obligation so far, has direct nexus with the owners right.

### ➤ **CONCLUSION:**

On the basis of the available document/s produced/ provided by the said Owner and the Clients for my perusal/scrutiny, I hereby opine that the said Client has obtained absolute development rights to develop the said Property and that the Owner, and the Client has

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clean, clear and marketable and free from encumbrances title subject to the outcome of litigations and subject to whatever that is stated above.

## ➤ QUALIFYING COMMENTS/REMARKS-

This Report is given subject to the following qualifications:

- a. It is presumed that the documents as shown to me are final and have not been amended or modified in any manner;
- b. This report is based on the review of photocopies of documents and Record of Rights as mentioned above made available for my perusal and also on the information furnished and representations made by the Client to me.
- c. I am provided with the papers/details pertaining to the above-mentioned pending litigation and proceedings in respect of the above properties and I have relied on the same and no separate search in the courts has been carried out by me.
- d. The area details as mentioned hereinabove are provided by the Client to me as I am not qualified to express my opinion on it/ certify the same and have not verified the area and/or physical identification of the said Property.
- e. On the perusal of papers provided to me, it is observed that presently there is no mortgage, charge, liens, attachments, claims, demands or other encumbrances on or against the said property, and I have relied on the same.
- f. I have not inspected and perused the original documents in respect of the said Property as on the issuance date of the present report.
- g. I have not published any notices in the daily newspaper for investigation of title of the said owners to the said Property.
- h. For this report, I have assumed the legal capacity of all natural persons, genuineness of all signatures, authenticity of all documents submitted to me as photocopies.
- i. For this Report, I have relied upon the information relating to lineage of holders of the said Property, available on the basis of the Revenue Records and the documents of title mentioned above, as no separate documents/declaration/Affidavit/Records provided to me to verify the same.
- j. I express no view relating to reservation, FSI, plan, permission, approval, or development potential of the said Property.
- k. I have not verified the market value of lands and the stamp duty paid on various documents referred to herein nor do I express any view on the same.
- l. I have assumed the accuracy and completeness of all factual representation made in the documents.

*Prajakta M. Vanjari*  
Prajakta M. Vanjari  
Advocate  
(Stamp)

