

ISMAIL SHAIKH

ADVOCATE HIGH COURT, BOMBAY

FORMAT – A

(Circular No: - 28 /2021)

To

The Real Estate Regulatory Authority,
BKC, “E” Block, 7th floor, Housefin Bhavan,
Near R.B.I., Bandra Kurla Complex, Bandra
(East), Mumbai – 400051.

Sir,

LEGAL TITLE REPORT

SUB: Title Clearance Certificate with respect to plot no. CTS No. 150, 150/1 to 35, 151, 151/1 to 29, 152A(pt), 152/1 to 61, 152/71 to 78, Majas, Jogeshwari (East), Mumbai – 400060 (hereinafter referred as the Said plot “Avant Heritage - IV”).

I have investigated the title of the said plot on the request of M/S Avant Heritage IV Realty LLP, a partnership firm incorporated under the provisions of the Partnership Act, 1932 and having address at 522, 5th floor, The Summit Business Bay, Behind Gurunanak Petrol Pump, Andheri (East), Mumbai - 400069, hereinafter referred to as “ **The PROMOTER** ” and following documents i.e., -

1. Description of the property:

The property bearing CTS No. 150, 150/1 to 35, 151, 151/1 to 29, 152A(pt), 152/1 to 61, 152/71 to 78, situated and lying at Majas, Jogeshwari (East), Mumbai – 400060.

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1. **Property 1:** Plot No.32/2, Survey No.12, Hissa No.7, CTS Nos. 150, 150/1 to 36 admeasuring about 1,650 sq. yds. (equivalent to 1379.61 sq.mtrs) as per conveyance / holding / possession area admeasuring equivalent to 938.6 sq. mtrs and 878.60 sq.mts according to the Property Registrar Cards within the registration district and sub-district of Mumbai City and Mumbai Suburban
 - a) One Shri Dharamdas Harkisandas was fully seized and possessed of or otherwise well and sufficiently entitled to the captioned property with structure standing thereon presently fully occupied by various slum dwellers situated on the land, lying and being at Village Majas, Taluka Andheri, within Registration District and Sub-District of Mumbai City and District Mumbai Suburban of the Jogeshwari Scheme and bearing Plot No.32, Survey No.12, Hissa No.7 admeasuring about 4,400 sq. yds., hereinafter referred to as “ the said Larger Property ” ;
 - b) Vide Agreement executed on or about 18th April, 1961, the said Shri Dharamdas Harkisandas agreed to sell, transfer, convey and assign the said Larger Property unto and in favour of Shri Ramnarayan Shivnandan Yadav, Shri Parasnath Kedarnath Dubey, Shri Ramchandra Bhagwatiprasad Dubey and Shri Ramadhar Balibhadra Shukla,;
 - c) Out of the, said Larger Property the said Shri Ramnarayan Shivnandan Yadav seems to have been in physical possession of the property presently fully occupied by various slum dwellers situated on the land, lying and being at Village Majas, Taluka Andheri, within Registration District and Sub-District of Mumbai City and District Mumbai Suburban of the Jogeshwari Scheme and bearing Plot No.32/2, Survey No.12, Hissa No.7, CTS Nos.150, 150/1 to 36 admeasuring about 1,650 sq. yds. as per conveyance / holding / possession and 938.6sq. mtrs. according to the Property Registrar Cards and more particularly described in the Schedule hereunder written (hereinafter called “the said Property”).

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- d) Thereafter the said Shri Dharamdas Harkisandas, as the owner along with his son Shri Hemendrakumar Dharamdas, as the Confirming Party thereto executed an Indenture dated 13th October, 1962, in favour of the said Shri Ramnarayan Shivnandan Yadav and Shri Ramkilodhar ShivnandanYadav, have duly sold, transferred, conveyed and assigned the said property and handed over the physical possession in favor of the said Purchaser therein. The said Indenture date 13th October, 1962 is duly registered with the Sub-Registrar of Assurances under No. BND/2500/1962;
- e) The said Shri Ramnarayan Shivnandan Yadav and Shri Ramkilodhar Shivnandan Yadav have thereafter duly amended the Property Register Card and other revenue records to add their joint names as the Owners thereof and thus in quiet and peaceful physical possession of the said property.
- f) The said Shri Ramnarayan Shivnandan Yadav seems to have expired intestate on 1st May 1989 in Bombay / Mumbai, leaving behind him as his only heirs and legal representatives namely, 1) Smt. Sonadevi Ramnarayan Yadav, 2) Shri Shiv Shankar Ramnarayan Yadav, 3) Shri Jata Shankar Ramnarayan Yadav 4) Shri Shiv Mani Ramnarayan Yadav respectively, under the provisions of the Hindu Succession Act, 1956, by which the said deceased was governed.
- g) The said Shri Ramkilodhar Shivnandan Yadav seems to have expired intestate on 7th December 2003 in Masoli village, Meja Taluka, Allahabad District, Uttar Pradesh, leaving behind him as his only heirs and legal representatives namely 1. Shri Ramashankar Ramkhilodhar Yadav 2. Shri Harishankar Ramkhilodhar Yadav And 3. Shri Dayashankar Ramkhilodhar Yadav respectively herein, under the provisions of the Hindu Succession Act, 1956, by which the said deceased was governed.
- h) The said Shri Sheshmani Ramnarayan Yadav seems to have expired intestate on 03 January 2008 in Mumbai, leaving behind him as his only heirs and legal representatives namely 1.) Smt. Kalavati Sheshmani Yadav, 2.) Shri. Ajay Kumar

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- Sheshmani Yadav, 3.) Shri Kaushik Sheshmani Yadav respectively herein, under the provisions of the Hindu Succession Act, 1956, by which the said deceased was governed.
- i) The said Shri Hublal Ramnarayan Yadav seems to have expired intestate on Sherpur village, Gyanpur Taluka, Sant Ravidas Nagar Bhadohi District, in 1990, leaving behind him as his only heir and legal representative Shri Laxmi Shankar Hublal Yadav, herein, under the provisions of the Hindu Succession Act, 1956, by which the said deceased was governed.
- j) Accordingly, the said 1) Smt. Sonadevi Ramnarayan Yadav 2) Shri Shiv Shankar Ramnarayan Yadav, 3) A) Smt. Kalavati Sheshmani Yadav B) Shri. Ajay Kumar Sheshmani Yadav C) Shri Kaushik Sheshmani Yadav 4) Shri Jata Shankar Ramnarayan Yadav 5) Shri Shivmani Ramnarayan Yadav 6) Shri Laxmi Shankar Hublal Yadav 7) Shri Ramashankar Ramkhilodhar Yadav 8) Shri Harishankar Ramkhilodhar Yadav, 9) Shri Dayashankar Ramkhilodhar Yadav in their turn, as owners/ vendor of the said property, duly sold, transferred, conveyed and assigned the said property and handed over the physical possession thereof, unto and in favour of M/s. AVANT HERITAGE – IV REALTY L.L.P, the Purchaser therein , vide a Deed Of Conveyance dated 17th February,2018 duly registered under serial No.BDR18/1622/2018 and Power Of Attorney dated 17th February,2018 duly registered under serial No.BDR18/1623/2018.
- k) After due diligence, it was brought to notice that the said Shri Ramnarayan Shivnandan Yadav leaving behind him the above legal as well as 1. Smt. Sushila Yadav, 2. Smt. Urmila Yadav and 3. Smt. Vimla Yadav, the Owner/ Vendor as his only heirs and legal representatives respectively, under the provisions of the Hindu Succession Act, 1956, by which the said deceased was governed.

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- l) The legal of heirs of Shri Ramnarayan Shivnandan Yadav namely 1. Smt. Sushila Yadav, 2. Smt. Urmila Yadav and 3. Smt. Vimla Yadav have executed Release Deed dated 28th May, 2018 in favour of Shri. Shivmani Ramnarayan Yadav thereby releasing their right, title and interest in the said property. The said Release Deed is duly BDR15/4106/2018 dated 09th August, 2018.
- m) Accordingly the said M/s. AVANT HERITAGE – IV REALTY L.L.P., the purchaser herein have entered into Supplemental Agreement dated 09th August, 2018 with said owners/ vendors in order to purchase their share in the said Property and ratify the same as release of rights of the said 1. Smt. Sushila Yadav, 2. Smt. Urmila Yadav and 3. Smt. Vimla Yadav. The said Supplementary Agreement is duly registered at serial No BDR 15/4107/2018.
- n) The Purchaser has given public Notices Public Notices in The Free Press Journal, Hamara Mahanagar and Navshakti newspapers in its Editions dated 22 December 2017, thereby intimating the general public of its intention to acquire the said Property and the physical possession thereof, from the Owners. There are no adverse entries found in the said Search Report in any manner whatsoever. Copies of the said Public Notices issued by the Purchasers, the Search Report and No Claim Certificate dated 9th January 2017 from the Advocate Shri. Nikhil K. Salian.
- o) The Revenue Records i.e., the Property Register Card is also provided to me and the same bears the names of the said Yadav Family shown as the then Owners, as recited and in the flow, as set out hereinabove. Further, the name of the said M/s. AVANT HERITAGE – IV REALTY L.L.P, the Developers is also reflecting in the said Property Register Card and the same is duly amended thereto by the competent authority. A copy of the latest Property Register Card endorsing the name of the said then Owners, the Yadav Family and the said M/s. AVANT HERITAGE – IV REALTY L.L.P.

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- p) The Original Deed of Conveyance dated 17th February, 2018 duly registered under serial No. BDR18/1622/2018 and Power of Attorney dated 17th February, 2018 duly registered under serial No. BDR18/1623/2018 executed by 1) Smt. Sonadevi Ramnarayan Yadav 2) Shri Shiv Shankar Ramnarayan Yadav, 3) A) Smt. Kalavati Sheshmani Yadav B) Shri. Ajay Kumar Sheshmani Yadav C) Shri Kaushik Sheshmani Yadav 4) Shri Jata Shankar Ramnarayan Yadav 5) Shri Shivmani Ramnarayan Yadav 6) Shri Laxmi Shankar Hublal Yadav 7) Shri Ramashankar Ramkhilodhar Yadav 8) Shri Harishankar Ramkhilodhar Yadav, 9) Shri Dayashankar Ramkhilodhar Yadav in favour of M/s. AVANT HERITAGE – IV REALTY L.L.P are provided for inspection and certificate.
2. **Property 2:** Survey No.32, Hissa No.1, C.T.S. Nos.151, 151/1 to 29 admeasuring about 1,175 sq. yds. or 982 sq. mtrs. (as per P.R. Card 798.70 sq. mtrs.), being and situate at Village Majas, Pratap Nagar, Jogeshwari East, K/East Ward, Mumbai 400 060, along with the slum structures standing thereon and within the registration District and Sub-District of Mumbai City and Mumbai Suburban.
- a) One Shri Parasnath Kedarnath Dubey was fully seized and possessed of or otherwise well and sufficiently entitled to the captioned property, in terms of the revenue records including the Property Register Card pertaining to the captioned property vide Deed of Conveyance dated 13th October, 1962 and duly registered with the Sub-Registrar of Assurances under No.BND/2499/1962.
- b) The said Shri Parasnath Kedarnath Dubey seems to have expired on or about 8th March, 1985 in his hometown in U.P. leaving behind him his heirs namely Smt.Mankumaradevi Parasnath Dubey as his wife and Shri Deviprasad Parasnath Dubey, Shri Ramprasad Parasnath Dubey, Shri Rajendraprasad Parasnath Dubey and Shri Kamleshprasad Parasnath Dubey, as his sons.
- c) The names of the said Smt. Mankumaradevi Parasnath Dubey, Shri Deviprasad Parasnath Dubey, Shri Ramprasad Parasnath Dubey, Shri Rajendraprasad Parasnath

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Dubey and Shri Kamleshprasad Parasnath Dubey have been duly added in the Property Register Card pertaining to the said property and the same reflects their names as the owners thereto.

- d) The said Smt.Mankumaradevi Parasnath Dubey, Shri Deviprasad Parasnath Dubey, Shri Ramprasad Parasnath Dubey, Shri Rajendraprasad Parasnath Dubey and Shri Kamleshprasad Parasnath Dubey, in their turn, as owners of the said property, duly sold, transferred, conveyed and assigned the captioned property and handed over the physical possession thereof, unto and in favour of one M/s.Vaishnavi Vastu Developers, vide Deed of Conveyance and Power of Attorney executed on or about 30th December, 2010 and duly registered with the Sub-Registrar of Assurances under Nos.BDR-4/12109/2010 and BDR/470/2010.
- e) The said M/s. Vaishnavi Vastu Developers with an intention to sell and transfer, assign and convey the said property and all the assets and liabilities of the said Firm, by way of resignation of the existing Partners and introduction of the new Partners thereto, in the form of takeover of the said entire Partnership Firm, had caused Public Notices issued in the Free Press Journal and Navshakti in its Editions dated 6th May, 2017, thereby investigating the title of the said M/s. Vaishnavi Vastu Developers to the said property and as on now, no claims or objections are received by them, in any manner whatsoever.
- f) The said intending Purchasers / Partners of the said Firm has also caused the Search in the offices of the Sub-Registrar of Assurances, Mumbai, Bandra, etc. and the Search Clerk Shri Rajesh Bhandari has vide his Report 24th May, 2017, certified that there are no adverse deeds or documents contrary to the claims of the Owners or prejudicing the rights in the said property of the said Owners in any manner whatsoever.

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- g) The Revenue Records i.e., the Property Register Card is also provided to me and the same bears the names of the said Dubey Family as the then Owners, as recited and in the flow, as set out hereinabove. Further, the name of the said M/s. Vaishnavi Vastu Developers is also reflecting in the said Property Register Card and the same is duly amended thereto by the competent authority.
 - h) The original of the said Deed of Conveyance and Power of Attorney executed on or about 30th December, 2010 and duly registered with the Sub-Registrar of Assurances under Nos.BDR-4/12109/2010 and BDR/470/2010, by the said Smt. Mankumaradevi Parasnath Dubey, Shri Deviprasad Parasnath Dubey, Shri Ramprasad Parasnath Dubey, Shri Rajendraprasad Parasnath Dubey and Shri Kamleshprasad Parasnath Dubey unto and in favour of one M/s. Vaishnavi Vastu Developers, are provided to me, today, for inspection and certification.
 - i) A Partnership Deed dated 13.07.2024 is executed wherein one Avant Heritage IV Realty LLP and Mr. Sudeep Kumar Saha are entered as partners in the firm M/s. Vaishnavi Vastu Developers.
 - j) The said M/s. Vaishnavi Vastu Developers executed a Development Agreement dated 16.07.2018 with its sister concern company name Avant Heritage IV Realty LLP transferring the development rights in respect of the said property.
3. **Property 3:** 152A(pt), 152/1 to 61, 152/71 to 78, Majas, Jogeshwari (East), Mumbai – 400060.
- a) The said land is owned by One Shri Damodar R Vaidya and the structures standing thereon is owned and/or in possession and occupation of the respective members of the said Society.
 - b) The said property bearing CTS No. 152A, 152/1 to 61, 152/71 to 78, alongwith the structures standing thereon at Village Majas, Taluka Andheri, at Jogeshwari (East),

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Mumbai – 400060 was declared as Slum under Slum Act vide Gazette no. DC/ENC/A/58 dated 18th November, 1977.

- c) The Society **AVANT VAISHNAVI VASTU SRA CHS (PROPOSED)** had applied for the Land Acquisition of the said property vide its letter dated 07/05/2018. Thereafter in view of the said provision of Section 3C (1) of the Maharashtra Slum Area (Improvement, Clearance and Redevelopment) Act, 1971, the said CTS No. 152A, 152/1 to 61, 152/71 to 78 was declared as Slum Rehabilitation Area vide Notification No. SRA/ED/OW/18843/3C (1)/K-E/2022 dated 19th May, 2022 of Slum Rehabilitation Authority.
- d) And whereas, as required by the proviso to sub-section (1) of section 14 of Chapter V read with paragraph (A) of sub-clause (i) of clause (c) of section 3D of Chapter I-A of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971) (hereinafter referred to as “the said Act”), the Chief Executive Officer, Slum Rehabilitation Authority, Bandra, Mumbai, has by his notice no. SRA/Tah-1(Vi.Ka.)/Avant Vaishnavi Co. Op./KaVi-15351, dated the 5th April 2023, served in prescribed manner and also by notice published in the daily Marathi newspaper “Loksatta” and English newspaper “The Free Press Journal” dated the 10th January 2023, and also by affixing on the conspicuous part in the premises of the said land, as provided in section 36 of the said Act, called upon the persons mentioned in column (6) of the said Schedule, who are the owners of the said land or any other person interested therein to show cause, within thirty days from the date of its publication in the newspapers, as to why the proposal to acquire the said land for implementation of the Slum Rehabilitation Scheme for the concerned protected slum dwellers should not be sent to the State Government for approval.
- e) The Chief Executive Officer, Slum Rehabilitation Authority, Bandra, Mumbai, after considering the objections received in this behalf for the acquisition of the said land and pleading received on behalf of the proposed Co-operative Housing Society of the slum dwellers, entries as to the rights in the land record, reservation in the Development Plan and the legitimate request of the protected slum dwellers, by his representation dated the 27th June 2023, has submitted the report for the acquisition of the said land.

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- f) On representation received from the Chief Executive Officer, Slum Rehabilitation Authority, Bandra, Mumbai and after considering his report, it appears to the State Government that, in order to enable the Slum Rehabilitation Authority to carry out the development under the Slum Rehabilitation Scheme in the Slum Rehabilitation Area mentioned in the said Schedule, the said land should be acquired and therefore the said land was acquired vide Notice dated 04th March, 2024 of Government of Maharashtra, Housing Department, Mantralay.
- g) The Collector, Maharashtra State is fully seized and possessed of or otherwise well and sufficiently entitled to property bearing CTS No. 152A, 152/1 to 61, 152/71 to 78, area admeasuring about 1,313.70 sq mtrs alongwith the structures standing thereon at Village Majas, Taluka Andheri, at Jogeshwari (East), Mumbai – 400060, within the registration district and sub-district of Mumbai City and Mumbai Suburban, more particularly described in the FIRST SCHEDULE. The said S.R.A. Society existing on the said property is entitled to propose the scheme of redevelopment of the said property by passing a General Body Resolution and appointing a Developer thereto, as per the S.R.A. Rules and Regulations and hence, the said Society has passed the said resolution in the Special General Body Meeting held on 09/04/2018, thereby appointing the said Developer for the redevelopment of the said property.

2. The Documents in relation to the Ownership of the Property:

Antecedent documents of the title as mentioned in **Annexure “A”**

- a. Copy of the said Deed of Conveyance dated 17th February, 2018 duly registered.
- b. Copy of the said Conveyance Deed dated 30th December, 2010 duly registered.
- c. Copy of Development Agreement dated 16/07/2018 duly registered
- d. Copy of Supplemental Partnership Deed dated 13/07/2018
- e. Copy of Common Consent of the Society Members dated
- f. Copy of MOU dated 23/10/2018
- g. Copy of Gazette Notification dated 04/03/2024 of Land acquisition

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3. Property Card

Property Cards in respect of the said 3 properties are issued by the Concerned Authorities as **Annexure “B”**

4. Search Report for 56 years, 62 years & 30 years

We have relied upon the Search Report dated 01/10/2024 issued by Rajesh Bhandari (Title Investigator) as **Annexure “C”**.

On perusal of the above-mentioned documents and all other relevant documents relating to title of the said property I am of the opinion that the title of M/S AVANT HERITAGE IV REALTY LLP is clear, marketable and without any encumbrances.

5. Owners of the land:

CTS No.	Area in sq mtrs	Name of the Owners
CTS Nos. 150, 150/1 to 36, Majas, Jogeshwari (East), Mumbai – 400060	1379.61 sq.mtrs (As per Conveyance)	M/s. Avant heritage – IV Realty LLP
C.T.S. Nos.151, 151/1 to 29, Majas, Jogeshwari (East), Mumbai – 400060	1,175 sq. yds. or 982 sq. mtrs. (as per P.R. Card 798.70 sq. mtrs.,)	M/s.Vaishnavi Vastu Developers
152A(pt), 152/1 to 61, 152/71 to 78	1313.70 sq. mtrs	Owner – Shri Damodar R. Vaidya Land acquired by Slum Rehabilitation Authority vide Gazette Notification dated 04/03/2024

6. Qualifying comments / remarks if any – Nil

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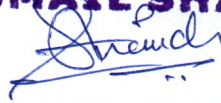
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7. Copies of Search Report reflecting the flow of the title of the said M/S AVANT HERITAGE IV REALTY LLP to the said properties alongwith the copies of the newspapers and the No Claims Certificate are enclosed herewith as annexures.

Encl: Annexures

Date: - 20/11/2024

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Advocate High Court, Bombay

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