

# **ARUN SINGH**

**Advocate, High Court**

**C 1708, Indraprasth, New Golden Nest Phase 16, Bhayandar (East) Thane 401105**

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**Tel. No. 9769979751**

## **TITLE CERTIFICATE**

THIS IS TO CERTIFY that I have investigated the title of an area admeasuring 2302.51 sq. metes forming the portion of the land bearing Old Survey No. 462, New Survey No. 138, Hissa No. 4, admeasuring 3110 sq. meters alongwith all benefits, rights, TDR, FSI and other entitlements in whatsoever form arising out of area 807.49 sq. meters surrendered to MBMC, situated at Village Navghar, Taluka & District Thane, owned by M/s. Stonewall Buildcon LLP through its Partners M/s. Seven Eleven Construction Pvt. Ltd. and M/s. Salasar Estate Developers LLP, have to state asunder;

At all the relevant time one Smt. Rosa Itur Gomes was the owner of large chunk of Agricultural Lands including the lands mentioned above. It appears that on the death of said Rose Itur Gomes the names of her children was entered into record of rights. The lands bearing New Survey No. 138/4 corresponding (Old Survey No. 462/4) admeasuring 3110 sq. meters at Village Navghar, Taluka & District Thane are herein after referred to as **"Said Land"**.

The said lands were under the cultivation of one Hari Damodar Thakur as agricultural tenant. The proceeding under Bombay Tenancy and Agricultural Lands Act was conducted by the heirs of Hari Damodar Thakur (since deceased) and were declared as tenant purchaser by an order dated 29<sup>th</sup> December 2011 passed by Tahsildar and Agricultural Lands Tribunal, Thane and accordingly became the owners of the land and were granted 32 M certificate No.49/2012 dated 21<sup>st</sup> January 2012.





It appears heirs of Rose Itur Gomes in the meantime transferred their rights in the lands inherited including to one Shri. Dinesh Manihar by diverse Deeds of Assignment and also executed Power of Attorney in favour of Shri. Dinesh Manihar. The said Shri. Dinesh Manihar did contest Tenancy Proceedings but without success. The matter is pending before Sub Divisional Officer (S.D.O), Thane after order dated 12<sup>th</sup> April 2019 passed by Member Maharashtra Revenue Tribunal Mumbai (M.R.T) in case no. TNC/REV/247/18 to remand back the Tenancy Proceedings. The order passed by the Member M.R.T. Mumbai was challenged by Shri. Niket Khushal Rambhia before Hon'ble High Court by filing Writ Petition No. 11594/2019. The Hon'ble High Court Bombay by order dated 29<sup>th</sup> January 2021 was pleased to set aside the order passed by the Member M.R.T. condoning the delay and directed S.D.O., Thane to decide the application for condonation of delay afresh.

The Hon'ble S.D.O., Thane by order dated 11<sup>th</sup> October 2021 passed in Tenancy revision Appeal No. 21 of 2021 was pleased to dismiss the application filed by Cecil Domnic Gomes and others for delay condonation. As a result, thereof the order passed by A.L.T. u/s. 32 G stands confirmed.

The heirs of Rose Itur Gomes by alleged conveyance dated 21<sup>st</sup> December 2010 transferred whatever rights held by them to Shri. Ghanyasham Naik of M/s. G.N. Construction on as is where is basis who has filed Special Civil Suit No. 481 of 2014 but no prohibitory orders are passed against heirs of Hari Damodar Thakur or Shri. Niket Khushal Rambhia.

It appears that Gajanan Hari Thakur and others thereafter by executed Conveyance dated 22<sup>nd</sup> April 2013 in favour of Shri. Niket Khushal Rambhia after





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obtaining Sale permission bearing No. SR-15/2012 U/s 43 of B.T. and A.L. act from Sub Divisional Officer Dated 19/01/2013. The said conveyance is duly lodged for registration with Sub Registrar of Assurance on 05<sup>th</sup> August 2013 at Sr. No. TNN-2/6262/2013. The sale permission granted in favour of Shri. Niket Khushal Rambhia was challenged before Maharashtra Revenue Tribunal Mumbai by heirs of Rose Itur Gomes and Mr. Uday Ghanyasham Naik by way of Revision Application No. 230 of 2014, but the same was dismissed by order dated 16<sup>th</sup> April 2016, passed by Member, Maharashtra revenue Tribunal.

The Hon'ble Bombay High Court by order dated 30<sup>th</sup> January 2017, passed in Appeal from Order No.492/2016 filed by Uday G. Naik against the dismissal of injunction application in Special Civil Suit No. 481/2014 directed the respondents therein i.e. heirs of Hari Damodar Thakur and Shri. Niket Khushal Rambhia to give notice of 8 weeks inter alia before starting construction. Shri. Niket Rambhia in compliance of order of Bombay High Court gave notice dated 13<sup>th</sup> November 2018 to Mr. Uday Ghanyasham Naik.

On the Application of Shri. Niket Khushal Rambhia, Tahasildar Thane by Order bearing No. SR.207/2017, dated 30/01/2018 was pleased to fix N.A. assessment tax which order has been duly complied with.

From the search report dated 26/09/2014, 19/10/22 and 11/10/23, it appears that Special Civil Suit No. 131/2013 has been filed against heirs of Rose Itur Gomes and others but neither Shri. Niket Khushal Rambhia nor his predecessor in title are party to it.





No objections were received in response to public notice dated 1<sup>st</sup> November 2021 and published in daily free Press Journal and Navshakti both dated 2<sup>nd</sup> November 2021.

In the Development Plan for the city of Mira Bhayander, an area of 807.49 sq. meters is shown as 18 meters wide D.P. Road' of the land bearing Old Survey No. 462, New Survey No. 138, Hissa No. 4, admeasuring 3110 sq. meters, situated, lying and being at Village Navghar, Taluka and District Thane, in the Registration District and Sub-District of Thane and within the limits of Mira Bhayandar Municipal Corporation (hereinafter referred as 'the reserved area').

By Deed of Transfer, dated 25<sup>th</sup> November 2022, duly registered in the office of the Sub-Registrar of Assurance at Thane under Sr. No. TNN-4/19569/2022, dated 25<sup>th</sup> November 2022, Shri. Niket Khushal Rambhia had handed over the said reserved area to Mira Bhayandar Municipal Corporation on the terms and conditions stipulated therein and by Mutation Entry No. 3253, dated 24<sup>th</sup> January 2023, the name of Mira Bhayandar Municipal Corporation has been mutated on an area of 807.49 sq. meters on the 7/12 extract of the entire property.

By an Agreement for Sale, dated 29<sup>th</sup> February 2024, duly registered in the office of the Sub-Registrar of Assurance at Thane under Sr. No. TNN-8/4438/2024, dated 1<sup>st</sup> March 2024, Shri. Niket Khushal Rambhia and other had agreed to sell an area admeasuring 2302.51 sq. metes forming the portion of the land bearing Old Survey No. 462, New Survey No. 138, Hissa No. 4, admeasuring 3110 sq. meters alongwith all benefits, rights, TDR, FSI and other entitlements in whatsoever form arising out of area 807.49 sq. meters surrendered to

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MBMC, situated at Village Navghar, Taluka & District Thane (hereinafter referred as 'the said property') to M/s. Stonewall Buildcon LLP through its Partners M/s. Seven Eleven Construction Pvt. Ltd. and M/s. Salasar Estate Developers LLP at the price and on the terms and conditions stipulated therein.

In pursuance of Agreement for Sale, dated 29<sup>th</sup> February 2024, Shri. Niket Khushal Rambhia and other executed an Irrevocable General Power of Attorney, dated 29<sup>th</sup> February 2024, duly registered in the office of the Sub-Registrar of Assurance at Thane under Sr. No. TNN-8/4439/2024, dated 29<sup>th</sup> February 2024, in favour of the partners of M/s. Stonewall Buildcon LLP conferring upon them several powers inter-alia power to sell the said property to the person or persons of their choice.

By a Deed of conveyance dated 29<sup>th</sup> February 2024, duly registered in the office of the Sub-Registrar of Assurance at Thane under Sr. No. TNN-8/4444/2024, dated 1<sup>st</sup> March 2024, Shri. Niket Khushal Rambhia and other had sold, transferred and conveyed the said property to M/s. Stonewall Buildcon LLP through its Partners M/s. Seven Eleven Construction Pvt. Ltd. and M/s. Salasar Estate Developers LLP for the consideration mentioned therein and by Mutation Entry No. 3640, dated 4<sup>th</sup> March 2024, the name of M/s. Stonewall Buildcon LLP had mutated on the 7/12 extract of the said property.

The search Clerk Shri. P. Nikam has taken the searches on 5<sup>th</sup> April 2024 in the office of Sub-Registry of Thane from 2023 to 2024 bearing its Receipt No. 7261.



On the whole from the searches taken search clerk in the office of Sub-Registry of Thane and also on the basis of documents produced before me as well as on the basis of information provided to me, I hereby state and certify that the title to an area admeasuring 2302.51 sq. metes forming the portion of the land bearing Old Survey No. 462, New Survey No. 138, Hissa No. 4, admeasuring 3110 sq. meters alongwith all benefits, rights, TDR, FSI and other entitlements in whatsoever form arising out of area 807.49 sq. meters surrendered to MBMC, situated at Village Navghar, Taluka & District Thane, owned by M/s. Stonewall Buildcon LLP through its Partners M/s. Seven Eleven Construction Pvt. Ltd. and M/s. Salasar Estate Developers LLP is clear, marketable and free from all encumbrances subject to the Judgement and Decree passed in Special Civil Suit No. 481/2014. I further state and certify that M/s. Stonewall Buildcon LLP are entitled to develop the said property on obtaining necessary permissions and sanctions from the authorities concerned.

Dated this 13<sup>th</sup> Day of May, 2024

Arun Singh



**Advocate**