

Date: 06.06.2019

TITLE CERTIFICATE

Ref: All that piece and parcel of land, bearing Survey No.7, Hissa No.4, admeasuring about 25 R and 2 Pratis, shown in 'R' Zone, in Town Development Plan of TMC, lying, being and situate at village Vadavali, Taluka and District Thane, within the local limits of the Thane Municipal Corporation and within the Registration and Sub-Registration Dist. Thane, bounded by Survey No.5, Hissas No.5 and 8 towards East, Survey No.7, Hissas No.3 and 14 towards West, Survey No.7, Hissa No.13 towards South and Survey No.106 towards North, hereinafter referred to as the said property, which is presently owned by Shri Shri Yashwant Moreshwar Manvacharya

The undersigned has scrutinized the title in respect of the above-mentioned property and had earlier issued the title certificate in respect of the said property on 26.09.2009. However, upon request of the developers to issue the fresh title certificate, I have again carried out the search of the said property, which is caused to be taken in respect of the above referred Property in the office of Sub-Registrar Thane and Concerned Revenue Authorities for 30 years, which was carried out through Searcher Mr. Pradip Patil since 1990 to 30.05.2019, vide No.TNN1-0-2019, Receipt No. 10306 dated 30.05.2019.

I have also perused the Revenue Records, i.e. 7/12 extracts, the relevant mutation entries and various registered documents in respect of the said property.

It is observed that the said property was earlier held by Shri. Moreshwar Pandurang Manvacharya, which was inherited by Shri. Janardan Moreshwar Manvacharya, Digambar Moreshwar Manvacharya Manvacharya, Meena Ramakant Kadam, Surekha Dilip Chaure, Sumati Moreshwar Manvacharya and Yashwant Moreshwar Manvacharya being the legal heirs and representatives of said deceased. The names of the said owners have been mutated in the records of rights in the holders column and as such, they are the owners and in actual and physical possession of the said property.

By an Agreement for Development dated 1/8/2009 executed between the said Yashwant Moreshwar Manvacharya and others jointly of the one part and M/s. Shreenath Developers, a Partnership Firm of the other part, duly registered at Sr. No.TNN-2/6801/2009 on 1/8/2009 and Deed of Declaration and Confirmation executed by one Smt. Meena Ramakant Kadam at Doc.Sr.No.TNN2-7002/2009 on 7/8/2009 in the office of Sub-Registrar, Thane (hereinafter referred to as the said Development Agreement); said Yashwant Moreshwar Manvacharya & others gave the rights of development of the said property and put the same into the possession of M/s. Shreenath Developers.

Persuantly, said Yashwant Moreshwar Manvacharya & others also executed Power of Attorney dated 1/8/2009 duly lodged for registration in the office of Sub-Registrar Thane under Sr.No.347 of 2009, (hereinafter referred to as the said Power of Attorney) constituting partners of the said firm M/s. Shreenath Developers as their true and lawful Attorney to deal with and develop the said property.

One Meena Ramakant Kadam has then executed the Declaration on 07.08.2009, confirming the said Development Agreement and Power of Attorney, which declaration has been duly registered in the office of S.R.O. TILANE - 2, at TNN-2-7002/2009 dated 07.08.2009.

Under the said Development Agreement and the said Power of Attorney as well as Deed of Declaration and Confirmation, the said M/s. Shreenath Developers have also acquired the rights to sell and allot on ownership basis the flats, shops, premises in the buildings to be constructed in the said property by executing agreement as per the provisions of Maharashtra Ownership Flats Act, 1963 & Rules made thereunder. It is observed that after acquiring the development rights of the said property; said M/s Shreenath Developers have forwarded the plans to the Corporation for sanction.

It is observed that no procedure has been followed under sections 10 (3) and 10 (5) of ULC Act, regarding the surplus land and also no scheme has been sanctioned as per sections 20 and 21 of ULC Act. So also, no orders as per section 34 of ULC Act and that there is no stay from the Government. In view of the abovementioned position and in view of the abolition of ULC Act, the said owners are entitled to develop the said property, through said M/s Shreenath Developers.

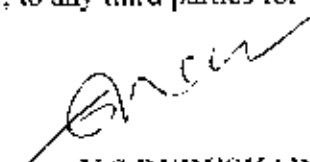
However, by and Deed of Release dated 05.01.2012 registered in the office of S.R.O. -5, at Doc. Sr. No. TNN-5-5021/2012, the said Janardan Moreswar Manwacharya has released his share in the said property and other properties, to and in favour of Yashwant Moreswar Manwacharya.

Thereafter by the Deed of Release dated 05.01.2015 registered in the office of S.R.O. -8, at Doc. Sr. No.8-110/2015, the said Digambar Moreswar Manwacharya has released his share in the said property and other properties, to and in favour of Yashwant Moreswar Manwacharya.

Thereafter by the Deed of Release dated 05.01.2015 registered in the office of S.R.O. -8, at Doc. Sr. No.8-112/2015, the said Meena Ramakant Kadam and Surekha Dilip Chauri have released their share in the said property and other properties, to and in favour of Yashwant Moreswar Manwacharya.

In the circumstances, in my opinion, the title of the aforesaid owner Shri Yashwant Moreswar Manwacharya, to the said property is clear and marketable and the same is free any encumbrances and said M/s. Shreenath Developers are entitled to develop the same by constructing buildings thereon and to sell shops, flats and premises therein on ownership basis to prospective purchasers by executing and registering Agreements as per the provisions of Maharashtra Ownership Flats Act 1963 and Rules made thereunder, to any third parties for valid consideration in the open market.

Thane, Date.06.06.2019


Y.S.DUDUSKAR
Advocate

Y.S. DUDUSKAR
Advocate
Office No. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100