

TITLE INVESTIGATION REPORT

(TO WHOM SOEVER IT MAY CONCERN)

1) DESCRIPTION OF PROPERTY :-

Plot No.161 having area of 1886.19 SQ.M. i.e. 20303 Sq. Ft. from and out of field Survey No.413 of Mauje Mehrun Shivar, within the limits of Jalgaon Municipal Corporation, at Jalgaon, which is bounded by :

East : Jalgaon Shirsoli Road, West : Survey No. 411

North : Plot No.101 South : Survey No.409

1.1 N. A. Order bearing No. LN SR 37/73 dated 23.08.1973 by Collector Jalgaon District Jalgaon.

1.2 Partially revised demarcated layout of plots was finally sanctioned and approved by Jalgaon Municipal Corporation Jalgaon, vide its order No.1455 dated 8.2.2010 on terms and conditions mentioned therein.

1.3 By above process, our concerned plot No.161 came into existence

SHRI SHRI LAKE CASTLE : A flat scheme of apartment building is constructed in the above plot, is the project of owners/builders

2) Present Owners :-

Shree Developers Jalgaon, a partnership firm, through partner Shri. Shrikant Gopaldas Khatod of 77 Jai Nagar Jalgaon.

Vide Registered sale deed bearing No.1422 dated 17.03.2010

3) flow of title :-

3.1 Mutation entries Nos. 4711 and 4712 discloses that : original owner of Field S.No.413, viz. Mohammadsaheb Walesaheb had obtained above mentioned N.A. permission for residential purposes. Next mutation 4712 shows that he has sold the said field S.no.413 to a partnership firm M/s. Mishrilal Onkardas Joshi & Co, through its partner: Yashwant Supadu Bendale,

3.2 Further mutation entry No.9133 shows that as per above N.A. order and sanction of layout of plots in all 158 plots and open spaces in the layout was carved out in revenue records by separate 7/12 extracts and assessment of revenue.

3.3 Consequently, the said partnership firm has sold out said 158 plots to various individuals, etc.

3.4 It was noticed by the owners i.e. said partnership firm through partners that while sanction and carving out plots with open spaces of



the layout, 5% more than required 10% open space area has been left. In other words there was 5% more open space left in excess of required 10% under the Statute.

3.5 Being owners of said 5% more open land/space, the said partnership firm through partners, submitted application with proposal maps etc., for sanction of layout of plots in said 5% excess area. The said proposal and application was submitted to Jalgaon Municipal Corporation town planning department.

3.6 It is seen from the papers that said partnership firm has to fight out the battle for their legitimate rights, till High Court vide Writ petition No.3621/2008, as proposal was rejected and/or turned down by all concerned authorities upto Secretary to Government Urban Development Department Maharashtra State.

3.7 The said Writ Petition was partly allowed, by affirming the right title and interest of said owners i.e. partnership firm through its partners in respect of 5% excess land kept open in advertently at the time of sanction and laying of plots in the said field S.No.413. It was further ordered in the said Writ Petition that Petitioner i.e. Mishrilal Onkardas Joshi and Company, through partners are at liberty to furnish alternative proposals for the revised development plan so as to claim development of excessive 5 per cent of the open space and the same shall be duly considered by the Deputy Director Town Planning Nasik Division Nasik and such revised proposal be considered within period of 4 months.

3.8 Consequently, the owners partnership firm through partners have again submitted proposal for revised development plan in respect of said 5% excess open space owned by them, without any change as to area, location, situation of 158 plots, roads, open spaces, shown in original sanctioned plan, further by showing consecutive plots Nos.159 to 162, with their respective areas, locations etc. in excess open space of 5% left at the time of original sanction of layout.

3.9 Finally, said proposal of revised layout of plots Nos. 159 to 162 was duly affirmed by Deputy Director Town Planning Nasik Division Nasik and on the basis of which the Jalgaon Municipal Corporation Jalgaon, by its order No.1455 dated 8.2.2010 sanctioned and approved finally the said revised layout of plots in S.No.413 of Mehrun Shivar, in the process our concerned plot No.161 having total area of 1886.19 SQ. M. came into existence.

3.10 Present owners have purchased said plot No.161 vide registered sale deed from said partnership firm, vide registered sale deed bearing No.1422/2010 dated 17.3.2010.

3.11 In the above manner there is clear, uninterrupted flow of title till the present owners i.e. partnership firm viz. Shree Developers, Jalgaon.



3.12 Present owners have started construction activities over the said plot No.161 in accordance with proposal for sanction of building plans over the said plot No.161 submitted by previous owners Mishrilal Onkardas Joshi & Co., a partnership firm through partners, to local authority i.e. Jalgaon Municipal Corporation, Jalgaon. The said Corporation vide its sanction of building permit and commencement certificate No.0639 dated 26.7.2012 has sanctioned and approved building plans and granted building permission over the said plot No.161 from field S.No.413 of Mehrun. Construction activities over said plots started and in process of completion of the building project.

3.13 So far as revenue record goes, separate 7/12 extract for said plot No.161 showing an area of 1886.19 SQ. M. of the said plot. Further, necessary mutation entries bearing Nos. 60126 and 60856 for recording of sanctioned layout of plots and sale of plot no.161 to present owners were made, which are perused and seen by me.

3.14 Perusal of latest 7/12 clearly shows that flats have been sold to various individuals and their names are being recorded by revenue authorities in 7/12 by passing necessary mutation entries for the same. As usual home loans are availed by individuals and encumbrance of concerned financial institution is seen in other rights columns of said 7/12 of plot No. 161.

DOCUMENTS SHOWN (ALL XEROX COPIES)

- A. N. A. order NO RB/LNA/SR/37/73 date 13.08.1973
- B. Partly revised demarcated layout of S No 413, showing plot 161
- C. Building permission letter NO TP/BP/0639 date 26.07.2012
- D. 7/12 extracts
- E. Mutation entries, as referred above.

OPINION

I hereby opine that I have personally searched and verified the information furnished in this report. The statements and the information given in the report are correct and true. Certify that OWNERS SHREE DEVELOPERS A PARTNERSHIP FIRM THROUGH PARTNER MR. SHRIKANT GOPALDAD KHATOD OF JALGAON, described above has got a valid, clear, absolute, and marketable title over the property i.e. Plot No.161 (subject to sale of flats as mentioned in 3.14 above) from and out of Mehrun Shivar, Jalgaon, shown above.

Yours faithfully,



(Jayant Phadke)
Advocate, Jalgaon.



ANNEXURE 'A'

CERTIFICATE OF TITLE

This is to certify that I, the undersigned have investigated the Title of owners i.e. **Shri Developers, a partnership firm through its partner Shrikant Gopaldas Khatod of Jalgaon (hereinafter called as said Owners) and the Developer and Promoter, (hereinafter called as said Developers and promoters)** in respect of the under mentioned Property by perusing the Title Deeds relating thereto and taking necessary searches and in my opinion the Title of said owners and Developer & promoter in respect of the under mentioned property is clear, marketable and free from all encumbrances. (subject to sale of flats as seen from 7/12 extracts entries)

Description of the Property

All the piece and parcel of the land bearing

Plot No.161 having area of 1886.19 SQ.M. i.e. 20303 Sq. Ft. from and out of field Survey No.413 of Mauje Mehrun Shivar, within the limits of Jalgaon Municipal Corporation, at Jalgaon, which is bounded by :

East : Jalgaon Shirsoli Road,

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South : Survey No.409

PLACE , Jalgaon.

DATE : 28/07/ 2017




Jayant Laxman Phadke, Advocate

Baliram Peth, Jalgaon 425001