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Chamber : 102, Advocates' Chambers (Ground Floor), Building No.2, District Court Compound, NASHIK-422 002.

TITLE & LEGAL OPINION

Date: 18th September, 2019

To,
Whomsoever it may concern,

Subject: Legal opinion with respect to area admeasuring 4000.00 sq. meters from S. No. 648/B/2 admeasuring 7500.00 sq. meters corresponding to F.P. No. 311 and 311A situated at Village Nashik, Tal and Dist Nashik within limits of Nashik Municipal Corporation and Urban Agglomeration Nashik owned by Viraj Estates Pvt. Ltd.

Sir,

Viraj Estates Pvt. Ltd approached me and called upon me to issue my legal opinion with respect to subject property and for that purpose he has produced before me the relevant documents, after scrutiny of the documents contained in the said file I am submitting my legal opinion as under:-

1. Sale Deed of an area of 8279.25 sq. meters including 4000.00 sq. meters for reservation of Art Gallery & Museum executed by Jahidhussain Mohammedsaheb Khatib & 48 others in favor of Viraj Estates Pvt. Ltd. registered at sr. no. 2662 dtd. 18.3.2016.
2. 7/12 extract for S. No. 648/B/2 area in name of Viraj Estates Pvt. Ltd [4000.00 sq. meters], Anil Champalal Shah & Neelam Anil Shah [3500.00 sq. meters] dtd. 2.5.2018.
3. Order issued by Tahasildar for fixing the Nazrana amount for S. No. 648 Part, S. No. 716 and S. No. 685/A numbered at Watan/KV/134/2015 dtd. 15.4.2015.
4. N.A. order for residential purpose for an area of 7500.00 sq. meters issued by Collector numbered at Ma Sha/Kaksha/3/2/Ru Ka Aa/SR/145/2017 dtd. 6.10.2018.
5. Building permission issued by Nasik Municipal Corporation for residential + art gallery + museum purpose [building permission under AR[Accommodation Reservation] numbered at LND/BP/A1/69/2019 dtd. 21.8.2019. In paragraph no. 39 to 49 TDR area is mentioned from DRC No. 825, 825 dtd. 12.4.2019, 800 dtd. 25.1.2019, 801 dtd. 25.1.2019, 750/A, 750/A dtd. 11.4.2017, 851/E dtd. 13.6.2019, 851/H dtd. 13.6.2019, 851/M dtd. 13.6.2019, 851/C dtd. 13.6.2019, 851/D dtd. 13.6.2019.
6. M.E. no. 4975 dtd. 18.9.1947 shows that name of Rama Punja Wagh is recorded as a protected tenant for S. No. 648.
7. M.E. no. 7276 dtd. 18.3.1958 shows that Shekhansaheb Khatib submitted an application on 3.3.1958 for recording name of his brothers along with his name.
8. M.E. no. 7305 dtd. 28.4.1958 shows that Shekhansaheb Khatib submitted an application on 26.3.1958 for recording name of his sons and daughters for the property is owned by him along with them.
9. M.E. no. 7306 dtd. 28.4.1958 shows that Mohammedsaheb Badesaheb submitted an application for recording names of his sons along with his name.
10. M.E. no. 7932 dtd. 22.7.1961 shows that as per order of Deputy Collector for regrating the property S. No. 648 and other properties in name of Shekhansaheb Badesaheb Khatib as per order no. WS/III/4122 dtd. 20.6.1961 and the land is regrated with the condition that if the land is utilized for other than agricultural purpose then 50% nazarana of the market is value is to be paid.

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11. M.E. no. 12590 shows that Shekhansaheb Khatib expired on 26.5.1971 leaving behind legal heirs Burahanuddin, Mohammedsaheb, Hajjauddin, Sujauddin, Amiruddin, Hafeez, Muniruddin [Sons], Jamunnisa Badesaheb, Sherbanu Mard Nizmuddin, Bibibai Shekhan Khatib [Daughters].
12. M.E. no. 12710 shows that name of tenant has been deleted.
13. M.E. no. 15530 shows that Haijauddin Yasin Khatib expired on 23.5.1974 leaving behind legal heirs Gulamgaus Hajjauddin Khatib [Son], Mehrunnisa Mard Mohammed Saheb Khatib, Zubeidabegum Jauddin Kokani, Shamsunnisa Gulamgaus Kokani, Rabiabegum Ibneali Khatib, Mumtazbegum Gulamhussein Khatib [Daughters], Najanabi Haijauddin Khatib [Widow].
14. M.E. no. 19757 shows that Pirsahab Khatib expired on 10.8.1979 leaving behind legal heirs Chhotesaheb, Gulamgaus, Gulamdustgir, Gulamrabbani, Gulammustafa Pirsahab Khatib [Sons], Khairunnisa, Jebunnisa, Shamsunnisa [Daughters].
15. M.E. no. 25743 shows that Nizamuddin Mohammedsaheb Khatib expired on 24.12.1977 leaving behind Firozuddin [Son], Najima Salim Abdul Shaikh, Anisauddin Nizamuddin, Nafisa Nizamuddin Khatib [Daughter], Banobi [Widow].
16. M.E. no. 26301 dtd. 22.12.1989 shows Moiuddin Hasanmohammed Khatib expired on 18.11.1989 leaving behind legal heirs Khatija [Widow], Hasan, Ismail [Sons], Pyaribano Moiuddin Khatib, Shahin Rafiq Khatib, Rabia Gulam Moiuddin, Taisin Muntejib Khatib [Daughters].
17. M.E. no. 26894 dtd. 6.6.1990 shows that Burhanuddin Shekhansaheb Khatib expired on 10.7.1981 leaving behind legal heirs Iqbal Mohammed, Gulam Mohammed, Salauddin Burhanuddin [Sons], Husnabano, Sardarbegum, Farida Begum Burhanoddin, Saira Begum Burhanoddin [Daughters].
18. M.E. no. 26895 dtd. 6.6.1990 shows that Jauddin Mohammedsaheb Khatib expired on 10.3.1988 leaving behind legal heirs Malika Begum [Widow], Gausiyabegum, Seema Parbin [Daughters], Mohammedsaheb [Sons].
19. M.E. no. 29732 dtd. 25.9.1992 shows that Ahmedsaheb Hasansaheb Khatib expired on 3.1.1992 leaving behind legal heirs Mushtaq, Iqbal, Shabbir and Aijaj [Sons], Bismilla Dastgir Kokani, Farooq Shahin Khatib, Nadira Anwar Khatib, Sabira Salim Kokani [Daughters].
20. M.E. no. 31050 shows that as per order given by Tahasildar in Tenancy Case No. 14A/1993 dtd. 3.7.1993 the land has been surrendered by the tenant Wagh to Iqbal Ahmed Burhanuddin Khatib and 15 others. Hence, name of tenant is deleted from cultivation column.
21. M.E. no. 38098 dtd. 20.5.1998 shows that Mohammedsaheb Hasansaheb Khatib expired on 4.4.1998 leaving behind legal heirs Mehrunnisa [Widow], Jahidhussain, Anwarhussain, Zakirhussain, Farooqhussain, Nasirhussain [Sons], Sherbano Mushtaq Khatib, Nasreen Shabbir Khatib, Shakila Jalani Khatib [Daughters].
22. M.E. no. 38575 dtd. 14.8.1998 shows that Ibneali Gulamali Khatib expired on 7.11.1991 leaving behind legal heirs Rabia [Widow], Gulamali, Sajid, Moin, [Sons], Sakina, Sana [Daughters].
23. M.E. no. 39141 is with respect to the order of urban land ceiling u/s 8(4) and 9 (3).

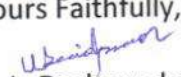
CONTINUATION SHEET

24. M.E. no. 41572 shows that as per order given by Additional Collector & Competent Authority on 30.9.1993 and retention area is finalized for S. No. 648/1 in name of Shekhanmiyon Badesaheb & others, S. No. 648/2 in name of Chhotesaheb Pirsahab Khatib & others, S. No. 648/3 in name of Gulamgaus Hajjauddin & others, S. No. 648/4 in name of Khatija Moiuddin Khatib & others, S. No. 648/5 in name of Mushtaq Ahmed Khatib & others.
25. M.E. no. 42620 dtd. 18.8.2000 shows that Pirsahab Abdul Rehman Khatib expired but names of his legal heirs were already on record vide M.E. no. 19757 and name of Gulamabini is corrected as Gulam Rabana.
26. M.E. no. 50171 dtd. 23.1.2004 shows that Iqbal Ahmedsaheb Khatib expired on 11.8.2002 leaving behind legal heirs Farad [Widow], Saif [Son], Ramisha [Daughter].
27. M.E. no. 51581 dtd. 23.8.2004 shows that layout is laid down in S. No. 648/A by Amiruddin Shekhansaheb Khatib & others.
28. M.E. no. 53785 shows that Badesaheb Mohammedsaheb Khatib expired and names of his legal heirs were already recorded vide M.E. no. 35405. But name of Nijmunisa Badesaheb Khatib was not recorded hence it was brought on record.
29. M.E. no. 53787 shows that Nizamuddin Mohammedsaheb Khatib expired on 24.12.1977 but already names of his legal heirs were recorded vide M.E. no. 35406 on 3.1.1997 but name of Shakil Nizamuddin and Sherbano Nizamuddin were also brought on record.
30. M.E. no. 53788 shows that Shekhanmiyon Badesaheb Khatib expired on 26.5.1971 and his legal heirs were brought on record vide M.E. no. 26894. Mohammadsaheb Shekhansaheb also expired and his legal heirs were brought on record vide M.E. no. 35409 but the name of Najmunisa Shekhansaheb is corrected.
31. M.E. no. 53789 shows that the name of Sardar Begum is corrected and mentioned as Sardari Begum.
32. M.E. no. 53790 shows that Banobi Nizamuddin submitted an application that her name should be deleted.
33. M.E. no. 53791 shows that name of Jasmunnisa and Atinabegum has been changed due to their marriage.
34. M.E. no. 53792 shows that Amiruddin Shekhansaheb Khatib expired on 24.10.1999 leaving behind legal heir Shekhansaheb [Sons], Mariyambi [Daughter], Ainatbegum [Widow].
35. M.E. no. 53793 dtd. 9.8.2005 shows that Hafeez Hisamuddin Shekhansaheb Khatib expired on 6.11.1973 and name of his widow Khairunnisa Hafeezuddin Khatib was recorded.
36. M.E. 58328 shows that Shamsunnisa Gulamgaus Kokani expired on 16.11.2006 leaving behind legal heirs Ahmedi Zakir Khatib [Daughter], Naznin Ismail Khatib [Daughter].
37. M.E. no. 65173 dtd. 14.8.2009 shows that Chhotesaheb Pirsahab Khatib expired on 17.12.2008 leaving behind legal heirs Sugarabai [Widow], Maiuddin [Son], Jabin Bhirshinge, Zarin Ridawan, Rafat Irfan Khotal, Mohamedi Don [Daughter].

38. M.E. no. 68322 dtd. 21.7.2010 shows that Muniruddin Shekhansaheb Khatib expired on 17.1.2007 leaving behind legal heir Noorbano [Widow], Sabir, Hisamuddin [Sons], Kadariya Shekhan Khatib, Razia Shakil Khatib [Daughters].
39. M.E. no. 68323 dtd. 21.7.2010 shows that Nizam Munijabuddin alias Munnujim Mohammedsaheb Khatib expired on 11.9.2003 leaving behind legal heirs Tahiseen [Widow], Mustafa Razaq, Shoaib [Sons], Chishtiya, Aliya [Daughters].
40. M.E. no. 70525 shows that Mehrunnisa Jauddin Khatib alias Mehrunnisa Mohammedsaheb Khatib expired on 10.1.2003 leaving behind legal heirs Jahid, Anwar, Zakir, Farooq, Nasir [Sons], Sherbano, Nasrin, Shakila [Daughters].
41. M.E. no. 89185 dtd. 16.5.2013 shows that as per application given by managing trustee of Ahmedsaheb Khatib Family Trust namely Shabbir Ahmedsaheb Khatib, Shaikh Iqbal Khatib and 4 others the name of Bismillabi Dastgir Kokani, Farooq Jahir Khatib, Nadira Anwar Khatib, Sadiya Salim Kokani is deleted from S. No. 648/B, S. No. 685/B and S. No. 716.
42. M.E. no. 90432 dtd. 30.8.2013 shows that Husnabano Siddiqui Bhure, Farida Rashid alias Farida Burhanoddin Khatib, Nuzat Jauddin Fakki alias Sardaribegum Begum Miyon, Shahid Mohammed Saif Khatib alias Saira Begum Burhanoddin Khatib released their rights with respect to S. No. 648/B area 13776 sq. meters vide release deed registered at sr. no. 3777 dtd. 26.3.2013 in favor of Gulam, Iqbal, Salauddin Burhanoddin Khatib.
43. M.E. no. 97910 shows that exchange deed executed by Ahmedsaheb Khatib family trust, Mushtaq Ahmedsaheb Khatib, Shabir Ahmedsaheb Khatib, Ijaz Ahmedsaheb Khatib in favor of Viraj Estates Pvt. Ltd. Sufala Agriculture Pvt. Ltd. with respect to an area of 1575.00 sq. meters from S. No. 648/B.
44. M.E. no. A954 shows that Viraj Estates Pvt. Ltd. [previously Mahavir Land Developers], Anil Champalal Shah & Nilay Anil Shah purchased area admeasuring 8279.25 sq. meters from Jahid Hussain Mohhamedsaheb Khatib & others vide sale deed registered at sr. no. 2662 dtd. 18.3.2016.
45. M.E. no. 300444 dtd. 21.4.2018 nazarana is paid for an area of 7500.00 sq. meters from S. No. 648 Part. Thus, S. No. 648 was subdivided in S. No. 648/B of 13776.00 sq. meters. Out of which Viraj Estates were recorded as owners of 1575.00 sq. meters and 4779.25 sq. meters, Anil Champalal Shah & 1 another 3500.00 sq. meters. After subdivision S. No. 648/B/1 of 6276.00 sq. meters was recorded in name of Khatib Family and 1575.00 sq. meters in name of Viraj Estates Pvt. Ltd., 779.25 sq. meters in name of Viraj Estates and S. No. 648/B/2 of 7500.00 sq. meters, out of which 4000.00 sq. meters in name of Viraj Estates Pvt. Ltd. and 3500.00 sq. meters in name of Anil Champalal Shah & 1 another.

Relying upon the above documents, I am of the opinion that the ownership of Viraj Estates Pvt. Ltd with respect to subject property is free, clear & marketable. Please collect the same. We shall not be responsible if at all any multiple transactions are revealed in future regarding subject property.

Thanking you,

Yours Faithfully,

 Mr. U. L. Deshpande
 Advocate

Property admeasuring 4000.00 sq. meters from S. No. 648/B/2 admeasuring 7500.00 sq. meters corresponding to F.P. No. 311 and 311A situated at Village Nashik, Tal and Dist Nashik within limits of Nashik Municipal Corporation and Urban Agglomeration Nashik bounded as per sale deed.

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