

which is registered in the office of S.R.O., Thane at Doc.Sr.No.TNN-5/06327/2003, in respect of said first property, for the consideration and upon the terms & conditions, more particularly mentioned in the said agreement; and pursuant to the said agreement, the said Abdul Saeed Gulam Gaus Suse and 4 others including their legal heirs have also executed an Irrevocable General Power of Attorney on 3/10/2003, which is also authenticated in the office of S.R.O., Thane at Doc.Sr.No.518/2003.

It is further observed that after execution of the aforesaid agreement and power of attorney, the said Juber Ahmed Suse has applied to the ULC Authorities and obtained order under section 8 (4) of ULC Act, vide order No.ULC/TA/T.N.7/Ovale/SR-264 dated 13/2/2004, whereby the property out of said first property, bearing survey No.64/2 (99/2), admeasuring 5720 sq. meters was allowed to be retained. The area of 80 sq. meters out of survey No.63/3 (101/3) was allowed to be retained out of total area of 3490 sq. meters. Therefore, the area admeasuring 3410 sq. meters was declared surplus.

It is further observed that thereafter the said Abdul Rashid Gulam Gaus Suse and 4 others have applied to the ULC Authorities and obtained order under section 20 (1) (a) of ULC Act, vide order No.ULC / TA / W.S.H.S./20/sds/sr/1424 dated 23/4/2004, thereby the said surplus land was exempted and allowed to be used for the development in accordings with the terms and conditions of the said order.

It is further observed that said Abdul Saeed Gulam Gaus Suse and 4 others through their Constituted Attorney have applied to the S.D.O., Thane for the sale permission and obtained the sale permission under section 43 (1) r/w 25 (a) (1) (e) for development of the said property vide No.TD/T-6/KV/VP/SR-103/2004 dated 25/6/2004.

It is further observed that in respect of survey No.99/2 (64/2), said Abdul Saeed Gulam Gaus Suse and 4 others through their Constituted Attorney Mr Mohan Babubao Shinde have applied and obtained N.A. order from the Collector of Thane vide No.Mahasul/K-1/T-1/NAP/SR-116/2004 dated 28/7/2004.

It is further observed that in respect of survey No.101/3 (63/3), said Abdul Saeed Gulam Gaus Suse and 4 others have applied and obtained N.A. order from the Collector of Thane vide No.Mahasul/K-1/T-1/NAP/SR-100/2005 dated 20/9/2005.

It is further observed that however, after paper publication dated 2/7/2014 in Daily Thane Vaibhav, an objection from Ms Vaishali A. Dharmare, Advocate vide her letter dated 14/7/2014 was received, on behalf of one Mr Nikhil Makhechia, for Ratanshi Premji Charitable Trust claiming their rights over the said property. As

mentioned earlier, the said first property was purchased under section 32G of BT & AL Act by the said Suse family. The said purchase price has been paid by Suse family before ALT, Thane; and, as such Suse family, as narrated earlier have become the owners of the said first property. Moreover, no documentary proof of any nature supporting contentions raised in the said objection of Ms Dharmare, Advocate was sent with the objection. Hence, the objection is overruled.

It is also observed that another objection was also taken by Shri Juber Abdul Hamid Suse, Sharbano Abdul Hamid Suse, Suraiya Harun Fakki and Zubeda Abiddin Fakki through Shri Rasikant Thorve, Advocate contending therein that his clients are concerned with the said first property by way of inheritance. It is contended that false information to Talathi was given and accordingly, 3 appeals were filed, bearing No.184, 185 and 186 of 2010 for cancellation of the relevant entries, which were affecting the rights of his clients. However, I have perused the judgment given by S.D.O., Thane dated 31/3/2011, whereby the appeals of said Juber Abdul Hamid Suse and others have been dismissed and M.E. No.1957 has been confirmed.

It is also observed that likewise, I have also perused the judgment given by Dy. Collector (Appeals), Thane dated 13/6/2012, whereby the RTS Appeal No.137 of 2011 preferred against the order of S.D.O., Thane dated 31/3/2011 passed in RTS Appeal No.186 of 2010 has been dismissed.

It is also observed that nothing contrary has been provided to the undersigned to uphold the claims of said Juber Abdul Hamid Suse and others and have the said objection dated 12/7/2014 is also overruled.

It is further observed that as per the Hissa Form No.12 dated 30/11/1950, one Damodar @ Shripat Undrya Bhoir was the Kabjedar of the said second property i.e. New survey No.99, Hissa No.4B (old survey No.64, Hissa No.4B, admeasuring 0-26-9 (H-R-P), equivalent to 2690 sq. meters and his name was recorded in the records of rights vide M.E. No.546 dated 3/1/1955.

It is further observed that the said Mr Sripat @ Damodar Undrya expired on 21/5/1987 and his wife Gangubai Undrya has also expired; leaving behind Baban Damodar Bhoir, Shantibai Damodar Bhoir, Devram Damodar Bhoir, Suresh Damodar Bhoir, Pandit Damodar Bhoir, Smt Geetabai Prakash Patil, Smt Indrayani Naresh Bhoir and Ramabai Damodar Bhoir as his only legal heirs and representatives; and their names have been mutated in the records of rights vide M.E. No.1944B dated 2/1/1986.

It is further observed that the said Baban Damodar Bhoir and 7 others have executed registered development agreement dated 25/11/2003 to and in favour of the said Developers, which is registered in the office of S.R.O., Thane at Doc.Sr.No.TNN-5/07553/2003, in respect of said second property, for the consideration and upon the terms & conditions, more particularly mentioned in the said agreement; and pursuant to the said agreement, the said Baban Damodar Bhoir and 7 others have also executed an Irrevocable General Power of Attorney on 25/11/2003, which is also authenticated in the office of S.R.O., Thane at Doc.Sr.No.619/2003.

It is further observed that the owners of the said property have obtained ULC order bearing No. ULC/TA/7/Ovale/SR 284+64 dated 29.03.2005, whereby the said property is allowed to be retained.

It is further observed that in respect of said second property, said Baban Damodar Bhoir and 7 others have applied and obtained N.A. order from the Collector of Thane vide No.Mahasul/K-1/T-1/NAP/SR-100/2005 dated 20/9/2005.

It is further observed that the said third property i.e. New survey No.97, Hissa No.1 (old survey No.67, Hissa No.1, admeasuring 0-42-0 (H-R-P), equivalent to 4200 sq. meters, was originally held by one Mr Dinanath Raghunath Sharangdhar and the said Mr Dinanath Raghunath Sharangdhar has sold the said third property to Mr Ramkrishna Narayan Takle vide sale deed dated 17/11/1927, and name of Mr Takle was mutated in the records of rights vide M.E. No.100 on 12/3/1928. However, the competent authority, i.e. the Agricultural Land Tribunal, has sold the said third property to Chandar Ganpat Vaity, who was the tenant thereof and his name was mutated in the records of rights in other column vide M.E. No.1044 on 15/10/1963. It is further observed that the said Chandar Ganpat Vaity has paid the balance amount to the said Shri Takle and the certificate under section 32G of BT & AL Act has been issued in his name and his name was recorded in the Kabjedar column vide M.E. No.1499 on 26/11/1975.

It is further observed that one Shri Anant Naryan Patil, Shri Naresh Narayan Patil, Shri Dattaram Narayan Patil and Shri Krishna Narayan Patil has purchased the said third property from the said Chandar Ganpat Vaity vide agreement dated 25/3/1985 and their names were mutated in the records of rights vide M.E. No.1810 on 26/6/1985.

It is further observed that the said Shri Anant Narayan Patil and 4 others have executed registered development agreement dated 01.03.2004 to and in favour of the said Developers, which is registered in the office of S.R.O., Thane at

Doc.Sr.No.TNN-5/01550/2004, in respect of said third property, for the consideration and upon the terms & conditions, more particularly mentioned in the said agreement; and pursuant to the said agreement, the said Anant Narayan Patil and 4 others have also executed an Irrevocable General Power of Attorney on 17/3/2004, which is also authenticated in the office of S.R.O., Thane at Doc.Sr.No.253/2004, through there constituted attorney Mr. Amit Naresh Patil.

It is further observed that said Shri Anant Narayan Patil and 4 others have applied to the ULC Authorities and obtained order under section 8 (4) of ULC Act, vide order No.ULC/TA/T.NO.7/Ovale/S.R.-271 dated 5/5/2004, where by an area of 200 sq. mtrs. is declared surplus.

It is further observed that said Mr. Anant Narayan Patil has again applied for relaxation of area of 200 sq. mtrs. out of New Survey No. 97/1 (old Survey No. 67/1) and accordingly by order dated 3.9.2010 passed vide Ref. No. ULC/TA/Owale/SR/272 the said land has been release from surplus land for the reasons recorded in the said order and accordingly the gazette dated 27.7.2007 under the Sec. 10(3) of ULC Act has been cancelled.

It is further observed that the owners of the said property have also obtained the order for non-agricultural permission under Ref. Mahasul/Kaksha -1/T-1/NAP/SR/100/2005 and its non agricultural use has been allowed.

As regards the fourth property i.e. New survey No.98, Hissa No.1-B, i.e. old survey No.131, Hissa No.1 (part), admeasuring 0-27-0 (H-R-P), 2700 sq. meters, it was observed that the property bearing servey no.98,hissa no.1/B, i.e. old Survey no.131, hissa no.1 part admeasuring 0-27-0(H-R-P), 2700 sq.mtrs was originally held by Smt. Putalibai Ramchandra Paralkar. She died on 1.11.1948, leaving behind Anandrao Ramchandra Paralkar, Shridhar Ramchandra Paralkar, Gajanan Ramchandra Paralkar and Vasant Ramchandra Paralkar and there names came to be recorded in the record of rights vide M.E. No. 536 on 4.2.1955 and certified on 26.8.1955.

It is further observed that one Hasha Somvar Thakur was the agricultural tenant thereof since before tillers day and accordingly his name came to be recorded as tenant vide TNC/8113 dated 14.1.1956 and accordingly, M. E. No. 591 dated 8.8.1956 was recorded and was certified on 10.5.1957.

It is further observed that the proceeding under Sec. 32 (G) of the Bombay Tenancy and Agricultural Act, 1948 came to be initiated and the said property was then purchased by the said Mr. Hasha Somvar Thakur and certificate under Sec. 32-M was issued under No. VR-OVALA-624-1899 on 26.06.1975 and as such the said Mr.