

Hasha became the absolute and lawful owner of the said fourth property. Accordingly, the M. E. No. 1604 dated 13.1.1977 has been certified in the revenue record.

It is further observed that the property of said Hashya Somvarya Thakur was portioned amongst is legal heirs and accordingly the said property came to the share of Laxman Hashya Thakur and his family members consisting of Shri. Anant Laxman Thakur, Harischandra Laxman Thakur, Prafulla Laxman Thakur, Smt. Bebibai Vishnu Patil, Smt. Kalpana Dilip Gharat, Smt. Nirmla Vishwanath Patil, Smt. Shobha Kishore Patil, Smt. Vidya Anant Patil and Smt. Padmavati Dilip Bhoir and their names are recorded in the record of rights of the said fourth property vide M.E.NO.2097 on 28.7.1990.

It is further observed that the said Shri Baliram Hashya Thakur with inclusion and the confirmation of his family members have executed registered development agreement dated 28/4/2009 to and in favour of the Promoters herein, which is registered in the office of S.R.O., Thane at Doc.Sr.No.TNN-5/03554/2009, in respect of the said sixth property, for the consideration and upon the terms & conditions, more particularly mentioned in the said agreement and pursuant to the said agreement, the said Baliram Hashya Thakur and his family members have also executed an Irrevocable General Power of Attorney on 28/4/2009, which is also authenticated in the office of S.R.O., Thane at Doc. Sr.No.116/2009. On account of the abolition act since the year 2009, the provisions of the ULC Act are not applicable. The owners have applied for the NA permission, which has been granted by the Collector, Thane under Ref. Mahasul/Kaksha-I-Table-I/NAP/SR/104/10 dated 01.09.2010 in respect of the said property.

It is further observed that out of the fifth property New Survey No. 98/1-A (131/1 (part) adm. 0-24-6 equivalent to 2460 sq.mtrs was originally held by Smt. Putalabai Paralkar, who 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 of the said New Survey No. 98/1-A 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. Hasha became the absolute and lawful owner of the said fourth property. Accordingly, the M. E. No. 1604 dated 13.1.1977 has been certified in the revenue record.

It is further observed that the property of said Hashya Somvarya Thakur was portioned amongst is legal heirs and accordingly the said property came to the share of Laxman Hashya Thakur and his family members consisting of Shri. Anant Laxman Thakur, Harischandra Laxman Thakur, Prafulla Laxman Thakur, Smt. Bebibai Vishnu Patil, Smt. Kalpana Dilip Gharat, Smt. Nirmala Vishwanath Patil, Smt. Shobha Kishore Patil, Smt. Vidya Anant Patil and Smt. Padmavati Dilip Bhoir and their names are recorded in the record of rights of the said fourth property vide M.E.NO.2099.

It is further observed that in a proceeding taken up under Sec. 32 (g) in respect of the property out of the fifth property being New Survey No. 58, Hissa No. 1 (old Survey No. 66, Hissa No. 1), on the basis of the order passed by ALT Thane, the said property was sold to the legal heirs of the said Hashya Thakur, namely Laxman Hashya Thakur under the order passed in proceeding Tenancy Act-32(G)/Ovala/309/88 dated 31.10.1988 and however, on account of the death of Hashya the name of Laxman Hashya Thakur been recorded in the record of rights of the said fifth property by giving the effect of the said order vide M.E. No.2041 on 16.12.1988.

It is further observed that the said Shri Laxman Hasha Thakur and 9 others have executed registered development agreement dated 3/7/2009 to and in favour of the Promoters herein, which is registered in the office of S.R.O., Thane at Doc.Sr.No.TNN-5/05790/2009, in respect of the fifth property, for the consideration and upon the terms & conditions, more particularly mentioned in the said agreement and pursuant to the said agreement, the said Laxman Hasha Thakur and 9 others have also executed an Irrevocable General Power of Attorney on 3/7/2009, which is also authenticated in the office of S.R.O., Thane at Doc.Sr.No.227/2004.

It is further observed that the owners of the said fifth property i.e. the said Laxman Hashya Thakur and others have applied to the ULC Authorities and obtained order under section 8 (4) of ULC Act, vide order No. ULC/TA/T-4/OVALE/SR/321 dated 28/2/2007 whereby the area of 508 sq. mtrs. out of Survey No. 66/1 (58/1) was partly declared surplus and the area of 2460 sq. mtrs. was also declared surplus from Survey No. 98/1-A (131/1 part) and accordingly it is ordered that necessary proceeding shall be initiated in terms of Sec. 9 and 10 of the ULC Act.

It is further observed that the said owners then applied for a scheme under section 20 of the ULC Act, which was sanctioned vide order dated 18.10.2007 under reference No. ULC/TA/ATP/WSHS-20/SR-1826 and accordingly the said surplus land out of fifth property is allowed to be used for development upon the terms and conditions of the said ULC order under Sec. 20.

It is further observed that the sale permission as required under Sec. 43 of the BT & AL Act, in respect of the said fifth property has been obtained by its owners Baliram Hashya Thakur and Laxman Hashya Thakur vide Order No.TD/T-6/KV/VP/SR-480/2009 dated 5/3/2010 issued by Competent Authority under the ULC Act.

It is further observed that the N.A. permission in respect of the said fifth property, was obtained by the said Laxman Hashya Thakur and others vide order reference No.Mahasul/K-1/T-1/NAP/SR-104/2010 dated 1/9/2010 issued by Collector, Thane.

It is further observed that the said sixth property i.e. New survey No.99, Hissa No.6, i.e. old survey No.64, Hissa No.6, admeasuring 0-15-4 (H-R-P), 1540 sq. meters, new survey No.59, Hissa No.1A, i.e. old survey No.65, Hissa No.1(P), admeasuring 0-06-0 (H-R-P), 600 sq. meters, and new survey No.58, Hissa No.5A, i.e. old survey No.66, Hissa No.5-A, admeasuring 0-01-3 (H-R-P), 130 sq. meters was originally held by Dama Kashtya Bhoir, Undrya Kashtya Bhoir and Tulsha Kashtya Bhoir and said Dama Kashtya Bhoir died intestate without leaving any legal heirs, thus, the said seventh property was inherited and continued to be in possession of said Undrya Kashtya Bhoir and Tulsha Kashtya Bhoir.

It is further observed that thereafter in the year 1980, the said Tulsha Kashtya Bhoir also died intestate, leaving behind Smt. Laxmibai Ramdas Patil, Smt. Sundar Tukaram Bhoir, Smt. Raibai Mahadu Dhumal and Smt. Mainabai Pandhari Patil as his legal heirs to succeed the said sixth property alongwith said Undrya Kashtya Bhoir; and, thereafter, the said Undrya Kashtya Bhoir also died intestate, leaving behind Shripat @ Damodar Undrya Bhoir and Smt. Savitribai Baban Patil as the legal heirs and representatives to succeed the said seventh property alongwith the legal heirs of said Tulsha Kashtya Bhoir.

It is further observed that the said Shripat @ Damodar Undrya Bhoir also died on 21/5/1987, leaving behind Smt. Shantabai Damodar Bhoir, Baban 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 legal heirs and representatives. It is further observed that said Smt. Savitribai

Baban Patil also died on 26/11/1992, leaving behind Baban Bembtya Patil, Anibai @ Anusuya Gajanan Kadam @ Patil, Rekha Prabhakar Vaity, Kamini Baban Patil, Janardan Baban Patil and Arun Baban Patil as the legal heirs and representatives. It is further observed that Rekha Prabhakar Vaity also died in the year 2009, leaving behind Rohini Prabhakar Vaity, Bhagyashree Prabhakar Vaity, Ladki Prabhakar Vaity and Pranay Prabhakar Vaity as the only legal heirs and representatives.

It is further observed that there was a partition between the legal heirs Undrya Kashtya Bhoir, i.e. Smt. Shantibai Damodar Bhoir and others of one part and the legal heirs of Tulsha Kashtya Bhoir, i.e. Hira Tulsha Bhoir & others of the other part; the said sixth property came to the share of the legal heirs of Tulsha Kashtya Bhoir, i.e. Hira Tulsha Bhoir and others.

It is further observed that the said M/S.Ram Developers have executed the Declaration in favour of T.M.C, thereby delivered the possession of part of the property from survey no.66/1, 64/6, 66/5, 66/5A, 65/1 i.e. New Survey No. 58/1, 99/6, 58/5A, 59/1 totally admeasuring about 2038.43 sq. mtrs for construction of D.P.Road.

It is further observed that after the said partition, Hira Tulsha Bhoir also died, leaving behind Smt. Asha Hira Bhoir and Savita Naresh Patil as his legal heirs; the said Smt. Asha Hira Bhoir and Savita Naresh Patil executed an agreement for development on 30/5/2006 to and in favour of Shri Ashok Bacchubai Mistry and Smt. Hansa Ashok Mistry, which is duly registered in the office of S.R.O. Thane, at Doc.Sr.No.TNN-5/03553/2006 and thereafter, the said Smt. Asha Hira Bhoir and Savita Naresh Patil also executed a deed of conveyance dated 8/2/2010 in favour of Smt. Hansha Ashok Mistry in respect of said seventh property, which is duly registered in the office of S.R.O., Thane, at Doc.Sr.No.TNN-2/01862/2010 on 8/2/2010 and thus, the name of said Smt. Hansha Ashok Mistry came to be recorded in the records of rights of said seventh property vide M.E. No.2967.

It is further observed that the said Smt. Hansha Ashok Mistry by and under deed of conveyance dated 20/1/2011, in respect of the said sixth property, which is registered at Sr.No.TNN-5/00670/2011 in the office of S.R.O., Thane in favour of the said M/S Ram Developers and one M/s Sai Promoters, both are the partnership firms of Thane; for the consideration and upon the terms and conditions, more particularly mentioned in the said deed; and the said deed of conveyance is also consented by the legal heirs of said Hira Tulsha Bhoir, i.e. Smt. Asha Hira Bhoir and Savita Naresh Patil.

It is observed that the owners of the said property Smt. Shantabai Damodar Bhoir being s.no.65/1 (Part) (s.no. 59/1p) adm. 800 sq. mtrs. have filed returns u/s 6(1) of