U.L.C. Act and the said Property allowed to be retained by the holders, None of the Properties have been declared surplus, however as per the order ref. No. ULC/TA/TN-7/Ovala/SR-284+64 dated 29.03.2005, the said property has been allowed to be developed in accordance with the terms of the said order. Since the requirement of N.A. permission is relaxed, the TMC shall recover the NA charges during course of time.

It is further observed that the property bearing Old Survey No. 64, Hissa No. 4A i.e. New Survey No. 99, Hissa No. 4A, admeasuring 0-09-6 (960 sq. meters) i.e. the seventh property was held by Undrya Kashtya Bhoir, Tulshya Kashtya Bhoir and Dhakni Kashtya Bhoir.

It is further observed that the said Undrya Kashtya Bhoir, Tulshya Kashtya Bhoir and Dhakni Kashtya Bhoir had executed the Deed of Conveyance of Conditional Sale in respect of the Said Property to and in favour of Devchand Ratanshi Thakur vide conditional sale deed dated 22/1/1931, and the name of said Devchand Ratanshi Thakur was mutated in the records of rights vide M.E. No.215.

It is further observed that by Taluka Order passed in RTS/27 on 7/2/1950, the name of Devchand Ratanshi Thakur was removed from the records of rights and the name of Tulshya Kashtya Bhoir was recorded in 7/12 extract vide M.E. No.454 on 18/5/1951 and as per the entry in Hissa Form No.12 dated 30/11/1950, the said seventh property was mutated in the name of said Tulsha Kashtya Bhoir and his name came to be recorded in the records of right vide M.E. No.546 on 3/11/1955.

It is further observed that the said Tulsha Kashtya Bhoir died on 25/10/1989, leaving behind Hiraji Tulshiram Bhoir, Smt. Laxmi Ramdas Patil, Smt. Sundarbai Tukaram Bhoir, Smt. Raibai Mahadu Dhumal and Smt. Mainabai Pandharinath Patil to succeed the said eighth property and the names of the said legal heirs came to be recorded in records of right vide M.E. No.2077 on 28/7/1990.

It is further observed that the said Hira Tulshiram Bhoir and others have sold the said seventh property, i.e. New survey No.99, Hissa No.4A, i.e. old survey No.64, Hissa No.4A, admeasuring 0-09-6 (H-R-P), 960 sq. meters to and in favour of Shri Datta Dama Mukadam vide Registered Deed of Conveyance dated 9/5/1989 and the name of said Datta Dama Mukadam came to be recorded in the records of right vide M.E. No.2079 on 28/7/1990.

It is further observed that the said Shri Datta Dama Mukadam has executed registered development agreement dated 8/12/2006 to and in favour of the said Developers, which is registered in the office of S.R.O., Thane at Doc.Sr.No.TNN-

2/08928/2006 on 11/12/2006, for the consideration and upon the terms & conditions, more particularly mentioned in the said agreement; in respect of the eighth property and pursuant to the said agreement, the said Datta Dama Mukadam has also executed an Irrevocable General Power of Attorney on 8/12/2006, which is also authenticated in the office of S.R.O., Thane at Doc.Sr.No.1238/2006 on 11/12/2006.

It is observed that the owners of the said property have applied for Order under Sec. 8(4) of the ULC Act and the permission under Rec. ULC /TA/TN7/Ovala/SR-221 dated 05.04.2007 is issued, thereby the area of 588 sq.mtrs have been declared as Surplus land. Therefore the owners have applied for order under Sec. 20(1) of the ULC Act, and accordingly the permission has been issued under ref. ULC /TA/ATP/WSHS-20/SR-1804 dated 02.07.2007 thereby the construction is allowed on the said property subject to the compliance of the said order.

It is further observed that the said eighth property i.e. New survey No.59, Hissa No.2, i.e. old survey No.65, Hissa No.2, admeasuring 0-04-0 (H-R-P), 400 sq. meters, was originally held by Dattatraya Khanderao Ovlekar. It is further observed that by order passed vide Taluka Hukum No.TNC / 113 / 14-1-1956, the name of Manik Vinayak was recorded as the protected tenant and the name of Hira Balya was recorded as simple tenant in respect of the said property vide M.E. No.591 on 10/5/1957; however, the said property was not cultivated personnaly by Manik Vinyak, therefore, his name was deleted from the records of right as per oral order and the effect thereof is given in 7/12 extract of the said ninth property vide M.E. No.742 dated 30/4/1957. It is further observed that in pursuance to the order passed in 32G proceedings under BT & AL Act, the purchase by Hirya Balya Thakur as per Taluka Hukum No.IV dated 11/5/1961 and the effect thereof is given in records of right vide M.E. No.897 dated 24/5/1962 and after payment of the purchase price of the said ninth property and obtaining 32M certificate vide No.383 dated 22/10/1984, the name of Hirya Balya Thakur was recorded as the owner/Kabjedar of the said ninth property vide M.E. No.2196 on 7/7/1992.

It is further observed that the said Hirya Balya Thakur died intestate, leaving behind him Smt. Ladibai Hira Thakur (died in the year 1971), Trimbak Hira Thakur (died on 29/6/2007), Waman Hira Thakur (died on 29/3/1982), Pandurang Hira Thakur, Pundlik Hira Thakur, Mathurabai Kamlya Bhoir, Sakhubai Mahadu Bhoir, Anubai Mahadu Patil, Naresh Trimbak Thakur, Smt. Changuna Pandharinath Gharat, Shashi Vasudev Patil, Usha Ravindra Ture, Draupadi Waman Thakur, Anil Waman Thakur, Kishor Waman Thakur, Nivrutti Waman Thakur and Nandini Santaji Madhvi, succeeded to the said ninth property and their names came to be recorded in the records of right vide M.E. No.2828 on 26/12/2007.

It is observed that by Deed of Release dt. 19/05/2009 registered in the office of S.R.O. TNN-5-4244/2009 Mathurabai Kamlya Bhoir, Sakhubai Madhukar Patil and ors. in favour of Budhibai Trimbak Thakur, Nagesh Trimbak Thakur & 9 others, they have released their rights over S. No. 59/2 & other properties.

It is further observed that the said Naresh Trimbak Thakur and others have executed development agreement dated 22/6/2010 in respect of said eighth property to and in favour of the said M/S Ram Developers, which is registered in the office of S.R.O., Thane at Doc.Sr.No.TNN-5/06814/2010 and pursuant to the said agreement, the said Shri Naresh Trimbak Thakur and others have also executed an Irrevocable Power of Attorney in respect of the said eigth property, Which is also registered at Sr. no. 554 on 22.06.2010.

It is also observed that the said owners also have obtained Sale Permission from the Office of S.D.O. Thane vide Ref. No.TD/T6/KV/VP/SR-141/2010 on 31.01.2011 in respect of the said property. The ULC act has been abolished and therefore no separate permission under ULC Act has been obtained. On account of the relaxation of the requirement of the N.A. order, the same is not obtained in respect of the said property, however the TMC shall recover the non agricultural charges for the same, in respect of the said property.

It is further observed that the said nineth property i. e. portion of 0-17-7(H-R-P) i.e. (1770 sq.mtrs), out of New S. No. 97 Hissa No. 3/3, (Old S. No. 67/3) out of total area of 0-82-0 was originally held by Govind Janardan Dandekar and the said Govind Janardan Dandekar died on 22/6/1954 and the name of his son Jaywant Govind Dandekar was recorded in the records of right vide M.E. No.495 on 21/12/1959.

It is further observed that by the order passed vide Taluka Hukum No.TNC/8113/14-1-1956, the name of Walkya Pandu was recorded as the protected tenant in respect of the said ninth property vide M.E. No.591 on 10/5/1957.

It is further observed that by the order passed vide Taluka Hukum No.TNC/886 dated 11-2-1957, the name of Jaywant Govind Dandekar was deleted and the names of Rangnath Mukund Dandekar, Nagendranath Mukund Dandekar and Phirojshah Mukund Dandekar were recorded in respect of the said ninth property.

It is further observed that however, the said ninth property was not cultivated personally by Walkya Pandu, therefore, his name was deleted from the records of right as per oral order and the effect thereof is given in 7/12 extract of the said ninth property vide M.E. No.780 dated 20/9/1957.

It is further observed that in pursuance to the order passed in 32G proceedings under BT & AL Act, the said ninth property was purchased by Hirya Balya Thakur from the original owner Rangnath Mukund Dandekar as per Taluka Hukum No.IV108 dated 11/5/1961 and the effect thereof is given in records of right vide M.E. No.898 dated 24/5/1962 and after payment of the purchase price of the said ninth property and obtaining 32M certificate vide No.3554 dated 27/4/1984, the name of Hirya Balya Thakur was recorded as the owner/Kabjedar of the said ninth property vide M.E. No.2195 on 7/7/1992.

It is further observed that the said Hirya Balya Thakur died intestate, leaving behind him Smt. Balibai Hira Thakur, Trimbak Hira Thakur, Waman Hira Thakur, Pandurang Hira Thakur, Pundlik Hira Thakur, Mathurabai Kamlya Bhoir, Sakhubai Mahadu Bhoir, Anubai Mahadu Patil, to succeed the said ninth property. It is further observed that thereafter, Trimbak Hira Thakur also died in the year 2007, leaving behind him Naresh Trimbak Thakur, Budhibai Trimbak Thakur, Smt. Changuna Pandharinath Gharat, Shashi Vasudev Patil, Usha Ravindra Ture and Jayashree Jagannath Patil, succeeded to the said ninth property and their names came to be recorded in the records of right vide M.E. No.2828 on 26/12/2007.

It is further observed that there was oral partition amongst the legal heirs of Hira Valya Thakur and accordingly the area admeasuring 26 gunthas came to the share of Late Trimbak Hira Thakur. Thereafter, the said legal heirs put fencing to the Said Property and protected the same.

It is further observed that the said area of 26 gunthas was inherited by the legal heirs of Hira Valya Thakur. The effect of the said oral partition was not given in the Revenue Records. As per the said oral partition the property admeasuring 12.46 gunthas equivalent to 1493.4 square meters came to the share of Naresh Trimbak Thakur, Changuna Pandharinath Gharat, Shashi Vasudev Patil, Usha Ravindra Ture, Jayashree Jagannath Patil.

It is observed that by Deed of Release dt. 19/05/2009 registered in the office of S.R.O. TNN-5-4244/2009 Mathurabai Kamlya Bhoir, Sakhubai Madhukar Patil and ors. in favour of Budhibai Trimbak Thakur, Nagesh Trimbak Thakur & 9 others, they have released their rights over S. No. 59/2 & other properties.

It is further observed that the said Naresh Trimbak Thakur, Changuna Pandharinath Gharat, Shashi Vasudev Patil, Usha Ravindra Ture, Jayashree Jagannath Patil have executed development agreement dated 17/3/2008 in favour of the said M/s. Ram Developers in respect of said ninth property, which is registered in the office of S.R.O., Thane at Doc.Sr.No.TNN-2/02611/2008; and pursuant to the said agreement,