

the said Naresh Trimbak Thakur and others have also executed an Irrevocable General Power of Attorney on 17/3/2008, which is also authenticated in the office of S.R.O., Thane at Doc.Sr.No.562/2008 on 17/3/2008.

It is also observed that one Pundalik Hira Bhoir, on co-owners of the co-owners of the said property have also executed the registered Deed of Confirmation on 11.08.2009 vide doc. Sr. No. TNN5-6779/2009 to the registered Doc. Sr. No.4243/2009 dated 19.05.2009;

It is also observed that one Smt. Budhibai Trimbak Thakur and Pandurang Hira Thakur, the other co-owners of the said property have also executed the registered Deed of Confirmation on 11.08.2009 vide doc. Sr. No. TNN5-4242/2009 to the registered Doc. Sr. No.TNN-2-2611/2008 and Power of Attorney No. 562/2008 both dated 17.03.2008;

It is also observed that the pot hissa mojani of the property which have come to the shares of the said holder of S. No. 97, Hissa No.3/3 was carried out. Though the property admeasuring 17 gunthas and 7 pratis came to the share of Smt. Budhibai Pandurang alias Tryambak Thakur, Changuna Pandharinath Gharat, mr. Shashi Vasudeo Patil, Smt. Usha Ravindra Ture and Smt. Jayashree Jagannath Patil, by an Agreement for Development dated 17.03.2008 the portion of 12.46 gunthas was given for development to M/s. ram Developers. Therefore Smt. Budhibai Pandurang @ Trimbak Thakur, Smt. Changuna Pandharinath Gharat, Smt. Shashi Vasudev Patil, Smt. Usha Ravindra Ture and Smt. Jayashree Jagannath Patil, then granted the rights of the development of balance 5 gunthas and 24 pratis to the said Ram Developers, by an Agreement dated dated 09.03.2010 at Doc. Sr. No. TNN-5 02417/2010; and they have also executed an Irrevocable General Power of Attorney on 9/3/2010, which is also authenticated in the office of S.R.O., Thane at Doc.Sr.No.237/2010 on 9/3/2010.

It is also observed that the sale permission in respect of the said property has been obtained by its owners vide order dated 05.03.2010 under Ref. No. TD /T-6/KUV/S.R.479/2009 of S.D.O.Thane.

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 observed that the Tenth property bearing New survey No.99, Hissa No.3, i.e. old survey No.64, Hissa No.3, totally admeasuring 0-46-5 (H-R-P), 4650 sq. meters was held be Kamlya Padman Patil. He died intestate in the year 1988, leaving behind him Smt. Thakubai Maruti Patil, Smt. Rajibai Laxman Divekar, Smt. Barkubai

Ramchandra Thakur, Smt. Kashibai Govind Patil, Smt. Kalpana Motiram Patil, Vinayak Tukaram Bhoir, Pandhari Tukaram Bhoir, Smt. Chaya Vishawa patil, Bhaskar Tukaram Patil, Smt. Sapna Vasudev Bhoir and Smt. Yamuna Dattu Bhoir and their names came to be recorded in the records of right vide M.E. No.2371 on 12/9/1996.

It is also observed that the aforesaid legal heirs after discussions amongst themselves, oral partition was arrived at between the aforesaid legal heirs, and the said tenth property came to the share of Smt. Thakubai Maruti Patil and others.

It is also observed that one Shri. Gajanan Kamlya Patil and 5 others have executed an irrevocable power of Attorney to and in favour of M/s. Ram Developers on 12.09.1996 at Power No.605/2006.

It is also observed that the said Smt. Thakubai Maruti Patil and others have executed development agreement dated 16/11/2006 in respect of said property, in favour of the said Developers; and pursuant to the said agreement, the said Smt. Thakubai Maruti Patil and others have also executed an Irrevocable General Power of Attorney on 16/11/2006, which is also authenticated in the office of S.R.O., Thane at Doc.Sr.No.TNN-5/08406/2006.

It is also observed that they have also executed Deed of Confirmation vide Doc. Sr. No. TNN-5-08969-2011 dated 03.10.2011 and a power of Attorney Doc. Sr. No. 08970/2011 dated 03.10.2011 in favour of the said M/s. Ram Developers.

It is further observed that by notification dated 19.10.2010 under ref. No.ULC/TA/Ovale/SR-240, it has cancelled its earlier order under Sec. 8(4) dated 29.10.1997. It was also observed that acquisition of the property is not done under Sec. 10(1), 10(3) and 10(5). Therefore since the said property was not acquired and was not taken in possession by the Government of Maharashtra and hence the said the entry of ownership of the said land of the government of Maharashtra was cancelled and the name of the said original owner Mr. Gajanan Kamlya Patil was reinstated in the Kajibedar col. of the said property.

After the death of the said Gajanan Kamlya Patil, the said property was inherited by 1) Smt. Thakubai Maruti Patil, 2) Smt. Gajibai Laxman Divekar, 3) Smt. Barkubai Ramchandra Thakur, 4) Smt. Kashibai Govind Patil, 5) Smt. Kalpana Motiram Patil, 6) Shri Vinayak Tukaram Bhoir, 7) Shri Pandhari Tukaram Bhoir, 8) Smt. Chhaya Vishwas Thakur, 9) Smt. Soma Jana Patil, 10) Shri Sandip Soma Patil, 11) Shri Dayanand Soma Patil, 12) Shri Raj Soma Patil, 13) Shri Bhaskar Jana Patil, 14) Shri Sanjay Bhaskar Patil and 15) Shri Nandkumar Bhaskar Patil, who have executed the

Deed of Confirmation dated 14.10.2011, which is also registered in the office of S.R.O. THANE at Doc. Sr. No. 09324-2011.

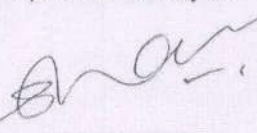
It is further observed that after acquisition of the said entire property, the said M/s. Ram Developers herein have amalgamated all such properties and submitted and got amended the said plans through its Architects, Mr Yogesh N. Kelkar & Associates, and the said Corporation has approved the plans and specifications for development of the said property vide V.P.No.2004/36/TMC/TDD/147 dated 7/6/2010 and has sanctioned the development of the said property, which was then revised; and, accordingly, the Thane Municipal Corporation has granted the sanction of development permission certificate in respect of the development over the said property vide V.P.No.2004/36/TMC/TDD/167 dated 30/10/2013 for the construction of building No.1, stilt + 30 floors (alongwith one level podium), building No.2, stilt + 30 floors (alongwith one level podium), building No.3, stilt + 21 floors and 22nd floor part, building No.4, stilt + 21 floors and 22nd floor part, single bungalow C-1 type No.43 ground + one floor, single bungalow C-1 type No.44 ground + one floor, single bungalow C-2 type No.45 ground + first floor, twin bungalow type A-2.No.41, 42 ground + one floor, twin bungalow type A-3 No.46, 47 ground + four floors, twin bungalow type A-3 No.48, 49 ground + four floors and club house podium + ground + first floor. Thereafter, the Thane Municipal Corporation has also issued the commencement certificate vide V.P. No.2004/36/TMC/TDD/213 dated 5/12/2013.

Therefore, in my opinion the title of the owners mentioned in the respective schedules of the respective properties, is clear and marketable title and the same is also free of encumbrances. All such owners having assigned the rights of the development of the said properties (except property No.sixth) by and under various registered Development Agreements and the respective Power of Attorneys in favour the said M/s Ram Developers, a partnership firm, the said M/s Ram Developers have absolute rights to develop the said properties and to sell the flats, commercial premises, bungalows, Row Houses etc. that may be constructed in the proposed buildings to the third parties that have been allowed as per the said registered development agreement.

Likewise, in respect of the said sixth property, the said M/s. Ram Developers and M/s. Sai Promoters, are the absolute and lawful owners of the said sixth property and they have equal rights to develop the same and sell the premises that may be constructed in the said property, in equal proportion.

Thane,
Date 07.10.2014




Y.S.DUDUSKAR
Advocate