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Off.: 101/B wing, JOE Apt., 1st floor, near Sharma Dairy, Eduljee Road, Charal, Thane (W)- 1. Timing:-10.00 To 11.00 am / 07.00 To 10.00 pm

Date: 07.04.2021

TITLE CERTIFICATE

All that pieces and parcels of the non agricultural lands, within the local limits of Thane Municipal Corporation (hereinafter referred to as 'SAID CORPORATION') and Registration and Sub-District Thane, owned by the respective owners named in respective Schedules, however possessed by M/s. Ram Developers, a Partnership Firm of Thane with irrevocable rights of the development with rights of the sale of the constructed premises, described as follows:

SCHEDULE OF PROPERTIES

FIRST PROPERTY: New survey No.99, Hissa No.2 (old survey No.64, Hissa No.2, admeasuring 0-57-3 (H-R-P), equivalent to 5730 sq. meters and new survey No.101, Hissa No.3, (old survey No.63, Hissa No.3, admeasuring 0-34-9 (H-R-P), equivalent to 3490 sq. meters, earlier owned by Abdul Saeed Gulam Ghosh @ Suse, Khurshid Saeed Suse, Jabir Saeed Suse, Aishabi Jabir Suse, Shubir Saeed Suse, Safiya Samad Bhure @ Safiya Gulam Ghosh Suse, Suraiya Hajimiya Suse, Mukhtar Hajimiya Suse, Mohmed Hajimiya Suse, Jaqir Hajimiya Suse, Mohmaddi Hijimiya Suse, Mudsir Hajimiya Suse, Nikahat Hajimiya Suse, Bibi Aishiya Asif Surme, Tarahat Iqbal Surme, Abdul Rashid Gulam Ghosh, Dastgir Rashid Suse, Husain Rashid Suse, Diva Rashid Suse, Gavsiya Rashid Suse and presently alongwith Gulam Mustapha Abdul Wahab Patel – the legal heir of Noorjaha Abdul Wahab Patel hereinafter collectively referred to as the "SAID FIRST PROPERTY".

SECOND PROPERTY: 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 earlier owned by Baban Damodar Bhoir, Shantabai Damodar Bhoir, Devram Damodar Bhoir, Suresh Damodar Bhoir, Pandit Damodar Bhoir, Geetabai Prakash Patil, Indrayani Naresh Bhoir, Ramabai Damodar Bhoir presently alongwith Sandhya Pandit Bhoir, Aniket Pandit Bhoir and Vinanti Pandit Bhoir of the deceased Pandit Damodar Bhoir, hereinafter referred to as the "SAID SECOND PROPERTY".

THIRD PROPERTY: 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 earlier owned by Anant Narayan Patil, Naresh Naniyan Patil, Dattaram Narayan Patil, Krishna Narayan Patil and others presently alongwith Shobha Dattaram Patil, Mohanish Dattaram Patil, Aniket Dattaram Patil - the legal heirs of Dattaram Naniyan Patil by his legal heirs hereinafter referred to as the "SAID THIRD PROPERTY"

FOURTH PROPERTY: 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, owned by Baliram Hasha Thakur, Nana Baliram Thakur, Vandana Nana Thakur, Vivek Nana Thakur, Roshni Nana Thakur, Jayabai Rangnath Thakur, Chaitesh Rangnath Thakur, Ravita Rangnath Thakur, Satish Baliram Thakur, Prabhavati Chandrakant Gharat, Narmada Prakash Patil, hereinafter referred to as the "SAID FOURTH PROPERTY"

FIFTH PROPERTY: New survey No.58, Hissa No.1, i.e. old survey No.66, Hissa No.1, admeasuring 1090 sq. mtrs. and New Survey No. 98, Hissa No. 1-A i.e. old Survey No. 131/1(part), admeasuring 2460 sq. mtrs. earlier owned by Laxman Hasha Thakur, Anant Laxman Thakur, Harishchandra Laxman Thakur, Praful Laxman Thakur, Bebibai Vishnu Patil, Kalpana Dilip Gharat, Nirmal Vishvanath Patil, Shobha Kishor Patil, Vidya Anant Patil, Padmayati Dilip Bhoir, however now owned by Sahadev Gopal Bhoir and Mahesh Gopal Bhoir, hereinafter referred to as the "SAID FIFTH PROPERTY"

SIXTH PROPERTY: 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, by Laxmibai Ramdas Patil, Sundar Tukaram Bhoir, Raibai Mahadev Dhumal, Pandhari savaharam Patil, Ram Pandhari Patil, Sangeeta Jaywant Gharat, Vasanti Pandhari Patil, hereinafter collectively referred to as the "SAID SIXTH PROPERTY"

SEVENTH PROPERTY: 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, by Datta Dama Mukadam hereinafter referred to as the "SAID SEVENTH PROPERTY"

EIGHTH PROPERTY: 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, earlier owned by Naresh Trimbak Thakur, Pandurang Hira Thakur, Pundalik Hira Thakur, Droupadi Waman Thakur, Anil Waman Thakur, Kishor Waman Thakur, Nivruti Waman Thakur, Nandini Santaji Madvi, Mathurabai Kamliya Bhoir, Sakhubai Madhukar Patil, Budhibai Trimbak Thakur, Changam Pandharinath Gharat, Usha Ravindra Ture, Jayshree Jagannath Patil and presently owned

alongwith Rukmini Pamndurang Thakur, Janardan Pandurang Thakur, Hareshwar Pandurang Thakur & Manisha Dimesh Mhatre – the legal heirs of deceased Pandurang Hira Thakur hereinafter referred to as the “SAID EIGHTH PROPERTY”

NINETH PROPERTY: The area of 0-17-7 (H-R-P) i.e. 1770 sq.mtrs out of New survey No.97, Hissa No.3/3, i.e. old survey No.67, Hissa No.3/3, totally admeasuring 0-82-0 (H-R-P), 8200 sq. meters, owned by Naresh Trimbak Thakur, Changuna Pandharinath Gharat, Shashi Vasudev Patil, Usha Ravindra Ture, Jayshree Jagannath Patil, Budhibai Pandurang @ Trambak Thakur, Changuna Pandharinath Gharat, Shashi Vasudeo Patil, Usha Ravindra Ture, Jayshree Jagannath Patil and others hereinafter referred to as the “SAID NINETH PROPERTY”

TENTH PROPERTY: 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, out of which 0-23-2.5 (H-R-P), 2320.5 sq. meters, by Thakubai Maruti Patil, Gajibai Laxman Divekar, Barkubai Ramchandra Thakur, Kashibai Govind Patil, Kalpana Motiram Patil, Vinayak Tukaram Bhoir, Pandhari Tukaram Bhoir, Chaya Vishwas Thakur, Soma Jana Patil, Sandeep Soma Patil, Dayanand Soma Patil, Raj Soma Patil, Bhaskar Jana Patil, Sanjay Bhaskar Patil, Nandakumar Bhaskar Patil, Suchin Bhaskar Patil, Janardhan Jana Patil, Nitin Janardhan Patil Nikhil Janardhan Patil, Yashoda Bharat Thakur, Gajanan Kamlya Patil, Anant Kamlya Patil, Bhiwa Kamlya Patil, Dwarkabai Hendar Bhoir, Hasubai Janardhan Thankur, Kusum Arvind Mhatre, Dattu Kamlya Patil, Vithabai Bhiwa Patil, Dinesh Bhiwa Patil, Karuna Bhiwa Patil, Atish Bhiwa Patil, Vandana Hemant Patil, Ashwini Kernal Thakur hereinafter referred to as the “SAID TENTH PROPERTY”

I have caused the search to be taken in respect of the said entire property, i.e. in respect of each individual property, in the office of Sub-registrar Thane and Concerned Revenue Authorities through Searcher Shri Sanjay Shinde since 1985 to 2010. I have also gone through the revenue records, various orders and permissions pertaining to the said property.

I have also caused a public notice published in Daily Thane Vaibhav dated 2/7/2014 through the undersigned calling upon the public at large to lodge their objections, if any.

It is observed that the said first property i.e. New survey No.99, Hissa No.2 (old survey No.64, Hissa No.2, admeasuring 0-57-3 (H-R-P), equivalent to 5730 sq. meters and new survey No.101, Hissa No.3, (old survey No.63, Hissa No.3, admeasuring 0-34-9 (H-R-P), equivalent to 3490 sq. meters, was originally held by the trust, namely DWARKANATH RATANSI TRUST, and in the said property one Mr Alli Saheb Gulam was the agricultural tenant thereof since before tillers day. Accordingly, the name of Mr Alli

Saheb Gulam Suse was recorded in records of rights as tenant vide M.E. No.467 on 1/9/1951.

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 Alli Saheb Gulam and certificate under Sec. 32-M and vide Tenancy Order No.TNC/8813 dated 14/1/1956, the name of Mr Alli Saheb Gulam was recorded in the 7/12 extract of the said first property in other column as Tenant and his name was mutated vide M.E. No.591 dated 8/8/1956.

It is further observed that the said Mr Alli Saheb Gulam died intestate and at the time of his demise, he was having only one daughter by name Aminabi Gulam Gaus Suse.

It is further observed that the said Aminabi Gulam Gaus Suse having only son, i.e. Abdul Hamid Gulam Gaus Suse and the said Abdul Hamid Gulam Gaus Suse expired, leaving behind him, his mother, i.e. said Aminabi Gulam Gaus Suse, children, i.e. Abdul Saeed Gulam Gaus Suse, Noorjaha Abdul Haus Patel, Hajimiya Gulam Gaus Suse, Sakiyabi Gulam Gaus Suse and Abdul Rashid Gulam Gaus Suse; and the names of the said legal heirs were mutated in the records of rights vide M.E. No.1356 dated 20/8/1971; so also the said Aminabi Gulam Gaus Suse expired in the year 1998.

It is further observed that the proceedings under section 32G was initiated in respect of the said properties by A/LT, Thane and after payment of the said purchase price, the 32M certificate No.3712 dated 28/10/1985 was issued in favour of Abdul Hamid Gulam Gaus Suse and 4 others. The entry thereof is taken in the records of rights vide M.E. No.1843 dated 15/2/1986.

It is further observed that there was partition was carried out in respect of the properties held by the aforesaid legal heirs and the said first property came to the shares of Abdul Saeed Gulam Gaus Suse, Noorjaha Abdul Gaus Patel, Hajimiya Gulam Gaus Suse, Sakiyabi Gulam Gaus Suse and Abdul Rashid Gulam Gaus Suse and the effect of the said partition was given in the records of rights vide M.E. No.1597 dated 20/8/1988.

It is further observed that Hajimiya Gulam Gaus Suse died on 31/5/2000, leaving behind Suraiya (wife), Mukhtar (son), Mohamed (son), Muddasir (son), Gualm Gaus (son), Jakir (son), Bibiayesha Asif Surme (daughter), Rahat (son), Nikahat (daughter) and Mohamaddi (daughter). Accordingly, their names were recorded in the records of rights vide M.E. No.2494 dated 1/8/2002.

It is further observed that the said Abdul Saeed Gulam Gaus Suse and 4 others including their legal heirs have executed registered development agreement dated 3/10/2003 to and in favour of M/S. RAM DEVELOPERS, a partnership firm, having its office at Pushpanjali Residency, Opp. Puranik City, Village Ovale, Ghodbunder Road, THANE (W)

– 400 607, hereinafter referred to as 'SAID DEVELOPERS', 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 now observed that Smt. Noorjaha Abdul Wahab Patel, died on 13.02.2019 leaving behind her son Gulam Mustapha Abdul Wahab Patel as the legal heir, vide Mutation Entry No.4576 dated 20.08.19 certified on 21.09.2019. That the above mentioned Development Agreement dated 3/10/2003 registered at Doc.Sr.No.TNN-5/06327/2003 executed by the said deceased Smt. Noorjaha Abdul Wahab Patel is binding on the abovementioned legal heirs.

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 Makhecha, for Ratanishi 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 Thorave, 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 Nareshi Bhoir and Ramtabai 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 which is registered in the office of S.R.O., Thane.

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.Muhasul/K-1/T-1/NAP/SR-100/2005 dated 20/9/2005.

However, it is now observed that one Pandit Damodar Bhoir died on 05.09.2017 leaving behind Miss Sandhya Pandit Bhoir, Aniket Pandit Bhoir and Vinanti Pandit Bhoir and their names came to be recorded in the record of rights vide M. E. No.4540 dated 4540 dt. 23.01.2019 certified on 11.02.2019. Late Suresh Sripat @ Damodar Bhoir also died on 03.06.2015, leaving behind Bharati Suresh Bhoir, Hitendra Suresh Bhoir, Pranny Suresh Bhoir and Adesh Suresh Bhoir. The Mutation Entry No. 4323 has been recorded on 17.10.2015. That the above mentioned Development Agreement dated 25.11.2003 at Doc.Sr.No.TNN-5/07553/2003, executed by the said deceased Pandit Damodar Bhoir and Suresh Damodar Bhoir is binding on the abovementioned legal heirs.

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 Narayan 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/Owale/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.

However, now it is observed that one Dattaram Narayan Patil died on 31.08.2005 leaving behind Shobha Dattaram Patil, Mohnish Dattaram Patil, Aniket Dattaram Patil and their names came to be mutated in the record of rights on 2671 dated 10.10.2005 which is certified on 21.11.2005. The 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, is binding on the said legal heirs of Dattaram Narayan Patil.

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 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.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. 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. Kaipana 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.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 DEVELOPERS 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-1/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. 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.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 DEVELOPERS 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.

However it is then observed that the said by virtue of order passed in Tenancy Revision No: 28/91 Dated- 16/03/1992, the earlier order dated 30/08/1988 passed by ALT THANE in favour of Laxman Hashya Thakur has been cancelled. Some other litigation where also pending between the said Laxman Hashya Thakur and others on one hand and Sahadev Gopal Bhoir and Mahesh Gopal Bhoir on the other hand. As the rights in respect of the said property were acquired by the said Ram Developers, the said Developers thought it fit to settle all disputes pertaining to the said property and accordingly by further Agreement dated- 24/11/2017, registered in the office of SRO Thane at document serial No. TNN-12-3476/2017, the said Sahadev Gopal Bhoir and Mahesh Gopal Bhoir assigned the rights of Development of Property bearing survey No. 58/1 admeasuring 0-10-90 (H-R-P). The mutation entry No.4326 dated 31.10.2015 was recorded on 31.10.2015 certified on 06.05.2016 and mutation Entry No.4611 dated 04.01.2020 was recorded and was certified on 06.02.2020.

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 Bembya 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 DEVELOPERS, 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 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 personally by Manik Vinayak, 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/Kahjedar 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 Kaniya Bhoir, Sakhubai Madhukar Patil and ors. in favour of Budhibai Trimbak Thakur, Naresh 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 eighth 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.

Now it is observed that Pandurang Hira Thakur died on 01.11.2018 leaving behind Rukmini Pandurang Thakur, Janardan Pandurang Thakur, Hareishwar Pandurang Thakur and Manisha Dinesh Thakur and their names came to be mutated in the record of rights on 4555 vide M.E. No.16.05.2019 and certified on 17.06.2019. The said deceased Pandurang Hira Thakur alongwith other have agreement on 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, is binding on the said legal heirs of Pandurang Hira Thakur.

It is further observed that the said ninth 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, 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 Kabjedar col. of the said property.

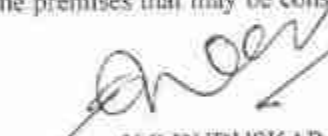
After the death of the said Gajanan Kamlya Patil, the said property was inherited by 1) Smt. Thakubai Maruti Patil, 2) Smt. Gajibai Laxman Divekar, 3) Smt. Barkubai Ramchandra Thakur, 4) Smt. Kashibai Govind Patil, 5) Smt. Kalpana Motiram Patil, 6) Shri Vinayak Tukaram Bhoir, 7) Shri Pandhari Tukaram 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. Upon death of some of the co-owners of the said properties, the said Development Agreement and Power of Attorney's are binding upon their respective legal heirs.

Likewise, in respect of the said sixth property, the said M/s. Ram Developers and M/s. Shree Sai Developers, 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 : 07.04.2021


Y.S.DUDUSKAR
Advocate

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