

पावती क्र.

नोंदणी ३९ म.  
Regn. 39 m.

दस्तावेजाचा/अर्जाचा अनुक्रमांक १२३२१२

दिनांक ४/६/२०१२ सन २०१२

दस्तावेजाचा प्रकार-

शोध अर्ज

सादर करणाराचे नाव-

अड. एस्. पी. चितळे - विपक्ष

खालीलप्रमाणे फी मिळाली:-

नोंदणी फी

मात्र - दळवणे

नक्कल फी (फोलिओ

पृष्ठांकनाची नक्कल फी

सा - विपक्ष

टपालखर्च

नकला किंवा जापने (कलम ६४ ते ६७)

शोध किंवा निरीक्षण

गहन - १३८३

दंड - कलम २५ अन्वये

कलम ३४ अन्वये

जुना स. नं. - १०६

प्रमाणित नकला (कलम ५७) (फोलिओ

इतर फी (मागील पानावरील) बाब क्र.

हि. मं. - १२

सन १९८३ ते २०१२

एकूण ३० वर्षे

रु.	पै.
७५०/-	
एकूण	७५०/-

दस्तावेज

नक्कल

रोजी तयार होईल व

नोंदणीकृत डाकेने पाठवली जाईल.

या कार्यालयात देण्यात येईल.

दुय्यम निबंधक.

दस्तावेज खाली नाव दिलेल्या व्यक्तीच्या

नावे नोंदणीकृत डाकेने पाठवावा.

हवाली करावा.

*Peechi*  
दुय्यम निबंधक  
सादर करिता  
श्रेणी - १ विपक्ष

*Sudhir P. Chitale*

B. A., LL.B.

ADVOCATE, HIGH COURT

"PRABHU PAKHAR" WAD NAKA, CHIPLUN - 415 605.  
DIST. RATNAGIRI. TEL.: (02355) 252246, M - 9423047646

5/9/2012

TO WHOM SO IT MAY CONCERN

Dear Sir,

Subject : Title Opinion on the property situated at Village Dalvatne, Taluka Chiplun, District Ratnagiri & within the limits of Dalvatne Grampanchayat.

1) Name and Address of the concerned party :

Mr. Anil Vasantao Chavan, R/O. Dalvatne, Taluka Chiplun, District Ratnagiri

2) Title Deed in original seen by me :

Registered Sale deed, dated 17/6/1998, registered at Serial No. 1069/1998 in the office of Sub-Registrar, Chiplun

Description of immovable property :

Gat No.	Area H.-R.-P.	Assessment Rs.Ps.
1383	4-00-0	2.08

The present description is as per the revenue record. Physical verification of the same can confirm this aspect.

Along with all Rights, Title & Interest therein. The landed property is bounded as under :

On the East	:	Gat No. 1387 & Gat No. 1542
On the West	:	Gat No. 1379 & Gat No. 1384
On the South	:	Gat No. 1382
On the North	:	Gat No. 1386

The boundaries are mentioned on the basis of available map from Government record.

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It is within the limit of Dalvatne, Tahasil Chiplun, District Ratnagiri.

DOCUMENTS RELIED UPON :

All the relevant documents of title and other relevant documents were placed before me for my consideration. They were in the form of original/certified copies/true copies documents. I have verified and tallied these documents from the Records of Registrar of documents or from the records of appropriate authority. They are as under :

Sr. No.	Type and nature of Documents	Original/certified copy
1)	7x12 extracts of the concerned lands	True Copy
2)	Relevant Mutation Entries	True Copy
3)	Khata Extracts	True Copy
4)	Map from revenue record	True Copy
5)	Extract in 9(3) & 9(4) form from Consolidation Office	Certified copy
6)	Sale deed, dated 17/6/1998	Xerox Copy

ORAL INFORMATION :

The requisite and necessary information was collected and gathered from the interrogatories administered to the concerned party.

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SPECIAL OBSERVATIONS :

The observations and findings contained in the report are based on the documents supplied to me and the information given by the concerned party. It primarily and mainly covers the period of 30 years.

I have personally inspected the original document submitted to me. It is properly executed and stamped. It is a legal and valid document.

RESULT OF THE SEARCH :

I have taken the search of records of Sub-Registrar's office at Chiplun from Inspection Book No. I, Index No. II and other relevant records from last thirty years by paying the necessary search fee of Rs. 750/-, vide receipt No. 0006864, dated 4/9/2012. The original search fee receipts are enclosed herewith.

Nothing objectionable has transpired or revealed during Search operation.

JOURNEY OF TITLE AND ITS MODE OF ACQUISITION :

At the outset, it is necessary to mention that Gat No. 1383 is formed of Survey No. 106, Hissa No. 12. This aspect is reflected in 9(3) & 9(4) extracts from Consolidation Office.

The concerned revenue record makes us to know that the landed property under consideration was owned & possessed by Khedekar family & was in actual possession & cultivation of one Mr. Kanu Rama Gamre as a Tenant. The record further reveals

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that Kanu Rama Gamre died intestate in year 1953 & was survived by sole legal heir his son Rama. Heirship enquiry Register No. 8 is relevant on this point. Mutation Entry No. 568 is reflecting these 2 vital developments.

Mutation Entry No. 878 makes us to know that Rama Kanu Gamre died intestate & was survived by sole legal heir his son Baban. Thus, on the strength of inheritance Baban became exclusive owner of estate of deceased Baban who had expired in year 1967. There was some bonafide mistake on part of revenue authority, while mentioning properties which had devolved upon Baban after death of his father Rama. This bonafide mistake was corrected by revenue authority vide Mutation Entry No. 1613. The landed property under consideration i.e. Survey No. 106, Hissa No. 12 was inadvertently not mentioned in Mutation Entry No. 878. It can not be incorporated as part of Mutation Entry No. 878 vide Mutation Entry No. 1613.

Rama Kanu Gamre was a tenant under the Bombay Tenancy and Agricultural Lands Act 1948 on tiller's day i.e. on 1/4/1957. Consequently he became "Deemed Purchaser" by operation of law. Sale proceeding under Section 32-G was initiated & concluded by revenue authority. It was after demise of Rama Kanu Gamre. The purchase price was fixed under Section 32-G of the said Act. It was paid by Rama. Consequently, certificate under Section 32-M was issued in his favour & he thereby acquired statutory ownership as conceived by said Act. Mutation Entry No. 1774 is

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relevant on this point. The 32-G proceeding which was concluded on 5/9/1967 is being No. 26/XII/874/67.

Subsequent Development :

Mr. Baban Rama Gamre sold out the landed property to one Mr. Anil Vasantao Chavan by registered deed on 17/6/1998. The sale deed is duly executed & registered. Proper stamp duty is paid on it. The necessary permission under Section 43 of the Bombay Tenancy and Agricultural Lands Act 1948 was obtained by Mr. Gamre. It is dated 8/7/1997. It is given by S.D.O., Chiplun in Case No. Tenancy/SR 135/1997. Thus, on the strength of this valid sale deed Mr. Anil Vasantao Chavan became owner of the same. His name as titleholder came to be introduced in revenue record vide Mutation Entry No. 976.

FINDINGS AND OBSERVATIONS :

My findings and observations are based on the available information and documents supplied to me. They are as under :

- 1) I am satisfied that the landed property is heritable and transferable and the transferors had right to transfer.
- 2) The purchaser of the landed property under consideration and his successors or their predecessor-in-title has not entered into or executed any agreement or writing for the benefit of the Government, the Grampanchayat or any Public or Private Body or Corporation affecting the property or any interests therein. There is no claim

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against the property under consideration for right of way, right of occupation, right of maintenance, right of residence or right of easement. There is no restrictive covenant affecting the property. The purchaser of the landed property and his successor-in-interest of the landed property has not any time before this entered into any agreement of sale, mortgage or lease of the property or any part thereof.

- 3) No notice has been issued so far or served upon the purchaser of the landed property and his successor-in-interest for acquisition, requisition or otherwise for any purpose whatsoever in respect of the landed property under consideration. There is no claim which may adversely affect the landed property under consideration. The landed property under consideration is not similarly subject to any attachment or process of Court. I have also confirmed from Government and Public Land Acquisition Authorities that the property under consideration is not the subject matter of any acquisition.
- 4) No drainage, sewer, water pipe or gas pipe of any adjoining landed property passes through or under the landed property which is the subject matter of the present Search Report. The property under consideration is not subject to any nuisance. There are no easements, quasa easements, restrictive covenants, water courses or other rights or servitude affecting the property. There are no

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circumstances indicating or even suggesting any cloud on the title of the purchaser of the landed property or his successor-in-interest of the property and his successors.

- 5) The purchaser of the landed property and his successor-in-interest of the landed property has not received any notice under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act 1961. The property under consideration has not been reserved for public purpose by State Government or Central Government. The property under consideration or any portion thereof has not been notified under the Land Acquisition Act for public purpose.
- 6) It has been ascertained from the Civil Court having pecuniary and territorial jurisdiction that :
  - A) No receiver has been appointed with respect to the property under consideration.
  - B) There is no injunction order in connection with the property or against the owner.
  - C) There is no money suit pending, affecting the title of the owner.
  - D) There is no proceeding pending in any Court or before any authority for realization of arrears of revenue, rent,

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local dues etc. in respect of the property or against the owner.

- 7) There is no proceeding pending in the Court of Executive Magistrate under Section 145 of Criminal Procedure Code involving the property under consideration or any order under Section 146 attaching the property under consideration.
- 8) There is no proceeding pending in the office of Tahasildar or A.L.T. pertaining to the property in question.
- 9) There are no Government dues. There is complete payment of land revenue and other charges.
- 10) The landed property under consideration does not fall within the clutches of Agricultural Land (Ceiling on Holding) Act 1961.

CONCLUSION :

Having regard to the discussion above I, hereby, opine that :

- 1) Revenue Record discloses proper effect of change of ownership in sequence.
- 2) The conveyance under consideration contains all the necessary and requisite recitals to convey the Right, Title and Interest and also includes an important aspect of reimbursement clause.

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- 3) No encumbrancing transaction in any nature is found to have been registered during the search period in the record of registration Authority.
- 4) No third party claim, right, interest, easement, charge were found in the Revenue Record.
- 5) Mr. Anil Vasantao Chavan has acquired clear & marketable title to the landed property under consideration.
- 6) His title to the landed property under consideration is not susceptible to or prone to any legal defect or flaw. It is clear, unambiguous.
- 7) There is no charge or encumbrance of any kind and in any form on the same. It is free from all encumbrances.

*S.P. Chitale*

(S.P. Chitale)  
Advocate,  
Chiplun

**Sudhir P. Chitale**

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