

Debasish Chakraborty
B. COM. LLB.
ADVOCATE

RESIDENCE :
East Vivekananda Pally
Bankim Chandra Road
House No. : 110
P.O.: Rabindra Sarani
P.S.: Bhakti Nagar
Dist.: Jalpaiguri
Near- Post Office

CHAMBER :
Haren Mukharjee Road
By Lane, Hakimpara
P.O.: Siliguri, Dist.: Darjeeling
Near-Emp. Exchange Office
Pin Code No.: 734001
Phone : 0353-2538292 (R)
Mobile : 99331-57415

INCOME TAX, SALES TAX & PROPERTY MATTERS CONSULTANT

Ref. No.

Date 09-09-2023

-:- TO WHOM IT MAY CONCERN -:-

SUBJECT:- Searching of Title in the name of 1) Smt Tatuli Ghosh, Wife of Late Sanjib Ghosh, 2) Sri Saurav Ghosh, Son of Late Sanjib Ghosh, resident of 27/5 AJC Bose Road, Subhas Pally, Siliguri, P.O. Siliguri, P.S. Siliguri, District. Darjeeling, 3) Sri Ajit Kumar Agarwal, Son of Late Raj Kumar Agarwal, resident of Usha Villa, Ward No.13 of S.M.C., Siliguri, P.O. Siliguri, P.S. Siliguri, District. Darjeeling and 4) Sri Deepak Parasad, Son of Late Bharat Prasad, resident of Pokaijote Champasari, P.O. Champasari, P.S. Padhannagar, District. Darjeeling

I, being forwarded with the Xerox copy of Land Documents by 1) Smt Tatuli Ghosh, Wife of Late Sanjib Ghosh, 2) Sri Saurav Ghosh, Son of Late Sanjib Ghosh, resident of 27/5 AJC Bose Road, Subhas Pally, Siliguri, P.O. Siliguri, P.S. Siliguri, District. Darjeeling, 3) Sri Ajit Kumar Agarwal, Son of Late Raj Kumar Agarwal, resident of Usha Villa, Ward No.13 of S.M.C., Siliguri, P.O. Siliguri, P.S. Siliguri, District. Darjeeling and 4) Sri Deepak Parasad, Son of Late Bharat Prasad, resident of Pokaijote Champasari, P.O. Champasari, P.S. Padhannagar, District. Darjeeling along with the relevant papers for effecting search in respect to the property, which has been acquired by 1) Smt Tatuli Ghosh, 2) Sri Saurav Ghosh, 3) Sri Ajit Kumar Agarwal, 4) Sri Deepak Parasad

I have conducted searches of the above property for the period of 1992-2023 at the Office of the Additional District Sub-Registrar at Siliguri, District Darjeeling and Additional District Sub-Registrar at Siliguri-II at Bagdogra, District Darjeeling, It could be ascertained that they are the absolute and exclusive joint owner-in-possession of the aforesaid plot of land more fully described in Clause No.2 of this report and the same is free from all encumbrances and charges whatsoever and they have not sold or transferred or in any way encumbered the said property or any part thereof to anybody and they are not possessing any land in excess of ceiling areas as prescribed under West Bengal Land Reforms Act 1955. During Scrutiny of the documents produced before me and during my search at the above mentioned offices from the available documents and records at the time of search, prima facie it is transpired to me as follows: -

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(2)

REPORT OF DEVOLUTION OF THE TITLE:-

Whereas Sri Patit Paban Ghosh, Son of Late Gopal Chandra Ghosh and Smt Snehakana Ghosh Son of Sri Satish Chandra Ghosh became the owners of an area of land measuring 0.26 acre comprised in RS Plot No. 451 and 2.73 acre comprised in RS Plot No. 453, total land 2.99 acre appertaining to RS. Khatian No. 61/3 situated within Pargana Patharghata, Mouza Mandlaguri,, J.L. No. 85 (Sabek J.L. No. 107), Touzi No. 91, P.S. erstwhile Siliguri now Pradhan Nagar, District Darjeeling within specific boundaries by virtue of a Deed of Conveyance, being No. 1177 for the year 1975, which was executed in their favour by Smt. Vidya Devi Agarwala on 08.02.1975 and registered in office of the Sub Registrar at Siliguri

The aforesaid land was duly mutated in the joint names of Sri Patit Paban Ghosh and Smt. Snehakana Ghosh and they continued to pay the ground rent (khazna) in respect thereof to the appropriate authority

The aforesaid land, an area of land measuring 0.26 acre forming part of RS Plot No.451 was acquired by the Government and the condensation paid was divided amongst Sri Patit Paban Ghosh and Smt Snehakana Ghosh

Sri Patit Paban Ghosh and Smt Snehakana Ghosh partitioned the balance land measuring 2.73 acres comprised in RS Plot No. 453 by virtue of a Deed of Partition, being No. 6795 for the year 1991, which was executed by them on 17/08/1991 and registered in office of the Sub Registrar at Siliguri

By virtue of the said Deed of Partition No. 6795 for the year 1991 by Sri Patit Paban Ghosh became the absolute owner of 2.045 acres comprised in RS Plot No. 453, total land 2.99 acre appertaining to RS. Khatian No. 61/3 situated within Pargana Patharghata, Mouza Mandlaguri, J.L. No. 85 (Sabek J.L. No. 107), Touzi No. 91, P.S. erstwhile Siliguri now Pradhan Nagar, District Darjeeling within specific boundaries and continued to remain in exclusive actual, khas and physical possession thereof,

Sri Patit Paban Ghosh executed his last will on 14/07/1994 whereby he bequeathed his aforesaid land situated within Mouza -Mandlaguri along with the building standing thereon in favour of its nephews Sri Sanjib Kumar Ghosh and Chiranjib Ghosh both are sons of Late Dr. Satish Chandra Ghosh in equal shares.

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(3)

Sri Patit Paban Ghosh died on 14th December, 1998.

Sri Dehasish Ghosh, the executor appointed in the said last will and testament of Patit Paban Ghosh applied for grant of probate thereof, which was granted by the District Detegate (Civil Judge, Sr. Division) Siliguri on 05/04/2000 in Misc. Judicial (Probate) case No. 30 of 1999

By virtue of the said duly probated will, Sri Sanjib Kumar Ghosh and Sri Chiranjib Ghosh became the joint owners of the said land measuring 2.045 acres along with the building standing thereon in RS Plot No. 453, RS. Khatian No. 61/3 situated within Pargana Patharghata, Mouza Mandlaguri,, J.L. No. 85, Touzi No. 91, P.S. erstwhile Siliguri now Pradhan Nagar, District Darjeeling

After having sold some portions of the said land as the joint owners thereof Sri Sanjib Kurnar Ghosh and Sri Chiranjib Ghosh remained !in actual, khas and physical possession of land measuring 43 Katha 36 Sq.ft. along with the building standing thereon in RS Plot No. 453, RS. Khatian No. 61/3 situated within Pargana Patharghata, Mouza Mandlaguri,, J.L. No. 85, Touzi No. 91, P.S. erstwhile Siliguri now Pradhan Nagar, District Darjeeling

Sri Chiranjib Ghosh gifted his one-half share measuring land measuring 43 Katha 36 Sq.ft. along with the building standing thereon in RS Plot No. 453, RS. Khatian No. 61/3 situated within Pargana Patharghata, Mouza Mandlaguri,, J.L. No. 85, Touzi No. 91, P.S. erstwhile Siliguri now Pradhan Nagar, District Darjeeling together with one-half share measuring 1250 Sq.Ft. in each floor of the said building unto and in favour of Sri Sanjib Kumar Ghosh by executing a Deed of Gift being No. 9520 for the year 2012 which was registered in office of the Additional District Sub Registrar at Siliguri-II at Bagdogra, Dist Darjeeling.

In the manner as aforesaid Sri Sanjib Kumar Ghosh became the absolute and exclusive owner of the land measuring 43 Katha 36 Sq.ft. along with the building standing thereon in RS Plot No. 453, RS. Khatian No. 61/3 situated within Pargana Patharghata, Mouza Mandlaguri, J.L. No. 85, Touzi No. 91, P.S. erstwhile Siliguri now Pradhan Nagar, District Darjeeling

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(4)

Sri Sanjib Kumar Ghosh died intestate on 12/01/2018 and the aforesaid land measuring 43 Katha 36 Sq.ft. along with the building standing thereon in RS Plot No. 453, RS. Khatian No. 61/3 situated within Pargana Patharghata, Mouza Mandlaguri,, J.L. No. 85, Touzi No. 91, P.S. erstwhile Siliguri now Pradhan Nagar, District Darjeeling devolved upon his only legal heirs, namely, his widow Smt Tatuli Ghosh and Sri Saurav Ghos, the Owners according to the law of succession by which the deceased is governed.

Smt Tatuli Ghosh and Sri Saurav Ghosh became the joint owner of the land measuring 43 Katha 36 Sq.ft. along with the building standing thereon in RS Plot No. 453, RS. Khatian No. 61/3 situated within Pargana Patharghata, Mouza Mandlaguri, J.L. No. 85, Touzi No. 91, P.S. Pradhan Nagar, District Darjeeling

Sri Ajit Kurnar Agarwal and Deepak Prasad became the joint owner of the land measuring 2307 Sq.ft. along with the building standing thereon in RS Plot No. 535, 536, 537, RS. Khatian No. 61/4 situated within Pargana Patharghata, Mouza Mandlaguri,, J.L. No. 85, Touzi No. 91, P.S. Pradhan Nagar, District Darjeeling by virtue of a Deed of Sale, being No, 3099 for the year 2019 which was executed on 03.06.2019 by Sri Pankaj Kumar Ghash and Smt Anjali Ghosh the erstwhile owners in possession thereof, which was registered in office of the Additional District Sub Registrar at Siliguri-II at Bagdogra, Dist Darjeeling. The said land owned by Sri Ajit Kurnar Agarwal and Deepak Prasad

The Owners of the Smt Tatuli Ghosh and Sri Saurav Ghosh and the Owners of the Sri Ajit Kurnar Agarwal and Deepak Prasad decided to develop their said plots of land by amalgamating the same, but not being possessed of the requisite expertise and sufficient funds, they approached the Developer for developing the Schedule plots of lands

Sri Deepak Prasad herein is also the absolute owner of an area of land measuring 13 Kathas 2 Chattak in RS Plot No. 535, RS. Khatian No. 61/4 situated within Pargana Patharghata, Mouza Mandlaguri,, J.L. No. 85, Touzi No. 91, P.S. Pradhan Nagar, District Darjeeling

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(5)

For the purpose of development of the Schedule plots of land and providing suitable means of access thereto through the adjacent land owned by Sri Deepak Prasad, the Developer has had discussions with the Owners and they have agreed to make and use such provision of access by carving out a common road.

WHEREAS 1) Smt Tatuli Ghosh, 2) Sri Saurav Ghosh, became the sole, absolute owners in land measuring 36 Kathas 10 Chattak 22 Sq.ft. in RS Plot No. 453, RS. Khatian No. 61/3 situated within Pargana Patharghata, Mouza Mandlaguri, J.L. No. 85, Touzi No. 91, P.S. erstwhile Siliguri now Pradhan Nagar, District Darjeeling and 3) Sri Ajit Kumar Agarwal, 4) Sri Deepak Parasad, became the sole, absolute owners-in-land measuring 2307 Sq.ft. in RS Plot No. 535, 536, 537, RS. Khatian No. 61/4 situated within Pargana Patharghata, Mouza Mandlaguri, J.L. No. 85, Touzi No. 91, P.S. Pradhan Nagar, District Darjeeling having permanent heritable and transferable right title and interest therein

WHEREAS "M/S KALTKA COSTRUCTION", a partnership firm, represented in these presents by its partner SMT RAKHI AGARWAL agreed to Develop the abovementioned in land measuring 36 Kathas 10 Chattak 22 Sq.ft. in RS Plot No. 453, RS. Khatian No. 61/3 situated within Pargana Patharghata, Mouza Mandlaguri, J.L. No. 85, Touzi No. 91, P.S. erstwhile Siliguri now Pradhan Nagar, District Darjeeling and land measuring 2307 Sq.ft. in RS Plot No. 535, 536, 537, RS. Khatian No. 61/4 situated within Pargana Patharghata, Mouza Mandlaguri,, J.L. No. 85, Touzi No. 91, P.S. Pradhan Nagar, District Darjeeling both party enter into one Registered Deed of Agreement for Development and registered at the office of the Additional District Sub Registrar, Siliguri-II at Bagdogra, Dist Darjeeling and recorded in Book No. I, as Being No. I-0533 for the year 2022 between Developers by "M/S KALTKA COSTRUCTION", a partnership firm, represented in these presents by its partner SMT RAKHI AGARWAL (Developers) and was also executed by 1) Smt Tatuli Ghosh, 2) Sri Saurav Ghosh, 3) Sri Ajit Kumar Agarwal, 4) Sri Deepak Parasad for entering into one agreement with the intending purchasers

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Ref. No.

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(6)

DESCRIPTION OF LANDS:-

All that Piece or Parcel of land measuring 36 Kathas 10 Chattak 22 Sq.ft. in RS Plot No. 453, RS. Khatian No. 61/3 situated within Pargana Patharghata, Mouza Mandlaguri, J.L. No. 85, Touzi No. 91, P.S. Pradhan Nagar, District Darjeeling within the State of West Bengal.

LAND IS BUTTED AND BOUNDED AS FOLLOWS:-

NORTH : By 14-feet wide Road.
SOUTH : By 14-feet wide Road.
EAST : By Land of Ajit Kumar Agarwal and others.
WEST : By Land of Dulal Ghosh and Others.

All that Piece or Parcel of land measuring 2307 Sq.ft. in RS Plot No. 535, 536, 537, RS. Khatian No. 61/4 situated within Pargana Patharghata, Mouza Mandlaguri,, J.L. No. 85, Touzi No. 91, P.S. Pradhan Nagar, District Darjeeling within the State of West Bengal.

LAND IS BUTTED AND BOUNDED AS FOLLOWS:-

NORTH : By 14-feet wide Road.
SOUTH : By Land o Deoki Maya Biswakarme.
EAST : By Land of Deepak Prasad.
WEST : By Land of Saurav Ghosh and Others.

OPINION:-

01.I am satisfied that the Title of the aforesaid Land in clause-2 owned and possessed by (1) Smt Tatuli Ghosh, 2) Sri Saurav Ghosh, 3) Sri Ajit Kumar Agarwal, 4) Sri Deepak Parasad, has acquired a valid clear and marketable title to the property and the said property is free from all encumbrances and attachment and doubts Bank may create equitable mortgage on the said land / Property.

02.It is certified that neither any acquisition / requisition made by the Government or by any other authority / authorities, concerned and it is not affected by any scheme of alignment.

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03. It is further, certified that the property is not affected under any of the provisions of Urban Land Ceiling and Regulation Act, 1976.

04. That it could be further ascertained that the Land in question is not vested in favour of the State of West Bengal.

05. I have made necessary enquiries from the respective authorities and certify that the said property is not affected by any acquisition of the Corporation or any other authority or by any scheme of alignment of the Corporation. I certify that from the available documents it could be ascertained that all rents, taxes, and other public dues payable in respect of the abovementioned Landed property has to be paid upto the period of B.S.1430 (Corresponding to the year of 2023-2024).

06. It is certified that 1) Smt Tatuli Ghosh, 2) Sri Saurav Ghosh, 3) Sri Ajit Kumar Agarwal, 4) Sri Deepak Parasad, are the absolute owner-in-possession of lands and they have a good marketable and saleable right title and interest over the aforesaid Property

PARTICULARS OF DOCUMENTS EXAMINED BY ME:-

- Registered Title Deeds- Xerox.
- Probate Copy (Misc Judicial Case No.30 of 1999) - Xerox
- Registered Title Deed of Agreement for Development
- Searching Receipts - Original.



Yours Faithfully,

Debasish Chakraborty
(Debasish Chakraborty)
Advocate, Siliguri

//END//