

LAW PROMOTERS G - DIVISION

The Law Firm

Office :11, Old Post Office Street, 2nd Floor, Kolkata 700001

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Mobile No. 9804554141 / 9874587944

Ref :

Date : 23-05-2022

REPORT ON TITLE

1. **Description of property.** ALL THAT the homestead land measuring about 3 cottah 13 chittacks 22 sft. be the same a little more or less situated at Premises No. 53B/1A, Garcha Road, (formerly 53B, Garcha Road), P.S. Gariahat, Kolkata 700019
2. **Landowner as per record.** Legal heirs and representatives of Kashinath Mullick namely Sudipta Mallick (wife), Mainak Mallick (son) and Maitreyee Mallick (daughter)
3. **Nature of property.** Freehold homestead land and building
4. **List of Title Deeds/documents perused.** The following documents have been perused and verified in connection with and in relation to the said land ;
 - 4.1. Deed of Partition dated 13th October, 1988;
 - 4.2. Death Certificate of Amarnath Mullick;
 - 4.3. Property Tax Bill and Mutation Certificate of Kashinath Mullick.
 - 4.4. Probate of Amarnath Mullick.
 - 4.5. Deed of Release dated 15.06.1988
 - 4.6. Mother Title Deed dated 10.10.1977 by which the said property was purchased by the said brothers;
 - 4.7. Death Certificate of Kashinath Mullick;
 - 4.8. Identity proof and PAN card of present owners;
 - 4.9. Development Agreement along with Power of Attorney with ZED BEE Developers LLP;
 - 4.10. Possession Proof of existing heirs of present owners;
 - 4.11. Deed of Release dated 15.06.1988 between Shyamali Roy and the said three brothers;
 - 4.12. Inspection of the original documents.
5. **Title Background on record.**
 - 5.1. At all material times, one Anadi Prasad Das was the sole and absolute owner, seized and possessed of or otherwise well and sufficiently entitled to ALL that the piece and parcel of revenue free land measuring about 5 cottah 1 chittacks 9 sq. ft., together with a partly two storied and partly three storied brick built messuage tenement and dwelling house on a

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portion of the land, formed out of Holding No.363 in Mouza Beltola, DehiBhawanipore Sub Division P under Division V situated at Premises No. 53B, Garcha Road), in the town of Calcutta, Police Station then Ballygunge now Gariahatlying and situate at Municipal Premises No.53B, Garcha Road, Calcutta, which he duly purchased from one Durga CharanMitter by virtue of registered Deed of Sale dated 01st November, 1928 registered in the office of the Sub-Registrar at Sealdah and recorded in Book No.1, Volume No.23, Pages 97 to 104, Being No.822 for the year 1928.

- 5.2. The said Anadi Prasad Das during his lifetime made and executed his last Will and Testament dated 17th May, 1946 thereby devising and bequeathing all his properties estate and effects whatsoever inter-alia, the said plot of land at Municipal Premises No.53B, Garcha Road, Calcutta, unto and in favour of his son Ajoy Kumar Das and declared him as the ultimate beneficiary of the property as well as executor/trustee of the said Will subject to a right of residence given to his daughter, Aruna Das limited to and until the period of her getting married.
- 5.3. Thereafter the said Anadi Prasad Das died on 03rd December, 1946 leaving behind the said Will and Testament dated 17th May 1946 and upon his death, the necessary Probate application was made and initiated by the said Ajoy Kumar Das as Executor before the Hon'ble High Court being Case No. 76 of 1947 and upon widely complying with all legal formalities, the Probate was duly granted on 13th February, 1947 in respect of the said Will and Testament by the said Hon'ble Court in its Testamentary and Intestate Jurisdiction unto and in favour of the said Ajoy Kumar Das.
- 5.4. In terms of the said Will and Testament dated 17th May 1946 duly probated, the said Ajay Kumar Das became the sole and absolute owner in respect of the said entire property subject to the right of residence given to his sister in the premises, as aforesaid, which stood ceased with her marriage being solemnized in the year 1949 and since thereafter the said Ajay Kumar Das had been exclusively enjoying the said property in entirety as its absolute owner at the exclusion of any right of any person(s) whomsoever. While seized and possessed of the said land, the said Ajay Kumar Das sold, transferred and conveyed a demarcated portion of the said land equivalent to and measuring about 1 cottah 3 chittacks 32 sq.ft. lying and being located at the south western portion thereof to a third party

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and the said plot of land has since been known as Municipal premises No.53/1, Garcha Road.

- 5.5. While seized and possessed of the said remaining area of land, the said Ajay Kumar Das sold, transferred and conveyed the same being ALL that the piece and parcel of demarcated land measuring about 3 cottaha 13 chittacks 22 sq.ft. with a partly two and partly three storied building standing thereon situate at and being Municipal Premises No.53B, Garcha Road, Calcutta unto and in favour of one Sankar Nath Mallick, kasha Nath Mallick and Amarnath Mallick for a valuable consideration by a Deed of Sale dated 14th October 1977 registered in the office of the Registrar of Assurances Calcutta and recorded in Book No.1, Volume No.184, Pages 165 to 178, Being No.4834 for the year 1977.
- 5.6. By virtue of the said Deed of Sale dated 14th October 1977, the said Sankar Nath Mallick, Kashi Nath Mallick and Amar Nath Mallick became the joint owners in respect of the said piece and parcel of demarcated land measuring about 3 cottha 13 chittacks 22 sq.ft. together with a partly two and partly three storied building standing thereon at and being part of Municipal Premises No.53B, Garcha Road, Calcutta morefully and particularly described in the schedule-A written hereunder and hereinafter referred to as "said premises" or "said property" each having an undivided 1/3rd share each in respect thereof.
- 5.7. The Sankar Nath Mallick, Kashi Nath Mallick and Amar Nath Mallick in order to have a better and beneficial enjoyment of all the properties owned by them including the said premises had made and executed a registered Deed of Partition dated 13th October 1988 registered at the office of the Registrar of Assurances, Calcutta and recorded in Book No. I, Volume No.288, pages 126 to 145, Being No.11394 for the year 1988.
- 5.8. In terms of the said Deed of Partition dated 13th October 1988, the said Sankar Nath Mallick as Party of the First Part and Amar Nath Mallick as party of the Third Part, transferred their undivided share in the said Premises No.53B, Garcha Road in favour of Kashi Nath Mallick which is mentioned in SCHEDULE-III(A) therein, while the said Sankar Nath Mallick as Party of the First Part and Kashi Nath Mallick as party of the Second part transferred their undivided share at Municipal premises

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No.53B, Garcha Road, in favour of Amar Nath Mallick which is mentioned in SCHEDULE-IV(A) therein.

- 5.9. That by virtue of the said Deed of Partition dated 13th October 1988, the said Sankar Nath Mallick transferred his said undivided 1/3rd share thereby relinquishing his entire right, title and interest in respect of said premises No.53B, Garcha Road in favour of his said two brothers Kashi Nath Mallick and Amar Nath Mallick and pursuant to which the said Kashi Nath Mallick and Amar Nath Mallick became the joint owners of Municipal premises No.53B, Garcha Road each having an undivided one-half share.
- 5.10. The said Amar Nath Mallick during his lifetime made and executed his last Will and Testament dated 15th August, 1998 in respect of his one-half share in the said premises whereby he devised and bequeathed the same unto and in favour of his said brother Kashi Nath Mallick and declared him as the ultimate beneficiary of his undivided share forever as well as sole executor of the said Will.
- 5.11. Thereafter the said Amar Nath Mallick died as bachelor on 27th September, 1999 leaving behind his said Will and Testament dated 15th August, 1998 and upon his death, the necessary Probate application was made and initiated by the said Kashi Nath Mallick as Executor before the Hon'ble District Delegate at Alipore under Act 39 Case No. 455 of 1999 (P) and upon widely complying with all legal formalities, the Probate was duly granted on 14th June, 2000 in respect of the said Will and Testament by the said Hon'ble Court in its Testamentary and Intestate Jurisdiction unto and in favour of the said Kashi Nath Mallick.
- 5.12. In pursuance of the Probate granted by the Hon'ble Court as aforesaid, the said Kashi Nath Mallick became the sole and absolute owner in respect of All that the said property comprising of a piece and parcel of demarcated land measuring about 3 cottaha 13 chittacks 22 sq.ft. together with a partly two storied and partly three storied building standing thereon situate at and being Municipal Premises No.53B, Garcha Road, Calcutta.
- 5.13. The said Kashi Nath Mallick in pursuance of becoming the absolute owner of the said plot of land mutated his name and got the same reassessed in the records of the Kolkata Municipal Corporation under Assessee No.11-086-09-0163-8 in respect of the said land measuring about 3 cottaha 13

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chittacks 22 sq.ft. part of Municipal Premises No.53B, Garcha Road and upon such reassessment, the said land has been known and numbered as Municipal Premises No.53B/1A, Garcha Road being held, used and enjoyed by him upon payment of the necessary taxes and outgoing to the appropriate authority(s).

- 5.14. While seized and possessed of the said property, the said Kashi Nath Mallick died intestate on 21st September, 2012 surviving his widow namely Sudipta Mallick, only son Mainak Mallick and only daughter Maitreyee Mallick as his heirs and/or legal representatives within the meaning of Hindu Succession Act, 1956 and by virtue of inheritance, the said heirs and successors of the said Kashi Nath Mallick became the joint owners of the said premises each having an undivided 1/3rd share each in respect thereof.
- 5.15. The said Sudipta Mallick, Mainak Mallick and Maitreyee Mallick (the present Owners) being desirous of developing the said premises had engaged a real estate developer namely M/s. ZEED-BEE Developers LLP by entering into a Development Agreement along with a Development Power of Attorney dated 1st March, 2019. However, the said agreement has not been acted upon and as such the parties have mutually cancelled the said agreement and revoked the said Power of Attorney vide Deed of Cancellation of Development Agreement cum Revocation of Development Power of Attorney dated 02.03.2022 registered in the office of the District Sub Registrar IV South 24 Parganas and recorded in Book No.1, Volume No.1604-2022, Pages 82398 to 82422, Being No. I-160402029 for the year 2022 and by virtue of such cancellation, the said developer ceased to have any right or interest in respect of the said premises.
- 5.16. That upon cancellation of the said Development Agreement, the owners being desirous of developing the said property by way of commercial exploitation thereof have engaged another Developer namely M/s. UST Constructions at 67/1, S.N. Roy Road, Police Station New Alipore, Kolkata 700038 and pursuant to a detailed deliberation, the said Developer agreed to develop the said property by virtue of a Development Agreement dated 02.03.2022 registered in the office of the District Sub Registrar IV South 24 Parganas and recorded in Book No.1, Volume No 1604-2022, Pages 82942 to 83005, Being No. I-160402030 for the year 2022.

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6. **Any Income Tax proceedings and other proceedings pending against the present leaseholder affecting title of the property. Not known**
7. **Charges registered with the Registrar of Companies. Not Applicable**
8. **Search note.** Necessary searches have been conducted in Index no. II in the records of District Registrar and Sub – Registrar office at Alipore and Registrar of Assurances at Calcutta from the period from 2000 till date. During the course of searching the following entries have been detected in respect of the said property.

Sl.	References	Particulars
1	Nature of document	Development Agreement
	Deed No.	I-160501262/2019
	Page	46765 – 46824,
	Date of Registration	01/03/2019,
	Date of Completion	07/03/2019
	Date of Delivery	19/03/2019
	Query No	16050000152823/2019
	Serial No	1605001409/2019
	2	Nature of document
Deed No.		I-160501273/2019
Page		46738 – 46764,
Date of Registration		01/03/2019,
Date of Completion		07/03/2019
Date of Delivery		19/03/2019
Query No		16051000057561/2019
Serial No		1605001419/2019
3		Nature of document
	Deed No.	I-160504624/2019
	Page	159293 – 159310,
	Date of Registration	05/08/2019,
	Date of Completion	09/08/2019
	Date of Delivery	04/09/2019
	Query No	16051000164428/2019
	Serial No	160500570/2019/2019
	4	Nature of document
Deed No.		I-160402030/2022

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	Page	82942 - 83005,
	Date of Registration	02.03.2022,
	Date of Completion	08.03.2022,
	Query No	16042000650843/2022
	Serial No	1604002053/2022
5	Nature of document	Power of Attorney
	Deed No.	I-160402273/2022
	Page	96077-96106,
	Date of Registration	07.03.2022,
	Date of Completion	15.03.2022
	Query No	16042000649609/2022
	Serial No	1604002297/2022

9. Observation/Opinion.

- 9.1. After conducting the necessary searches and considering the documents perused and believing the same to be true, we hereby opine that the existing legal heirs of the said Kashinath Mullick are the joint owners of the said property.
- 9.2. It further appears that there seems to be no legal cases pending with regard to title in respect of the said property.
- 9.3. It further appears that the said property has a clear, free and marketable title.
- 9.4. I also do hereby certify that the abovementioned land is not subjected to any restriction of Urban Land (Ceiling and Regulation) Act, 1976 and the same is not under any claim of the CDMA and the CIT and any other authority and is fit for equitable mortgage.

For Law Promoters G-Division

Sribalan Munda .

Advocate

Note : This report has been prepared on the basis of the Xerox copy of the documents

