

Adv. Prasun Kumar Bandyopadhyay
LLB (Cal)

Enrolment no - WB-1444 of 2003
Bankura District & Sessions Judges' Court
P.S. & P.O. Bankura, Dist. Bankura

Contact No: 94741 43649
7478016477

Chamber
Junbedia, Bankura under P.O., P.S. &
Dist. Bankura.

Ref no.....

Date -

Sub:- Legal Opinion.

Ref:- Project Hilton Residency.

I have Perused the papers and documents relating to ALL THAT the piece and parcel of land measuring 13.12 decimal land in plot no. 16, 33.88 decimal land in plot no. 17 and 18.62 decimal land in plot no. 19 classified as Bastu of Khudsole Mouza having JL no. 228 near to Christandanga Road in Ward no. 11 of Bankura Municipality under P.S. & Dist - Bankura under P.S. & Dist - Bankura - as more fully and specifically described in the schedule below, which is appertain to Development Agreement registered at office of DSR, Bankura being no. 010100926 of the year 2023, earmarked for the project 'Hilton Residency'. After considering and perusing contents of papers and documents so far comes in my hand as well as in course of my search of documents for last 30 years and above it comes to my consideration that:-

In respect of RS plot no. 23, 24 & 38 corresponding to LR plot no. 16:-

Jogendranath Deashi was erstwhile owner of 03 decimal land in RS plot no. 23, 15.75 decimal land in RS plot no. 24 and 7.75 decimal in RS plot no. 38 of Khudsole Mouza having JL no. 228 under P.S. & Dist - Bankura. In accordance to his right, title, interest and possession his name was recorded under RS ror being no. 89. It is mentionable that during LR operation the RS plot no. 23, 24 & 38 amalgamated with each other and corresponding LR plot no. 16 prepared. Jogendranath Deashi during his enjoyment and possession relinquished the Earth and as per certificate of legal heirs issued by competent authority at the time of his demise he left behind his two sons and four daughters namely Lakshmikanta Deashi, Dhirendranath Deashi, Bhakti Ghosh, Saktibala Choudhury, Anna Bangal and Santi Ghosh. Amongst them Santi Ghosh demised leaving behind his son Kartik Ghosh and daughter Buri Ghosh. The trend of documents representing that all the descendents of Jogendranath Deashi entered into amicable verbal partition and as per

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amicable verbal partition the previously named Kartik Ghosh transferred demarcated 1.44 decimal land to Uttam Kumar Samanta through Deed of sale registered at office of DSR, Bankura being no. 010101890 of the year 2020. Buri Ghosh appointed Baidyanath Deoghoriya as her attorney in respect of her land by dint of POA registered at office of DSR, Bankura being no. 010102293 of the year 2020. Kartik Ghosh also appointed Baidyanath Deoghoriya as his attorney by dint of POA registered at office of DSR, Bankura being no. 010102394 of the year 2020. The appointed attorney on behalf of his principal Buri Ghosh & Kartik Ghosh transferred demarcated 2.38 decimal land to Uttam Kumar Samanta through Deed of sale registered at office of DSR, Bankura being no. 010102451 of the year 2020. Previously named Anna Bangal @ Anna Bala Bangal and Bhakti Ghosh jointly transferred their entire share to Dhirendranath Diashi, Mahadeb Diashi and Sahadeb Diashi through Deed of sale registered at office of DSR, Bankura being no. 2889 of the year 1997. Sahadeb Diashi & Mahadeb Diashi jointly transferred demarcated 3.75 decimal land to Deboshri Samanta through Deed of sale registered at office of DSR, Bankura being no. 010104346 of the year 2022. Previously named Saktibala Choudhurty transferred her entire share to Lakshmipada Diashi through Deed of sale registered at office of DSR, Bankura being no. 3137 of the year 1997. Lakshmipada Diashi appointed Ananda Nandi as his attorney by dint of POA registered at office of DSR, Bankura being no. 010104928 of the year 2022 and 010104925 of the year 2022. The appointed attorney on behalf of his principal transferred demarcated 5.55 decimal land to Deboshri Samanta through Deed of sale registered at office of DSR, Bankura being no. 010105011 of the year 2022. During LR operation the RS plot no. 23, 24 & 38 amalgamated and corresponding LR plot no. 16 prepared. The name of Uttam Kumar Samanta & Deboshri Samanta recorded under LR ror being no. 3537 & 3843 of Khudsole Mouza having JL no. 228 under P.S. & Dist - Bankura. They applied for and the competent authority be pleased to permit them to change the classification of land to 'Bastu'.

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In respect of RS plot no. 20 corresponding to LR plot no. 19:-

Sk Kurban acquired title of 233 decimal land in RS plot no. 20 corresponding to LR plot no. through Deed of sale registered at office of DSR, Bankura being no. 10778 of the year 1977 which was executed by the then owner Md Siddik Hossen. Sk Kurban during his enjoyment and possession transferred demarcated 7.7 decimal land from RS plot no. 20 to Kashinath Dey through Deed of sale registered at office of ADSR, Bankura being no. 1612 of the year 1997, demarcated 7.4 decimal land from RS plot no. 20 to Susanta Biswas through Deed of sale registered at office of ADSR, Bankura being no. 1610 of the year 1997 and demarcated 2284 Sq.ft. or 5.2 decimal land from RS plot no. 20 to Ratna Biswas through Deed of sale registered at office of ADSR, Bankura being no. 2273 of the year 1998. Kashinath Dey during his enjoyment and possession out of his 7.7 decimal land transferred demarcated 6.79 decimal land to Balananda Mondal through Deed of sale registered at office of ADSR, Bankura being no. 010202364 of the year 2017. Balananda Mondal during his enjoyment and possession transferred his entire 6.79 decimal land to Uttam Kumar Samanta through Deed of sale registered at office of DSR, Bankura being no. 010102948 of the year 2022. Susanta Biswas during his enjoyment and possession out of purchased 7.4 decimal transferred demarcated 6.72 decimal land to Madan Mohan Samanta through Deed of sale registered at office of DSR, Bankura being no. 010107069 of the year 2022. Ratna Biswas transferred her entire portion to Rajkumar Samanta through Deed of sale registered at office of DSR, Bankura being no. 010107068 of the year 2022. In course of LR operation the RS plot no. 20 converted to LR plot no. 19 and the name Uttam Kumar Samanta, Madan Mohan Samanta & Rajkumar Samanta recorded under LR ror being no. 3804, 3878 & 3887 of Khudsole Mouza having JL no. 228 under P.S. & Dist - Bankura. They during their enjoyment and possession applied for and the competent authority be pleased to permit them to change the character of use of land to 'Bastu'.

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IN respect of RS & LR plot no. 17:-

Amarendra Nath Mondal, Harendra Nath Mondal, Dwijendra Nath Mondal & Jitendra Nath Mondal was erstwhile owner of RS plot no. 17. In accordance to their right, title, interest and possession their name was recorded under CS ror being no. 13 and subsequently RS ror was prepared accordingly. A suit for partition was arose between the descendents of Amarendra Nath Mondal, Harendra Nath Mondal, Dwijendra Nath Mondal & Jitendra Nath Mondal, which was filed before the Court of Id Civil Judge (SD), Bankura being no. 50 of the year 1995. Ld Court decided the suit on merit and drawn final decree by allocating separate portion to each co-sharer by metes and bounds partition. In the partition suit Souma Mondal, Purnima Mondal, Rupendra Kumar Mondal, Sanjoy Ghosh, Anindita Ghosh & Subhra Mondal was impleaded as defendant no. 31 to 36. In accordance to decree of partition in RS plot no. 17 specific and demarcated 20 decimal being partition plot no. 17/9 allocated to them. They during their enjoyment and possession transferred their entire portion to Nirmala Pal through Deed of sale registered at office of ARA III, Kolkata being no. 1842 of the year 2010. Nirmala Pal during her enjoyment and possession transferred demarcated 20 decimal land to Uttam Kumar Samanta through Deed of sale registered at office of DSR, Bankura being no. 010100404 of the year 2020 and Deed of sale registered at office of DSR, Bankura being no. 010100407 of the year 2020. On the other hand Ananta Brata Mondal, who was defendant no. 30 of the afore mentioned partition suit being no. 50 of the year 1995, through final decree of Partition from RS plot no. 17 separate specific and demarcated partition plot being no. 17/7 measuring 5.8 decimal and partition plot being no. 17/8 measuring 9.7 decimal got in his allocation. Ananta Brata Mondal during his enjoyment and possession of specific allocated portion relinquished the Earth. As per declaration swear before the Id Executive Magistrate he left behind Ashis Kumar Mondal, Malay Mondal, Debashis Mondal and Maya Mondal as his legal heirs and successors, who inherited his entire estate. All the descendents of Ananta Brata Mondal jointly transferred entire 15.50 decimal land being partition plot no. 17/7 &

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17/8 to Uttam Kumar Samanta through Deed of sale registered at office of ARA II, Kolkata being no. 7158 of the year 2019. I have found mutation entries standing in the name of Uttam Kumar Samanta under LR for being no. 3493 of Khudsole Mouza having JL no. 228 under P.S. & Dist - Bankura.

Discussion on perusing all the above referred documents and instruments prepared on the basis of those documents:-

I have perused the Deed and compared the boundary mentioned in those deeds and found that the properties appertain to above referred deed standing in the name of Uttam Kumar Samanta, Deboshri Samantam, Madan Mohan Samanta & Rajkumar Samanta is adjacent to each other and through above referred deed they have total 13.12 decimal land in plot no. 16, 33.88 decimal land in plot no. 17 and 18.62 decimal land in plot no. 19 of Khudsole Mouza having JL no. 228 under P.S. & Dist - Bankura. They jointly have entered into a Development Agreement with SAMANTA INFRACON PRIVATE LIMITED in respect of their land in accordance to which a Development Agreement has executed, which has been registered at office of DSR, Bankura being no. 010100926 of the year 2023. A development POA executed accordingly which registered at office of DSR, Bankura being no. 010101015 of the year 2023. I have perused the Development agreement and found that owner's allocation and developer's allocation mentioned in the Development Agreement. After execution and registration of Development Agreement plan was submitted before the Bankura Municipality for sanction and the competent authority be pleased to sanction plan for construction of B+G+7 apartment over and upon the property. After sanction of plan allocation redefined and fresh allocation allotted to owner and developer through Deed of declaration registered at office of DSR, Bankura being no. 01010519 of the year 2023. I have perused the report provided by the Court of Id Civil Judge and found that no suit yet filed or pending for and against the borrower disputing title and possession. Thereby I am of consideration that title and possession of the owner and developer over and upon the property appertain to Development Agreement registered at office of DSR, Bankura being no. 010100926 of the year 2023 is undisputed and settled.

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SCHEDULE

ALL THAT the piece and parcel of land specifically shown with red ink in the map attached as part of this development agreement measuring 13.12 decimal land in plot no. 16, 33.88 decimal land in plot no. 17 and 18.62 decimal land in plot no. 19 classified as Bastu of Khudsole Mouza having JL no. 228 near to Christandanga Road in Ward no. 11 of Bankura Municipality under P.S. & Dist - Bankura under P.S. & Dist - Bankura which stands in LR ror as follows:-

Pl no	Kh no	Measurement
16	3537	3.82 decimal
16	3843	9.30 decimal
17	3493	33.88 decimal
19	3804	6.70 decimal
19	3878	5.2 decimal
19	3887	6.72 decimal

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