

# Chinmay Sarkar

## Advocate

*Siliguri Bar Association*  
Room No.6

*Residence Cum Chamber*  
Beside Rathkhola Math,  
Rathkhola, P.O. Rabindra Sarani  
P.S. Siliguri-734006  
District Darjeeling  
98320-63484 (Mob.)  
70633-07012 (Mob.)  
E-Mail - csarkar004@gmail.com

Ref:

Date: 31-07-2024

### SUB: TITLE INVESTIGATION REPORT.

Re: Search-Cum-Title investigation opinion of Land measuring **0.08 Acre**, recorded in L.R. Khatian No. 109 (Old) & 337 (New), appertaining to part of R.S. Plot No. 384, corresponding L.R. Plot No. 689, Situated within Mouza Gourcharan, J.L. No. 103(81), Touzi No. 91, Pargana Patharghata, Under Gram Panchayet Area, Registry office at Additional District Sub-Registrar Bagdogra, Within the jurisdiction of P.S. Matigara, District Darjeeling, in the state of West Bengal, owned by Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma, resident of Markang PW, Near Sec. School, Chujachen GPU, P.O. & P.S. Rongli, Pin No. 737131, District East Sikkim (Sikkim).

AND

I have carefully looked through the photocopies of muniments and other related papers of the said land as mentioned in annexures 1 to 12 hereinbelow and I have carefully conducted searches for the said property as stated in this report.

#### 1. Source of Ownership

Whereas one Smt. Bhagirathi Devi, Wife of Late Raj Narayan Prasad, was the absolute recorded owner of Land measuring 1.04 Acres, recorded in R.S. Khatian No. 4/2, appertaining to part of R.S. Plot No. 384, Situated within Mouza Gourcharan, J.L. No. 103(81), Touzi No. 91, Pargana Patharghata, Within the jurisdiction of P.S. Matigara, District Darjeeling, and the record was published during the Revisional Settlement Survey held by the Government of West Bengal on the year of 1953, since then in his khas actual and physical possession having permanent, heritable and transferable right, title and interest therein.

Whereas being owner in such possession said Smt. Bhagirathi Devi, Wife of Late Raj Narayan Prasad, had mutated her name at the office of the B.L. & L.R.O. Matigara in respect of her said landed property and therefore a new khatian had been issued in her favour vide L.R. Khatian No. 109, Bearing L.R. Plot No. 689, since then in her khas actual and physical possession having permanent, heritable and transferable right, title and interest therein.

Whereas being owner in such possession said Smt. Bhagirathi Devi, Wife of Late Raj Narayan Prasad, had executed a registered General Power of Attorney being No. IV-54 for the year of 1998 registered at the office of the Additional District Sub-Registrar Siliguri, to and in favour of Sri Nabin Prasad Gupta, Son of Late Raj Narayan Prasad, to transfer her said landed property along with other plot of landed property to and In favour of other intending purchaser/s.

Thereafter said Sri Nabin Prasad Gupta, Son of Late Raj Narayan Prasad, being the constituted attorney of Smt. Bhagirathi Devi, Wife of Late Raj Narayan Prasad, sold and transferred her Land measuring 5 Katha or 0.083 Acre out of her total landed property, recorded in L.R. Khatian No. 109, appertaining to part of R.S. Plot No. 384, corresponding L.R. Plot No. 689, Situated within Mouza Gourcharan, J.L. No. 103(81), Touzi No. 91, Pargana Patharghata, Within the jurisdiction of P.S. Matigara, District Darjeeling, to and in favour of Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma, by virtue of a registered Deed of Sale being No. I-2222 for the year of 1998 recorded in Book No. I Volume No. 39 Pages from 59 to 66 registered at the office of the then Additional District Sub-Registrar Siliguri.



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Whereas being owner in such possession said Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma, had mutated his name at the office of the B.L. & L.R.O. Matigara in respect of his land measuring 0.08 Acre out of his total Land measuring 5 Katha or 0.083 Acre and therefore a new khatian had been issued in his favour vide L.R. Khatian No. 337, Bearing L.R. Plot No. 689, and thereafter he also converted his said plot of land's classification to "Bastu" vide Memo No. 3146/Mtg Dated 06.08.2019 since then in his khas actual and physical possession having permanent, heritable and transferable right, title and interest therein.

Whereas being owner in such possession said Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma, have decided to develop his Land measuring 0.08 Acre by making a Four Storied Residential Building as per the Plan vide Order No. 23/MPS, duly approved by Matigara Panchayet Samity, Dated 16.01.2024 upon his said landed property measuring 0.08 Acre therefore he had entered into a registered Development Agreement being No. I-844 for the year of 2024 recorded in Book No. I Volume No. 403 Pages from 17880 to 17899 registered at the office of the Additional District Sub-Registrar Bqagdogra, with M/s Omhans Buildcity Private Limited, a Private Limited Company, represented by its director namely Sri Raju Shah, Son of Sri Ashok Shah.

Whereas being owner in such possession said Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma, executed a registered Development Power of Attorney being No. I-850 for the year of 2024 recorded in Book No. I Volume No. 403 Pages from 17866 to 17879 registered at the office of the Additional District Sub-Registrar Bqagdogra, to and in favour of Sri Raju Shah, Son of Sri Ashok Shah, director of M/s Omhans Buildcity Private Limited, a Private Limited Company, to transfer the Developer's Allocated Area/s to and in favour of other intending purchaser/s.

Thereafter the said developer namely M/s Omhans Buildcity Private Limited, a Private Limited Company, represented by its director namely Sri Raju Shah, Son of Sri Ashok Shah, started to construct the said Four Storied Residential Building upon the said plot of land measuring 0.08 Acre under the name and style of "VASUDEVA NIVAAS" as per Sanctioned Building Plan vide Order No. 23/MPS, duly approved by Matigara Panchayet Samity, Dated 16.01.2024.

I also peruse a Land Khazna & Panchayet Tax receipt that the name of the present owner has also been recorded in Gram Panchayet relating to his land and building for which the present owner has paid the revenue/tax in his name in the said Land Khazna & Panchayet Tax receipt upto 1431. I also peruse the copy of approved Four Storied Building plan for construction. I have carefully conducted searches with respect to the land in question in the A.D.S.R.O., Siliguri & Bagdogra (Now) from 1991 to 2024 and in the D.S.R.O., Darjeeling from 2000 to 2024. During the time of searching in the said offices, the available records of the S.R.Os. have reflected nothing regarding the transfer of the said land by the present owner. I also collected the Govt. land information certificate of the said land from the B.L. & L.R.O. Matigara wherein I do not find any irrelevancy. I also submitted six applications in the courts of the Ld. Civil Judges, Senior Division and Junior Division, Siliguri respectively and the concerned official of the said respective courts found nothing against the filing and/or pending any suit against the past and present owner in respect of the said land during the period from 2013 to 2024 which are reflected in the court information slips.

**2. OPINION :** - In the light of this searching and upon gleaning the Muniments, Govt. land tax receipt, Panchayet tax receipt, L.R. Khatian, Approved building plan, and on the basis of the available records of S.R.Os, BL & LRO and Courts, I am of the opinion that the land in question is found to be marketable and free from all encumbrances. The said land is neither covered under the provisions of



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the Urban Land (Ceiling & Regulation) Act, 1976 nor exceeded the ceiling area as prescribed in WBLR Act, 1955. The land in question may be accepted for equitable mortgage by accepting the relevant ORIGINAL TITLE DEED and other related documents for the same. The boundary of the land in question as per the said title deed is : by North : Land of Chhedup Lama; by South : Sold land of Santi Gopal Banik; by East : Sold land of Bhagirathi Devi; by West : 16 Ft. Wide Metal Road.

### 3. ANNEXURES:-

- (i) Original Development Agreement being No. I-844 for the year of 2024 recorded in Book No. I Volume No. 403 Pages from 17880 to 17899 and the same was registered at the office of the Additional District Sub Registrar Bagdogra, executed between Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma (Owner) along with M/s Omhans Buildcity Private Limited, a Private Limited Company, represented by its director namely Sri Raju Shah, Son of Sri Ashok Shah, (Developers).
- (ii) Original Development Power of Attorney being No. I-850 for the year of 2024 recorded in Book No. I Volume No. 403 Pages from 17866 to 17879 and the same was registered at the office of the Additional District Sub Registrar Bagdogra, in favour of Sri Raju Shah, Son of Sri Ashok Shah, director of M/s Omhans Buildcity Private Limited, a Private Limited Company (Developers).
- (iii) Original Deed of Sale being No. I-2222 for the year of 1998 recorded in Book No. I Volume No. 39 Pages from 59 to 66 registered at the office of the then Additional District Sub-Registrar Siliguri, in the name of Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma.
- (iv) Photocopy of General Power of Attorney being No. IV-54 for the year of 1998 registered at the office of the Additional District Sub-Registrar Siliguri, in the name of Sri Nabin Prasad Gupta, Son of Late Raj Narayan Prasad.
- (v) Photocopy of R.S. Khatian No. 4/2 in the name of Smt. Bhagirathi Devi, Wife of Late Raj Narayan Prasad.
- (vi) Original L.R. Khatian No. 337 in the name of Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma.
- (vii) Original Conversion Certificate vide Memo No. 3146/Mtg in the name of Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma.
- (viii) Original Land Khazna Dakhila being No. REVREC2024040104969 in the name of Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma.
- (x) Original Panchayet Tax Receipt from Matigara-II Gram Panchayet vide No. 0515 in the name of Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma.
- (xi) Original Plan Order vide Order No. 23/MPS/Planning in the name of Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma.
- (xii) Original Sanctioned Building Plan vide Order No. 23/MPS, duly approved by Matigara Panchayet Samity, in the name of Sri Udai Chandra Sharma, Son of Late Hari Prasad Sharma.



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(xiii) Photocopy of Memorandum and Articles of Association of M/s Omhans Buildcity Private Limited, a Private Limited Company vide CIN No. U70109WB2018PTC227756.

(xiv) Photocopy of ROC of Omhans Buildcity Private Limited, a Private Limited Company.

(xvii) Photocopy of Pan Id. of Omhans Buildcity Private Limited, a Private Limited Company, vide No. AACCO7756J.



(Chinmay Sarkar)  
Advocate/Siliguri.