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Date.....11.07.2012.....

REPORT ON TITLE

Re : ALL THAT piece or parcel of land messuages hereditaments and premises containing by estimation an area of 1 (one) Bigha 7 (seven) Chittak 43 (forty three) Square feet be the same a little more or less recorded in C.S. Dag Nos. 1569 & 1570 under C.S. Khatian No. 760/12 of the District Settlement Record of Right, of Mouza – Chandpur, J.L. No. 41, District Registrar Office at Alipore, Additional District Sub Registrar Office at Alipore, Police Station : Regent Park, previously Tollygunge, District : South 24-Parganas, together with old building standing thereon lying and situate at and being Premises No.12, Chandi Ghosh Road, Kolkata 700 040.

A Patta executed and registered on 28th August, 1934, with the Office of the D.R. Alipore, by Sri Ram Gopal Das Naskar and others of Rasa Shibpur, P.S. Tollygunge, District : 24-Parganas, in favour of Sri Sudha Ranjan Brahmachari, son of Late Bhagabati Charan Brahmachari, of 17B, Sree Mohan Lane, P.S. Tollygunge, District : 24-Parganas, recorded in Book No. I, Volume No. 88, Pages 264 to 266, Being No. 3626 for the year 1934, in respect of C.S. Dag No. 1569 and 1570 which are/ were recorded as Danga and Doba land and comprising an area of 39 and 15 Sataks respectively, total area 54 Sataks, under C.S.

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Khatian No. 760/12 of Mouza – Chandpur, J.L. No.41 and on the same day i.e. on 28th August, 1934, a Kabuliyat executed and registered by the said Sri Sudha Ranjan Brahmachari, son of Late Bhagabati Charan Brahmachari, of 17B, Sree Mohan Lane, P.S. Tollygunge, District : 24-Parganas, in favour of Sri Ram Gopal Naskar and others in respect of C.S. Dag Nos.1569 and 1570 which are / were recorded as Danga and Doba Land and comprising an area of 39 and 15 Sataks respectively i.e. total 54 Sataks, of Mouza – Chandpur, J.L. No. 41, P.S. Tollygunge, District : 24-Parganas, claiming the permanent right of tenancy in those plots termed as Mourashi Mocarari Chirasthayee Sattwa Kabuliyat. The Kabuliyat was registered with the Office of D.R. Alipore, recorded in Book No. I, Volume No. 88, Pages 267 to 269, Being No. 3627 for the year 1934.

The body of the said Kabuliyat speaks that under the said terms of the Kabuliyat, Landlords Sri Ram Gopal Das Naskar and others executed a Patta received by the Executant of the Kabuliyat. But the said patta is not available at present. Therefore, the question is arising whether by the said Kabuliyat the executant and/or his successors have acquired any permanent right of the said property. But from the facts and circumstances, it appears that the Landlords Ram Gopal Das Naskar and others granted the rent receipt to the Executant of the said

Adv.

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registered Kabulyat on accepting the said Kabulyat and during their life time they have granted rent receipts accepting the rent in terms of the said Deed of Kabulyat. Therefore, the said acceptance of rent and granting receipts prove that the present owners are the tenants of the said land although the mere execution of the Kabulyat will not give that status as enunciated in (Assaram Vs Ramkali) 1950 SCR P 986 and 1952 SCR P 280.

Meanwhile, it cannot be out of place to mention that the said Kabulyat speaks the said Settlement for erecting pucca structure, digging tank and inducting tenants and/or to utilize the said land to do all such things which the Kabulyat-data thinks fit and necessary and the said tenancy shall be effective to his successors.

1. Sudha Ranjan Brahmachari during his life time acquired and owned ALL THAT piece and parcel of a land together with all buildings, trees, privileges, easements and appurtenances All That a piece of land belonging to or in anyway appertaining or usually hold or occupied therewith or reputed to belong or be appurtenant thereto known and numbered as Premises No. 12, Chandi Ghosh Road, P.S. Regent Park, originally under P.S.



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Sadar Tollygunge, District : South 24-Parganas, comprised in Dag Nos. 1569 and 1570, Khatian No. 760/12, J.L. No. 41, Mouza - Chandpur, formerly P.S. Sadar Tollygunge, now Regent Park, District : 24-Parganas, at present District : South 24-Parganas.

2. Said Sudha Ranjan Brahmachari was a male Hindu and he died intestate on 18th December, 1962, leaving behind him surviving the following legal heirs being relatives specified in I of the Schedule to Section 8 of the Hindu Succession Act, 1956.

- i) Tarak Nath Brahmachari : Son
- ii) Biswa Nath Brahmachari : Son
- iii) Sambhu Nath Brahmachari : Son
- iv) Bholu Nath Brahmachari : Son
- v) Labannya Bala Debi : Widow
- vi) Uma Rani Kushari nee Brahmachari : Daughter
- vii) Radharani Banerjee nee Brahmachari : Daughter
- viii) sabitarani Chakraborty nee Brahmachari : Daughter

 3. According to provision of Sec. 8 of the Hindu Succession Act, 1956, the aforesaid legal heirs jointly inherited the Premises No.

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12, Chandi Ghosh Road, P.S. Regent Park, Kolkata 700 040,
District : South 24-Parganas and each of them got undivided 1/8th
(one-eighth) share in the said premises.

4. Smt. Labannya Bala Brahmachari, wife of Late Sudha Ranjan Brahmachari, died intestate on 14th December, 1989, leaving behind her four sons namely, Tarak Nath Brahmachari, Biswanath Brahmachari, Sambu Nath Brahmachari and Bhola Nath Brahmachari and three daughters namely, Uma Rani Kushari nee Brahmachari, Radha Rani Banerjee nee Brahmachari and Sabita Rani Chakraborty nee Brahmachari as her legal heirs who became the joint owners of the property each having undivided 1/7th (one-seventh) share in the aforesaid property.
5. The said Tarak Nath Brahmachari and his three brothers by a Deed of Sale, sold transferred and conveyed land measuring 2 Cottahs 7 Square feet unto and in favour of Sanghamani Chakraborty, registered with the Office of D.R. Alipore, recorded and/or transcribed in Book No. I, Volume No. 232, Pages 153 to 164, Being No. 11565 for the year 1986.

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6. The said Uma Rani Kushari, Radha Rani Banerjee and Sabita Rani Chakraborty have jointly executed a Deed of Gift dated 30th November, 1991, in favour of Tarak Nath Brahmachari, Biswa Nath Brahmachari, Sambhu Nath Brahmachari and Bhola Nath Brahmachari, each having undivided 1/4th share in the aforesaid premises. The said Deed of Gift was registered with the Office of the D.S.R. Alipore, recorded in Book No. I, Volume No. 286, Pages 227 to 234, Being No. 17242 for the year 1991.
7. The said Tarak Nath Brahmachari, Biswa Nath Brahmachari, Sambhu Nath Brahmachari and Bhola Nath Brahmachari became joint owners of the property at Premises No. 12, Chandi Ghosh Road, Kolkata 700 040.
8. The said Tarak Nath Brahmachari, Biswa Nath Brahmachari, Sambhu Nath Brahmachari and Bhola Nath Brahmachari executed Development Agreement in favour of M/s. Mitra & Guha Company registered with the Office of D.S.R. Alipore, recorded in Book No. I, Volume No. 305, Pages 450 to 459, Being No. 18230 for the year 1991.



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9. The said Tarak Nath Brahmachari, Biswa Nath Brahmachari, Sambhu Nath Brahmachari and Bhola Nath Brahmachari jointly entered into an Agreement with M/s. Dutta & Company for negotiation in respect of development of the land at Premises No. 12, Chandi Ghosh Road, land measuring 9 Cottahs 2 Chittaks 37 Square feet, be it a little more or less being a portion of land measuring 1 Bigha 8 Chittaks 15 Square feet comprised in the said premises.
10. The said M/s. Dutta & Company executed a Deed of Release in favour of M/s. Mitra & Guha Company wherein it was mentioned that the M/s. Dutta & Company or its Proprietor Sri Madhu Sudan Dutta in connection with the said land shall be extinguished / disclaimed forever and the said M/s. Dutta & Company shall not be entitled to any claim or demand of any money from Tarak Nath Brahmachari and others on any account whatsoever.
11. The said Tarak Nath Brahmachari died intestate on 12th October, 1995, leaving behind his widow, Smt. Gouri Brahmachari and two sons namely, Joy Brahmachari and Jayanta Brahmachari and



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three daughters namely, Smt. Sumana Chakraborty, Smt. Sumitra Lahiri and Smt. Chandrima Brahmachari as his legal heirs in respect of his undivided $1/4^{\text{th}}$ (one-fourth) share in the property at Premises No. 12, Chandi Ghosh Road, Kolkata 700 040, as such, the heirs of said Tarak Nath Brahmachari, are entitled to get $1/24^{\text{th}}$ share each of the said property.

12. By a Deed of Gift dated 19th August, 1997, made and executed by the said Sumana Chakraborty, Sumitra Lahiri and Chandrima Brahmachari as Donors therein in favour of Sri Jay Brahmachari and Jayanta Brahmachari as the Donees therein, registered with the Office of Additional District Sub Registrar at Alipore and recorded in Book No. I, Volume No. 201, at Pages 399 to 408, Being No. 5216 for the year 1998, transferred and conveyed their $1/8^{\text{th}}$ (one-eighth) share to the Donees of the aforesaid property. Now, Joy Brahmachari and Jayanta Brahmachari have got $5/24$ (five-twentyfourth) share and the said Gouri Brahmachari has got $1/24^{\text{th}}$ (one-twentyfourth) share in the undivided property at 12, Chandi Ghosh Road, Kolkata 700 040, as joint owners.

13. The said Biswa Nath Brahmachari died intestate on 22nd December, 2007, leaving behind him surviving his wife Smt.



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- Rina Brahmachari and only daughter Smt. Japamala Mukherjee as his legal heiresses and legal representatives in respect of his undivided 1/4th (one-fourth) share in the aforesaid property at Premises No. 12, Chandi Ghosh Road, kolkata 700 040.
14. The said Rina Brahmachari died intestate on 4th January, 2009, leaving behind surviving her only daughter Smt. Japamala Mukherjee, wife of Abhijit Mukherjee, as her only heiress and legal representative in respect of her undivided 1/4th (one-fourth) share in the property at Premises No. 12, Chandi Ghosh Road, Kolkata 700 040. Now, said Japamala Mukherjee has got 1/4th undivided share in the aforesaid property as well as Joint owners of the same.
15. The said Sambhu Nath Brahmachari and Bhola Nath Brahmachari are the joint owners having undivided 1/4th share each in the said property at Premises No. 12, Chandi Ghosh Road, kolkata 700 040, along with other co-sharers and/or co-owners.
16. Deed of Declaration recorded in Book No. I, C.D. Volume No. 13, Pages 3128 to 3139, Being No. 03104 for the year 2011,

[Handwritten Signature]

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executed by (1) Smt. Gouri Brahmachari, (2) Sri Joy Brahmachari, (3) Sri Jayanta Brahmachari, (4) Sri Sambhu Nath Brahmachari, (5) Smt. Japamala Mukherjee and (6) Sri Bholanath Brahmachari, registered with the Office of A.D.S.R. Alipore ;

17. A Deed of Gift recorded in Book No. I, C.D. Volume No. 13, Pages 3140 to 3153, Being No. 03103 for the year 2011, executed by (1) Smt. Gouri Brahmachari, (2) Sri Joy Brahmachari, (3) Sri Jayanta Brahmachari, (4) Sri Sambhu Nath Brahmachari, (5) Smt. Japamala Mukherjee and (6) Sri Bholanath Brahmachari, to The Kolkata Municipal Corporation, registered with the Office of A.D.S.R. Alipore, District : South 24-Parganas ;

18. A Deed of General Power of Attorney recorded in Book No. IV, Volume No. 3, Pages from 790 to 801, Being No. 00935 for the year 2011, executed by (1) Smt. Gouri Brahmachari, (2) Sri Joy Brahmachari, (3) Sri Jayanta Brahmachari and (4) Sri Sambhu Nath Brahmachari in favour of Sri Bholanath Brahmachari, registered with the Office of A.D.S.R., Alipore, District : South 24-Parganas ;

JKR

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I further certify that as per records available except the above entries, no entry whatsoever has been found in Index – II (Book) relating to the above mentioned premises with the above mentioned Offices. I have gathered information from the Kolkata Municipal Corporation that the above mentioned premises have recorded in the name of (1) Smt. Gouri Brahmachari, (2) Sri Joy Brahmachari, (3) Sri Jayanta Brahmachari, (4) Sri Sambhu Nath Brahmachari, (5) Smt. Japamala Mukherjee and (6) Sri Bholanath Brahmachari.

Further I have gone through the Development Agreement dated 25.04.2011 which was made by and between the above mentioned Owners and M/s. Mitra & Guha Company wherein specifically mentioned in Clause 2.11 of Development Agreement that the rear portion of the construction work is to be completed first as per sanction by the K.M.C. and thereafter 2nd phase i.e. front portion of the construction work will be started after delivery of possession of Vendors' allocation of the newly constructed rear portion of the premises. In this connection, a Building Plan was sanctioned by the K.M.C. being Plan No. 2012100085 dated 22.06.2012.

Praniti

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In the above circumstances, I am of the opinion that the owners of Premises No. 12, Chandi Ghosh Road which is curved out of C.S. Dag No. 1569 and 1570, Khatian No. 760/12 of Mouza – Chandpur, J.L. No. 41, P.S. Tollygunge, at present Regent Park, Kolkata 700 040, District : South 24-Parganas, are the absolute owners of the aforesaid premises.

So far as, the said premises is free from encumbrances, liens, lispendens whatsoever.

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