

UTPAL CHAKRABORTY**ADVOCATE / NOTARY**

Appointed by the Govt. of India.

SILIGURI BAR ASSOCIATION.

SILIGURI COURT, SILIGURI.

Residence Cum ChamberBhaktinagar (West),
Behind Satsanga Ashram,
P. O. & P. S. Bhaktinagar,
District Jalpaiguri-734007.

Phone No : 0353-269164

Cell : 94750-86195

: 98324-24320

Mail ID : utpaladvslg@gmail.com

Ref. No.....

ANNEXURE - A**REPORT OF INVESTIGATION OF TITLE IN RESPECT
OF IMMOVABLE PROPERTY**

1.	a) Name of the Branch/ Business Unit/Office seeking opinion.	TO WHOM IT MAY CONCERN
	b) Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded.	NIL
	c) Name of the Borrower/Owner.	Dr. Maitreyee Kar
2.	a) Name of the unit/concern/ company/person offering the property/ (ies) as security.	Dr. Maitreyee Kar
	b) Constitution of the unit/concern/ person/body/ authority offering the property for creation of charge.	Individual
	c) State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor, etc.)	Borrower/Owner
3.	Complete or full description of the immovable property/(ies) offered as security including the following details.	All that piece or parcel of land measuring 0.06 Acre or 6 Decimals, recorded in Old Khatian No. 201 corresponding to L. R. Khatian No. 2086, Part of R.S. Plot No. 169 corresponding to L.R. Plot No. 402, situated within Mouza Kawakhari, Pargana Patharghata, J.L. No. 72, Touzi No. 91, held under the State of West Bengal, Police Station Matigara, District Darjeeling.
	a) Survey No.	Old Khatian No. 201 corresponding to L. R. Khatian No. 2086, Part of R.S. Plot No. 169 corresponding to L.R. Plot No. 402, situated within Mouza Kawakhari, Pargana Patharghata, J.L. No. 72, Touzi No. 91, held under the State of West Bengal, Police Station Matigara, District Darjeeling.
	b) Door/House no. (in case of house property)	House/Holding No. NIL.
	c) Extent/ area including plinth/ built up area in case of house property	Land measuring 0.06 Acre or 3.6 Kathas.
	d) Locations like name of the place, village, city, registration, sub-district etc.	Boundaries of Land area- (As per Deed)



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Ref. No. _____
Boundaries.

North : Land of B.D. Chhetri and others, Dated

South : Land of Shipra Bhattacharya;

East : 26 Feet wide Metal Road;

West : Sold land of K.P. Roy.

Location: Mouza Kawakhari, Pargana Patharghata,
J.L. No. 72, Touzi No. 91, held under the State of
West Bengal, Police Station Matigara, District
Darjeeling.

4. a) Particulars of the documents scrutinized-serially and chronologically.
b) Nature of documents verified and as to whether they are originals or certified copies or registration extracts duly certified.

Note: Only originals or certified extract from the registering/land/revenue/other authorities be examined.

Sl. No.	Name/ Nature of the Document	Original/certified copy certified extract/ photocopy etc.	In case of copies, whether the original was scrutinized by the Advocate.
01	Deed Conveyance Being No. I- 04117 for the year 2010.	Original	Yes
02	Deed Conveyance Being No. I- 5931 for the year 1983.	Certified copy	Yes
03	Search receipt of A.D.S.R Bagdogra	Original	Yes
04	Khajna Receipt bearing No. 5606668 paid upto 1421 B.S.	Original	Yes
05	Original Attested Khatian bearing New Khatian No. 2086 of Mouza Kawakhari, Police Station Matigara, District Darjeeling.	Original	Yes



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Ref. No.....	Dated	
5.	Whether certified copy of all title documents are obtained from the relevant sub-registrar office and compared with the documents made available by the proposed mortgagor? (Please also enclose all such certified copies and relevant fee receipts along with the TIR.)	No.
6.	a) Whether the records of registrar office or revenue authorities relevant to the property in question are available for verification through any online portal or computer system?	No
	b) If such online/computer records are available, whether any verification or cross checking are made and the comments/ finding in this regard.	No
	c) Whether the genuineness of the stamp paper is possible to be got verified from any online portal and if so whether such verification was made?	No
7.	a) Property offered as security falls within the jurisdiction of which sub-registrar office?	Additional District Sub-Registrar Siliguri-II at Bagdogra, District Darjeeling.
	b) Whether it is possible to have registration of documents in respect of the property in question, at more than one office of sub-registrar/ district registrar/registrar- general. If so, please name all such offices?	Yes, Registration can possible in the following office:- i) Office of the District Sub-Registrar Darjeeling; ii) Office of the Additional District Sub-Registrar Siliguri-II at Bagdogra; iii) Office of the Registrar of Assurance-III at Kolkata.
	c) Whether search has been made at all the offices named at (b) above?	YES
	d) Whether the search in the offices of registering authorities or any other records reveal registration of multiple title documents in respect of the property in question?	NO
8.	Chain of title tracing the title from the oldest title deed to the latest title deed establishing title of the property in question from the predecessors in title/interest to the current title holder. And wherever Minor's interest or other clog on title is involved, search should be made for a further period, depending on the need for clearance of such clog on the Title.	



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Ref. No.	Case of property offered as security for loans of Rs. 1.00 crore and above, search of title/encumbrances for a period of not less than 30 years is mandatory. (Separate Sheets may be used)		Dated
	<p>That from the documents submitted to me and enclosed herewith it appears that Sri Lakshman Kumar Das became the owner of all that piece or parcel of land measuring 0.065 Acre or 6.5 Decimals, recorded in R.S. Khatian No. 8, R.S. Plot No. 169, situated within Mouza Kawakhari, J.L. No. 72, Touji No. 91, Pargana Patharghata, Police Station Matigara, District Darjeeling, in the State of West Bengal by virtue of a Deed of Sale registered at the then Sub-Registry Office, Siliguri and the same is recorded in Book No. I, being No. 5934 for the year 1983.</p> <p>ANDWHEREAS thereafter such purchase the above named Sri Lakshman Kumar Das has been recorded his name in R.O.R. and a new Khatian opened in his name being Khatian No. 201 of Mouza Kawakhari, Police Station Matigar, District Darjeeling for the land measuring 0.06 acres.</p> <p>AND WHEREAS being owner in such possession said Sri Lakshman Kumar Das sold and transferred all that piece or parcel of land measuring 3.6 Kathas or 0.06 acres to and in favour of Dr. Maitreyee Kar, Wife of Sri Chinmay Kar by a Deed of Conveyance registered on 28.05.2010 at Additional District Sub-Registry Office, Silligui - II at Bagdogra and the same is recorded in Book No. I, being No. 04117 for the year 2010, having permanent, heritable and transferable right, title and interest therein.</p>		
9.	Nature of Title of the intended Mortgagor over the Property (whether full ownership rights, Leasehold Rights, Occupancy/Possessory Rights or Inam Holder or Govt. Grantee/Allottee etc.)	The property is under the absolute ownership of Dr. Maitreyee Kar, as it appears from the documents submitted to me.	
10	If leasehold, whether;		
	a) lease Deed is duly stamped and registered	Not Applicable	
	b) lessee is permitted to mortgage the Leasehold right,	Not Applicable	
	c) duration of the Lease/unexpired period of lease,	Not Applicable	
	d) if, a sub-lease, check the lease deed in favour of Lessee as to whether Lease deed permits sub-leasing and mortgage by Sub-Lessee also.	Not Applicable	
	e) Whether the leasehold rights permits for the creation of any superstructure (if applicable)?	Does not arise	



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Ref No.	Right to get renewal of the leasehold rights and nature thereof.	Dated
		Does not arise
11	If Govt. grant/ allotment/ Lease-cum/ Sale Agreement, whether;	No.
	grant/agreement etc. provides for alienable rights to the mortgagor with or without conditions,	Does not arise
	the mortgagor is competent to create charge on such property,	Does not arise
	Whether any permission from Govt. or any other authority is required for creation of mortgage and if so whether such valid permission is available.	No.
12	If occupancy right, whether;	
	a) Such right is heritable and transferable,	Yes.
	b) Mortgage can be created.	Yes.
13	Nature of Minor's interest, if any and if so, whether creation of mortgage could be possible, the modalities/ procedure to be followed including court permission to be obtained and the reasons for coming to such conclusion.	Not Applicable
14	If the property has been transferred by way Gift/Settlement Deed, whether:	Does not arise
	a) The Gift/Settlement Deed is duly stamped and registered;	N.A
	b) The Gift/Settlement Deed has been attested by two witnesses;	N.A
	c) The Gift/Settlement Deed transfers the property to Donee;	N.A
	d) Whether the Donee has accepted the gift by signing the Gift/Settlement Deed or by a separated writing or by implication or by actions;	N.A
	e) Whether there is any restriction on the Donor in executing the gift/settlement deed in question;	N.A
	f) Whether the Donee is in possession of the gifted property;	N.A



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Ref. No.	Whether any life interest is reserved for the Donor or any other person and whether there is a need for any other person to join the creation of mortgage;	No.	Dated
	g) Whether any life interest is reserved for the Donor or any other person and whether there is a need for any other person to join the creation of mortgage;	No.	
	h) Any other aspect affecting the validity of the title passed through the gift/settlement deed.	No.	
15	(a) In case of partition/family settlement deeds, whether the original deed is available for deposit. If not the modality/procedure to be followed to create a valid and enforceable mortgage.	No.	
	(b) Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share.	Yes.	
	(c) Whether the partition made is valid in law and the mortgagor has acquired a mortgage able title thereon.	Not Applicable.	
	(d) In respect of partition by a decree of court, whether such decree has become final and all other conditions/ formalities are completed/ complied with.	Does not arise	
	(e) Whether any of the documents in question are executed in counterparts or in more than one set? If so, additional precautions to be taken for avoiding multiple mortgages?	Does not arise	
16	Whether the title documents include any testamentary documents /wills?	Does not arise	
	a) In case of wills, whether the will is registered will or unregistered will?	Does not arise	
	b) Whether will in the matter needs a mandatory probate and if so whether the same is probated by a competent court?	Does not arise	
	c) Whether the property is mutated on the basis of will?	Does not arise	
	d) Whether the original will is available?	Does not arise	
	e) Whether the original death certificate of the testator is available?	Does not arise	
	f) What are the circumstances and/or documents to establish the will in question is the last and final will of the testator? (Comments on the circumstances such as	Does not arise.	



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Ref	Ques.	Answers	Dated
	No. availability of a declaration by all the beneficiaries about the genuineness/ validity of the will, all parties have acted upon the will, etc., which are relevant to rely on the will, availability of Mother/ Original title deeds are to be explained.)	Does not arise	
17	(a) Whether the property is subject to any wakf rights?	Does not arise	
	(b) Whether the property belongs to church/ temple or any religious/other institutions having any restriction in creation of charge on such properties?	Does not arise	
	(c) Precautions/ permissions, if any in respect of the above cases for creation of mortgage?	Does not arise	
18	(a) Whether the property is a HUF/joint family property, mortgage is created for family benefit/legal necessity, whether the Major Coparceners have no objection/join in execution, minor's share if any, rights of female members etc.	Not Applicable	
	(b) Please also comment on any other aspect which may adversely affect the validity of security in such cases?	Not Applicable	
19	(a) Whether the property belongs to any trust or is subject to the rights of any trust?	Does not arise	
	(b) Whether the trust is a private or public trust and whether trust deed specifically authorizes the mortgage of the property?	Does not arise	
	c) If so additional precautions/ permissions to be obtained for creation of valid mortgage?	Does not arise	
	(d) Requirements, if any for creation of mortgage as per the central/state laws applicable to the trust in the matter.	Does not arise	
20	(a) If the property is Agricultural land, whether the local laws permit mortgage of Agricultural land and whether there are any restrictions for creation/ enforcement of mortgage.	Land in question is classified as Danga, therefore conversion is required for creation of mortgage.	
	b) In case of agricultural property other relevant records/documents as per local	Does not arise	



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Ref.	Ques.	Dated
	<p>...if any are to be verified to ensure the validity of the title and right to enforce the mortgage?</p> <p>(c) In the case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed/ permission obtained.</p>	<p>Land in question is classified as Danga, therefore conversion is required for creation of mortgage.</p>
21	<p>Whether the property is affected by any local laws or other regulations having a bearing on the creation security (viz. Agricultural Laws, weaker Sections, minorities, Land Laws, SEZ regulations, Costal Zone Regulations, Environmental Clearance, etc.),</p>	<p>No</p>
22	<p>(a) Whether the property is subject to any pending or proposed land acquisition proceedings?</p>	<p>No, the property is not subject to any pending or proposed land acquisition proceedings.</p>
	<p>b) Whether any search/enquiry is made with the Land Acquisition Office and the outcome of such search/ enquiry.</p>	<p>No.</p>
23	<p>(a) Whether the property is involved in or subject matter of any litigation which is pending or concluded?</p>	<p>No litigation is pending</p>
	<p>b) If so, whether such litigation would adversely affect the creation of a valid mortgage or have any implication of its future enforcement?</p>	<p>Does not arise</p>
	<p>(c) Whether the title documents have any court seal/marking which points out any litigation/ attachment/security to court in respect of the property in question? In such case please comment on such seal/marking.</p>	<p>Does not arise.</p>
24	<p>(a) In case of partnership firm, whether the property belongs to the firm and the deed is property registered.</p>	<p>Not Applicable</p>
	<p>(b) Property belonging to partners, whether thrown on hotchpot? Whether formalities for the same have been completed as per applicable laws?</p>	<p>Not Applicable</p>
	<p>(c) Whether the person(s) creating mortgage has/have authority to create mortgage for and on behalf of the firm.</p>	<p>Not Applicable</p>



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25	Whether the property belongs to a Limited Company, check the Borrowing power, Board resolution authorisation to create mortgage/execution of documents, Registration of any prior charges with the Company Registrar (ROC), Articles of Association/provision for common seal etc.	Dated
		Does not arise
26	In case of Societies, Association, the required authority/power to borrower and whether the mortgage can be created, and the requisite resolutions, bye-laws.	Does not arise
27	(a) Whether any POA is involved in the chain of title?	Does not arise
	(b) Whether the POA involved is one coupled with interest, i.e. a Development Agreement-cum-Power of Attorney. If so, please clarify whether the same is a registered document and hence it has created an interest in favour of the builder/developer and as such is irrevocable as per law.	Does not arise
	(c) In case the title document is executed by the POA holder, please clarify whether the POA involved is (i) one executed by the Builders viz. Companies/Firms/Individual or Proprietary Concerns in favour of their Partners/ Employees/ Authorized Representatives to sign Flat Allotment Letters, NOCs, Agreements of Sale, Sale Deeds, etc. in favour of buyers of flats/units (Builder's POA) or (ii) other type of POA (Common POA).	Does not arise
	(d) In case of Builder's POA, whether a certified a copy of POA is available and the same has been verified/compared with the original POA.	Does not arise
	(e) In case of Common POA (i.e. POA other than Builder's POA), please clarify the following clauses in respect of POA.	Does not arise
	i. Whether the original POA is verified and the title investigation is done on the basis of original POA?	Does not arise
	ii. Whether the POA is a registered one?	Does not arise
	iii. Whether the POA is a special or	Does not arise



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Ref.	General one?	Dated
	iv. Whether the POA contains a specific authority for execution of title document in question?	Does not arise
	(f) Whether the POA was in force and not revoked or had become invalid on the date of execution of the document in question? (Please clarify whether the same has been ascertained from the office of sub-registrar also?)	Does not arise
	g) Please comment on the genuineness of POA?	Does not arise
	h) The unequivocal opinion on the enforceability and validity of the POA?	Does not arise
28	Whether mortgage is being created by a POA holder, check genuineness of the Power of Attorney and the extent of the powers given therein and whether the same is properly executed/ stamped/ authenticated in terms of the Law of the place, where it is executed.	Does not arise
29	If the property is a flat/apartment or residential/commercial complex, check and comment on the following: (a) Promoter's/Land owner's title to the land/ building; (b) Development Agreement/Power of Attorney; (c) Extent of authority of the Developer/builder; (d) Independent title verification of the Land and/or building in question; (e) Agreement for sale (duly registered); (f) Payment of proper stamp duty; (g) Requirement of registration of sale agreement, development agreement, POA, etc.; (h) Approval of building plan, permission of appropriate/local authority, etc.; (i) Conveyance in favour of Society/ Condominium concerned; (j) Occupancy Certificate/allotment letter/letter of possession;	<p>Not applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>No</p> <p>Does not arise at this moment</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>No</p> <p>Not Applicable</p>



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Ref.	(No). Membership details in the Society etc.;	Dated
	(l) Share Certificates;	No
	(m) No Objection Letter from the Society;	No
	(n) All legal requirement under the local/Municipal laws, regarding ownership of flats/Apartments/ Building Regulations, Development Control Regulations, Co-operative Societies' Laws etc.;	No
	(o) Requirements, for noting the Bank charges on the records of the Housing Society, if any;	No
	(p) If the property is a vacant land and construction is yet to be made, approval of lay-out and other precautions, if any.	Not applicable
	(q) Whether the numbering pattern of the units/flats tally in all documents such as approved plan, agreement plan, etc.	Not applicable
		Not applicable
30	Encumbrances, Attachments, and/or claims whether of Government, Central or State or other Local authorities or Third Party claims, Liens etc. and details thereof.	The property in question is free from all encumbrances.
31	The period covered under the Encumbrances Certificate and the name of the person in whose favour the encumbrance is created and if so, satisfaction of charge, if any.	1988 - 2019.
32	Details regarding property tax or land revenue or other statutory dues paid/payable as on date and if not paid, what remedy?	The land Revenue/Khajna has been paid upto 1413 (B.S.). Upto date Revenue has to be paid.
33	(a) Urban land ceiling clearance, whether required and if so, details thereon. (b) Whether No Objection Certificate under the Income Tax Act is required/obtain.	NO I did not make any enquire at the Income Tax department.
34	Details of RTC extracts/mutation extracts/Katha extracts pertaining to the property in question.	Attested copy of Khatian in respect of the land measuring 3.6 Kathas or 0.06 acres has been done in the name of Dr. Maitreyee Kar at the concerned B.L. & L.R.O's Office.
35	Whether the name of mortgage is reflected as owner in the revenue/	Yes.



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Ref.	Municipal/Village records?	Dated
36	(a) Whether the property offered as security is clearly demarcated? (b) Whether the demarcation/ partition of the property is legally valid? (c) Whether the property has clear access as per documents?	Yes Yes Yes
37	Whether the property can be identified from the following documents, and discrepancy/doubtful circumstances, if any revealed on such scrutiny? (a) Document in relation to electricity connection; (b) Document in relation to water connection; (c) Document in relation to Sales Tax Registration, if any applicable; (d) Other utility bills, if any;	Not given Not given Not given Not given
38	In respect of the boundaries of the property, whether there is a difference/ discrepancy in any of the title documents or any other documents (such as valuation report, utility bills, etc.) or the actual current boundary? If so please elaborate/comment on the same.	No
39	If the valuation report and/or approved/ sanctioned plans are made available, please comment on the same including the comments on the description and boundaries of the property on the said document and that in the title deeds. (If the valuation report and/or approved plan are not available at the time of preparation of TIR, please provide these comments subsequently, on making the same available to the advocate.)	Not given
40	Any bar/restriction for creation of mortgage under any local or special enactments, details of proper registration of documents, payment of proper stamp duty etc.	Not Applicable



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41	Whether the Bank will be able to enforce SARFESI Act, if required against the property offered as security?	Yes, only after creation of equitable mortgage by depositing the original registered Deed of Conveyance and also other relevant documents in the name of Dr. Maitreyee Kar.
42	In case of absence of original title deeds, details of legal and other requirements for creation of a proper, valid and enforceable mortgage by deposit of certified extracts duly certified etc., as also any precaution to be taken by the Bank in this regard.	Not Applicable.
43	Whether the governing law/ constitutional documents of the mortgagor (other than natural persons) permits creation of mortgage and additional precautions, if any to be taken in such cases.	Does Not arise
44	Additional aspects relevant for investigation of title as per local laws.	Not required
45	Additional suggestions, if any to safeguard the interest of Bank/ ensuring the perfection of security.	No
46	The specific persons who are required to create mortgage/to deposit documents creating mortgage.	Dr. Maitreyee Kar.

Date :

Place : Siliguri.



Dr. Maitreyee Kar
Signature of the Advocate

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Ref. No..... **ANNEXURE – B : CERTIFICATE OF TITLE/NON-ENCUMBRANCES** Dated

I have examined the Original Title Deed and other documents intended to be deposited relating to the schedule property and offered as security by way of **equitable mortgage** and that the documents of title referred to in opinion are valid evidence of Right, title and Interest and that if the said Equitable Mortgage is created, it will satisfy the requirements of creation of Equitable Mortgage and I further certify that:

2. I have examined the Documents in detail, taking into account all the Guidelines in the check list vide Annexure B and the other relevant factors.
3. I confirm having made a search in the Land/ Revenue records. I also confirm having verified and checked the records of the relevant Government Offices/Sub-Registrar(s) Office(s), Revenue Records, Municipal, Land Acquisition Office. I do not find anything adverse which would prevent the Title Holders from creating a valid Mortgage.
4. Following scrutiny of Land Records/ Revenue Records, relative Title Deed, certified copies of such Title Deed obtained from the concerned registrar office and encumbrance certificate (EC), I hereby certify the genuineness of the Title Deed. Suspicious/Doubt, if any, has been clarified by making necessary enquiries.
5. The property in question is free from all encumbrances, as could be seen from the Encumbrance Certificate for the period from 1988 to 2019 pertaining to the Immovable Property/(ies) covered by above said Title Deed. The property is free from all Encumbrances.
6. Minor/(s) and his/their interest in the property is to the extent of NIL (Specify the share of the Minor with Name). (Strike out if not applicable). –does not arise-
7. The Mortgage if created, will be available to the Bank for the Liability of the Borrower, Dr. Maitreyee Kar.
8. I certify that Dr. Maitreyee Kar has an absolute, clear and Marketable title over the Schedule property/ (ies). I further certify that the above Deed of Conveyance is genuine and a valid mortgage can be created and the said Mortgage would be enforceable.
9. In case of creation of mortgage by deposit of Title Deed, I certify that the deposit of following original Title Deed/ documents would create a valid and enforceable mortgage.

Sl. No.	Name/ Nature of the Document	Original/certified copy certified extract/ photocopy etc.	In case of copies, whether the original was scrutinized by the Advocate.

UTPAL CHAKRABORTY ADVOCATE / NOTARY Appointed by the Govt. of India. SILIGURI BAR ASSOCIATION. SILIGURI COURT, SILIGURI.	<u>Residence Cum Chamber</u> Bhaktinagar (West), Behind Satsanga Ashram, P. O. & P. S. Bhaktinagar, District Jalpaiguri-734007.	Phone No : 0353-269164 Cell : 94750-86195 : 98324-24320 Mail ID : utpaladvslg@gmail.com
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Ref. No.	Deed/Conveyance Being No. I-	Original	Dated
02	Deed Conveyance Being No. I- 04117 for the year 2010.	Original	Yes
03	Deed Conveyance Being No. I- 5931 for the year 1983.	Certified copy	Yes
04	Search receipt of A.D.S.R Bagdogra	Original	Yes
05	Khajna Receipt bearing No. 5606668 paid upto 1421 B.S.	Original	Yes
05	Original Attested Khatian bearing New Khatian No. 2086 of Mouza Kawakhari, Police Station Matigara, District Darjeeling.	Original	Yes

11. There are no legal impediments for creation of the Mortgage under any applicable Law/ Rules in force.

SCHEDULE OF THE PROPERTY

All that piece or parcel of land measuring 0.06 Acre or 6 Decimals, recorded in Old Khatian No. 201 corresponding to L. R. Khatian No. 2086, Part of R.S. Plot No. 169 corresponding to L.R. Plot No. 402, situated within Mouza Kawakhari, Pargana Patharghata, J.L. No. 72, Touzi No. 91, held under the State of West Bengal, Police Station Matigara, District Darjeeling.

This said property is butted and bounded as follows :

North : Land of B.D. Chhetri and others;

South : Land of Shipra Bhattacharya;

East : 26 Feet wide Metal Road;

West : Sold land of K.P. Roy.

Place: Siliguri.

Date:

Signature of the Advocate