

Dated: 7.01.2015

TO WHOM IT MAY CONCERN
Search Report

I. Background of the Title

- A. That at all material times one Nut Behari Adhikary a pious Hindu Governed by the Dayabhaga School, by dint of his labour and own resources acquired some properties and during his life time installed and established the above deities nameiy Sri Iswar Raj Rajeswar, Sri Sri Lakshmi Narayan, Sri Sri Iswar Sridhar Narayan and Sri Sri Satya Narayan Chaturbhuj Murti in a temple within his dwelling house at 27, Shitalatala Lane, Kolkata- 700011, and used to worship the said deities and perform regular seva pujas in a befitting manner.
- B. To ensure a regular source of income for such performances of Seva Pujas and other festivals, the said Nut Behari Adhikary executed a Deed of "Arpannama" duly registered on 14.09.1949 at the office of the S. R. Sealdah and recorded in Book No.-1, Volume No.36, pages No.66 to 71, Being No.1915 thereby consecrating the properties unto and in favour of the said deities and divested himself of his rights, title and interest therein and continued to perform regular Seva Puja and other festivals.
- C. The said Nut Behari Adhikary died on 18.09.1949 and in terms of the direction of the said deceased as envisaged in the said "Arpannama", his only son and male heir Jagannath Adhikary became the next shebait who thereafter carried on with the desires of the settlor as a pious and devout Shebait.
- D. With the passage of time, the debutter properties which the settlor acquired during his life time and which were let out to different tenants for accruing of income to defray the expenses of the said debutter became seriously dilapidated and the old tenants aided and abated by unauthorized occupants stopped payment of rents whereas the temple and the dwelling complex where the deities are located being very very old needed immediate renovation for which the said shebait has no money thereby making it difficult for them to maintain the Estate.
- E. Under such and other compelling circumstances, the said shebait has left with no alternatives and decided /offered to sell the debutter properties on "as is where is basis" and to invest the residue of the sale proceeds upon meeting the expenses of repairs of the temple and the dwelling house for collection of interest to maintain the activities of the said debutter and on coming to know of the said intention, the Purchaser i.e. M/s. Shree Krishna Projects of 78, Bentinck Street, 5th Floor, P.O. & P.S. Bowbazar, Kolkata-700001 (previously 133, Canning Street, Kolkata-700001) had offered to purchase the said debutter properties on "as is where is basis" for a total consideration of Rs. 30,00,000/- (Rupees Thirty Lakh) Only being the highest market price available in the said locality.
- F. Accordingly, the said shebait for the benefit and welfare of the deities and the debutter estate preferred an application as a petitioner in the Court of the Learned District Judge Alipore being Misc. Case No.781 of 2008 (under the appropriate provision of Indian Trust Act, 1882) praying inter alia for a leave to sell the debuttar properties in favour of the purchaser 'M/s. Shree Krishna Projects', by which it is known and registered but 'Shree' was inadvertently spelt as, 'Sri', as mentioned above, and the said debuttar properties are morefully described in Schedule A (i) & A (ii) of the said application and

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1st Schedule, and 2nd Schedule hereunder written at such consideration as stated hereinabove otherwise free from encumbrances.

- G In pendency of the said Misc application, the previous petitioner Jagannath Adhikary died on 29.10.2008 and consequent thereto the Said **Sri Manoj Patnaik** as new shebait applied for substitution of his name as the petitioner/shebait, as the said deceased in exercise of the choice of appointment of new shebait as contemplated in the said "Arpannama" during his life time appointed the Said **Sri Manoj Patnaik** as new shebait in place and stead of him.
- H The said **Sri Manoj Patnaik** is also a pious devout Hindu and on several occasions stood by the Debutter for its maintenance and such appointment was not objected to, by the only son and male heir of the said deceased on filing a proper application before the said Learned District Judge, Alipore.
- I By order dated 07.07.2011, the Learned VIII Court of Addl. District Judge Alipore was pleased to substitute the name of the **Sri Manoj Patnaik** as petitioner/ shebait in place of late Jagannath Adhikary.
- J The Learned Court of District Judge at Alipore by another order dated 27.07.2012 was pleased to grant liberty to the petitioner/ shebait to sell the properties as described in the Schedule A (i) & (ii) of the application to M/s Shree Krishna Projects being the intending Purchaser as mentioned therein at a consideration as stated therein being the value as assessed by the A.D.S.R. Sealdah but excluding all liabilities attached to the properties and subject to a condition that the sale proceeds shall be deposited in any interest bearing term deposit of any Nationalised Bank in the Name of the Deities represented by the said shebait.
- K The purchaser i.e. **M/S. Shree Krishna Projects** has accordingly paid the said Assessed Value of Rs. 47,25,661 - (Rupees Forty Seven lakhs Twenty Five thousand Six hundred Sixty One) Only in favour of the Sri Iswar Raj Rajeswar, Sri Sri Lakshmi Narayan, Sri Sri Iswar Sridhar Narayan and Sri Sri Satya Narayan Chaturbhuj Murti in the account opened in the name of the said deities at UCO Bank, Main Branch Kolkata for opening a Term Deposit prior to the execution of this Deed of Conveyance as recited in the manner in the receipts column hereunder written, as directed by the said Learned Court and has on completion of the directive of the said Learned Court requested the **Sri Manoj Patnaik** to execute the Purchase Deed in favour of M/s. Shree Krishna Projects.
- L By an Indenture of Conveyance Dated 29th September 2012, Registered in Book - I, CD Volume number 19, Pages from 4057 to 4076, being No 09112 for the Year 2012 I Sri Iswar Raj Rajeswar, Sri Sri Lakshmi Narayan, Sri Sri Iswar Sridhar Narayan and Sri Sri Satya Narayan Chaturbhuj Murti a private trust having its deity located at 7, Shitalatala Lane, Kolkata- 700011 and being represented by its the then Shebait **Sri Manoj Patnaik**, sold, transferred and conveyed all the Premises Nos. 88 & 89, Manicktola Main Road (now known as Satin Sen Sarani), Kolkata-700054 morefully described in the 1st Schedule and 2nd Schedule herein below collectively Said Premises unto and in favour of M/s. Shree Krishna Projects. **Copy Annexed and marked Annexure-A**
- M. The Said M/s. Shree Krishna Projects has applied before Kolkata Municipal Corporation for mutation and amalgamation of the said Properties i.e. Premises No. 88 and Premises No. 89, Manicktola Main Road (now known as Satin Sen Sarani), Kolkata-700054 and the Kolkata Municipal Corporation was pleased to approve the said application vide its

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order dated 09.10.2012. After amalgamation the entire premises is known as Premises No.88, Manicktola Main Road (now known as Satin Sen Sarani), Kolkata-700054 being the Assessee no 11-032-11-00508.

II. Schedule of the Premises as follows:

1st SCHEDULE ABOVE REFERRED TO :

ALL THAT the piece and parcel of land admeasuring a total area of 18 Cottahs 7 Chittacks be the same a little more or less together with structures standing thereon known and distinguished as municipal premises No. 88, Manicktola Main Road, P.S. Manicktola, now known as Satin Sen Sarani, Assessee No. 11-032-11-00508, K.M.C. Ward No.32, A.D.S.R. office at Sealdah, District-24 Parganas (S) Kolkata-700054 butted and bounded as :

- On the North by : KMC Road;
 On the South by : Premises No. 89, Manicktola Main Road;
 On the East by : Premises Nos.87, 91 A/1A, 91 A/2, 91A, 90B, and 90A,
 Manicktola Main Road.
 On the West by : 12 ft" KMC Road;

2nd SCHEDULE ABOVE REFERRED TO :

ALL THAT the piece and parcel of land admeasuring a total area of 2 Cottahs and 0 Chittacks be the same a little more or less together with structures standing thereon lying situate and at being municipal premises No. 89, Manicktola Main Road, now known as Satin Sen Sarani P.S. Manicktola, Assessee No. 11-032-11-00510, K.M.C. Ward No.32, Kolkata-700054, A.D.S.R. office, Sealdah, Dist-24 Parganas (S), butted and bounded in the manner:-

- On the North by : Premises No. 88, Manicktola Main Road;
 On the South by : Manicktola Main Road;
 On the East by : Premises nos.87,91A/1A, 91A/291A, 90B, and 90A,Manicktola Main Road.
 On the West by : 12 Ft" KMC Road;

III. Searches Conducted at various Registry Offices:

Sl. No.	Particulars	Place of Search	Year of Search	Entries found	Annexure
	Index- I				
	Jagannath Adhikary	R.A-Kolkata DR-Alipore ADSR-Sealdah	1970-2008 1970-2008 1970-2008	NIL	B
	Sri Ishwar Raj Rajeshwar	R.A-Kolkata DR-Alipore ADSR-Sealdah	1970-2008 1970-2008 1970-2008	NIL	C
	Manoj Patnaik	R.A-Kolkata DR-Alipore ADSR-Sealdah	2008-2012 2008-2012 2008-2012	NIL	D
	Index-II				
	88, Manicktola Main Road, P.S. Manicktola, Parganas (S) Kolkata-700054	R.A-Kolkata DR-Alipore ADSR-Sealdah	1970-2014 1970-2014 1970-2014	NIL	E
	89, Manicktola Main Road, , Kolkata-700054,	R.A-Kolkata DR-Alipore ADSR-Sealdah	1970-2014 1970-2014 1970-2014	NIL	F

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IV **Conclusion:** Relying on the title as stated in the Conveyance Deed and aforesaid documents i.e. the Purchase Deed of and search note of Goutam Das and whatever has been stated in **paragraph I (A to M)** of the search report as stated in the deed of Conveyance dated 29th September 2012, it appears that Premises No. 88 & 89, Manicktola Main Road (now known as Satin Sen Sarani), Kolkata-700054 (**collectively Said Premises**) and after mutation and amalgamation both the premises known as Premises No. 88, Manicktola Main Road (now known as Satin Sen Sarani), P.S. Manicktola, Kolkata-700054 is free from all encumbrances whatsoever and the same has a marketable title.

Rajesh Gangopadhyay

Rajesh Gangopadhyay
Advocate
Enclosed As Above.