

Trilok Chattopadhyay
ADVOCATE
Howrah Judges' Court, Howrah

Resi. : 12, Abinash Banerjee Lane,
P.S. Shibpur, District-Howrah
Ph. : 9830340722

Dated : 20.11.2018

**NON ENCUMBRANCE CERTIFICATE AND
DETAILED REPORT ON TITLE**

Ref. : An area of land measuring about 16 Cottahs 15 Chittacks 23 Sq.ft. together with structures standing thereon situated at Holding No. 15, Rajani Kanta Roy Chowdhury Lane, P.S. A.J.C. Bose Botanic Garden, Dist. Howrah within HMC Ward No. 39, under Sheet No. 152, LR Dag No. 210, LR Khatian Nos. 540, 541, 543, 593, 594, 595, Mouja Shibpur, District Howrah.

Present Owners of the said Plot of Land – SMT. SHYAMALI BASU, SRI PALLAB BASU, MRS. SUMITRA BASU, SRI AVIK KUMAR GHOSH, SRI ARNAB GHOSH.

I have caused necessary searches in the District Sub-Registry Office and Addl. District Sub-Registry Office at Howrah for the period from 1983 to 2013 through the record searcher Sri Dipak Chakraborty of Howrah Registry Office, Howrah of Holding No. 15, Rajani Kanta Roy Chowdhury Lane, Howrah. I have also inspected the Deed of Sale vide Deed No. 1652 of 1936, Deed of Gift being No. 3025 of 2010 & Deed of Partition being No. 5020 of 2010. I have also inspected HMC Assessment Register, No Objection Certificate from Land Ceiling Department, Current Tax bill, Tax Clearance Certificate of Howrah Municipal Corporation and Parcha, Rent Receipt in respect of the said property.

by
Trilok Chattopadhyay
Adv.
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Advocate
Howrah Judges' Court

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My report is as follows :-

THAT by virtue of a Registered Deed of Sale executed on 20th day of November, 1936 and registered on 21st day of November, 1936 vide Book No. I, Volume No. 30, Pages 102 to 102 to 106 Being No. 1652 for the year 1936 the predecessors-in-interest of the parties herein namely Jatindranath Basu purchased about one Bigha of land which was recorded at Howrah Municipal Corporation as 1 (one) Bigha 0 (zero) Cottah 15 (fifteen) Chittak 23 (twenty three) sq.ft. in H.M.C. Holding No. 15, Rajani Kanta Roy Chowdhury Lane, in Ward No. 39 within Police Station - A.J.C. Bose Botanic Garden formerly Shibpur in the District of Howrah in the name of said Jatindranath Basu as owner and occupier and during his life time said Jatindranath Basu also constructed a three storeyed masonry building over there and used to possess and enjoy the said property for his residential purposes with his family members ;

THAT the predecessors in interest of the Vendor herein Jatindranath Basu son of Late Bipin Behari Basu of 15, Rajani Kanta Roy Chowdhury Lane, P.S. Shibpur, District - Howrah was a businessman and formed a partnership firm dealing in Motor Parts and accessories at Howrah and Kolkata which was subsequently converted into a Private Limited Company, under the name and style of M/S. Howrah Motor Accessories Agency Pvt. Ltd. a registered Company within the meaning of Companies Act, 1956, having its registered Office and Place of business at 3/1, Mangoe Lane, Kolkata - 700 001 and said Jatindranath Basu and his close associates held shares of absolute majority and acted as promoter and first Director of the Board of Directors in the said Private Limited Company ;

by
An
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THAT said Jatindranath Basu had two wives viz. Kalo Bala Basu and Rekha Rani Basu. The said Jatindranath Basu had three sons namely – Prabhat Kumar Basu, Shyam Sundar Basu and Nilkanta Basu and one daughter Saila Bala Sinha (nee Basu) by his first wife. Kalo Bala Basu and the said Jatindranath Basu had three sons namely Sri Sankar Kumar Basu, Sri Pankaj Kumar Basu, Sri Bimal Kumar Basu and two daughters viz. Smt. Sulekha Mitra (nee Basu) and Smt. Lily Ghosh (nee Basu) by his Second wife, Rekha Rani Basu ;

THAT said Kalobala Basu the first wife died long back during the life time of Jatindranath Basu and the said Rekha Rani Basu died in 1941 and Jatindranath Basu died on November 10, 1961 ;

THAT the above named three sons and one daughter of Late Jatindranath Basu by his first wife died one after another. The said Prabhat Kumar Basu died on July 01, 1982 and his wife Ava Rani Basu died on November 20, 1996 leaving surviving one son, namely Sri Pradip Kumar Basu and one daughter Dr. Sikha Kar. The Second Son of Late Jatindranath Basu by his first wife named Shyam Sundar Basu died on August 11, 1979 as bachelor. The third son of Late Jatindranath Basu by his first wife named Nilkanta Basu died on 4th May, 1999 leaving behind him surviving Ila Basu (Widow), Sri Prasanta Kumar Basu (Son) and Sri Subrata Kumar Basu (Son) and Smt. Krishna Ghosh (Daughter). Be it mentioned here that Saila Bala Sinha wife of Late Sushil Kumar Sinha, and daughter of Late Jatindranath Basu by his first wife, died on 21st April, 1964 without any issue ;

THAT said Smt. Rekha Rani Basu, the second wife of the said Jatindranath Basu died in 1941 leaving behind her surviving three sons namely Sri Sankar Kumar Basu, Sri Pankaj Kumar Basu, Sri Bimal Kumar Basu and two daughters viz., Smt. Sulekha Mitra and Smt. Lily Ghosh ;

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Howrah Judges' Court

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THAT the properties situate at 15, Rajani Kanta Roy Chowdhury Lane, 58, Panchanantala Road, 65, Nilmoni Mullick Lane in the District Howrah and the properties at District - 24 Parganas (South) Police Station - Bhangar of Mouza - Bodra, J.L. No. 130, Block - Bhangar No. 1, R.S. No. 38 of 1955 (1362 B.S.) in various Dags were the properties belonging to the said Jatindranath Basu and the properties at 14A and 14B Dover Lane, Kolkata was purchased by Prabhat Kumar Basu and the properties described at 11, Rajani Kanta Roy Chowdhury Lane, Howrah was purchased in the name of Nilkanta Basu. The properties situate at 28, College Road, Howrah was purchased jointly in the name of Probhat Kumar Basu, Nilkanta Basu and Sri Sankar Kumar Basu out of joint fund as per direction of Deed of Trust of 1953 ;

THAT the said Jatindranath Basu alongwith said Probhat Kumar Basu and Nilkanta Basu in order to avoid any dispute and differences among them and the other legal heirs and successors of the said Jatindranath Basu have jointly settled the properties situate at 14A & 14B, Dover Lane, Kolkata, 15, Rajani Kanta Roy Chowdhury Lane, Howrah, 11, Rajani Kanta Roy Chowdhury Lane, Howrah, 58, Panchanantala Road, Howrah and 65, Nilmoni Mullick Lane, Howrah excepting the property situate at 28, College Road, Howrah by a Registered Deed of Trust on April, 1953 declaring and appointing themselves as trustees along with Sri Sankar Kumar Basu and Sri Pankaj Kumar Basu as Joint Trustees of the said Trust under certain terms and conditions as embodied therein. The said Deed of Trust was executed by said Jatindranath Basu, Prabhat Kumar Basu and Nilkanta Basu on 7th day of April, 1953 and registered the same on the same day in the Office of the Sadar Joint Sub-Registrar at Howrah in Book No. I, Volume No. 29, Pages from 85 to 90 Being No. 1871 for the year 1953 ;

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by
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THAT the settlors of the said Deed of Trust created the said trust for a specified limited period of twelve years after the death of one of the trustees namely said Jatindranath Basu and within the said period the trustees were entrusted to maintain, manage and enlarge the trust properties with the income derived therefrom and they were also given right to transfer any property belonging to the said Trust ;

THAT among other terms and conditions, there was a clear direction given to the trustees that after the expiry of aforesaid time limit i.e. after the cessation of the said Trust the properties included in the Trust and the properties to be acquired in the name of the Trustees from the income derived out of the Trust shall be distributed to the living sons of said Jatindranath Basu equally and to the heirs of any deceased son on the date of cessation of the Trust if any as the case may be and only after distribution of the trust properties the Trust shall stand dissolved ;

THAT during the life time of said Jatindranath Basu all other terms, impositions, duties, liabilities and responsibilities as set out in the Trust Deed were duly observed by the Trustees strictly as per direction given therein ;

THAT said Jatindranath Basu died on 10th day of November, 1961 leaving behind the other four Trustees remaining ;

THAT the other four remaining or surviving Trustees, namely Prabhat Kumar Basu, Nilkanta Basu, Sri Sankar Kumar Basu and Sri Pankaj Kumar Basu purchased a property situate at 28, College Road, P.S. - A.J.C. Bose Botanic Garden, District - Howrah in the name of Prabhat Kumar Basu, Nilkanta Basu and Sri Sankar Kumar Basu from the income and fund of the said Trust and consequently the said property formed part of the Joint properties of all sons of Jatindranath Basu.

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THAT as per direction given in the said Deed of Trust dated 7th April, 1953 that the operation of the Deed of Trust would remain in force till 09-11-1973 i.e. on expiry of twelve years after the death of said Jatindranath Basu who died on 10-11-1961 and the existing trustees of the said Deed of Trust, Probhat Kumar Basu, Nilkanta Basu, Sri Sankar Kumar Basu and Sri Pankaj Kumar Basu jointly executed a Deed of Release of Trust on 11th day of April, 1975 in favour of the surviving sons of said Jatindranath Basu namely Prabhat Kumar Basu, Shyam Sundar Basu, Nilkanta Basu, Sri Sankar Kumar Basu, Sri Pankaj Kumar Basu and Sri Bimal Kumar Basu and registered the same on the same day in the Office of the Joint Sub-Registrar, Howrah vide Book No. I. Volume No. 33, pages from 251 to 257, Being No. 1323 for the year 1975 and distributed the immoveable properties under Trust and acquired by the fund of Trust in favour of the beneficiaries of the said Trust dated 7th April, 1953 on equal 1/6th share each ;

THAT said Shyam Sundar Basu died bachelor on 11 August 1979 leaving behind him his two full brother viz. Sri Prabhat Kumar Basu and Nilkanta Basu as his legal heirs / successors and legal representatives who have jointly and simultaneously inherited the one sixth share in the property described in the Deed of Trust and the property acquired by the fund of Trust under the Hindu Succession Act, 1956 each having equal 1/12th share and all together said Prabhat Kumar Basu and Nilkanta Basu inherited 1/4th share each after the demise of Shyam Sundar Basu ;

THAT said Nilkanta Basu died on 4th May, 1999 leaving behind him surviving his wife Ila Basu, two sons Prasanta Basu, Subrata Basu and one daughter Smt. Krishna Ghosh who have jointly inherited the 1/4th share of Nilkanta Basu in the properties being land and building in six holdings as aforesaid ;

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by
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THAT Sri Sankar Kumar Basu, Sri Pankaj Kumar Basu and Sri Bimal Kumar Basu have jointly acquired 1/2 share i.e. 1/6th share each in respect of the properties being land and building in aforesaid six holdings ;

THAT the properties comprised within various Dags and Khatians of Mouza – Bodra, P.S. - Bhangar, District - 24 Parganas (South) belonging to the predecessors-in-interest of the parties herein, Jatindranath Basu and after his death the said property was devolved upon his six sons and two daughters each having 1/8th share ;

THAT one of the sons, Shyam Sundar Basu died bachelor and his 1/8th share in the properties of Mouza – Bodra, P.S. - Bhangar, District - 24 Parganas (South) devolved upon his other full brothers viz. Prabhat Kumar Basu and Nilkanta Basu and thus in the property at Bodra they inherited 3/16th share respectively and Sri Sankar Kumar Basu, Sri Pankaj Kumar Basu and Sri Bimal Kumar Basu have 3/8th share and the two daughters, Sulekha and Lily have inherited 1/8th share each and the same was decided to be kept ejmal amongst all the co-sharers stated herein above ;

THAT disputes and differences arose in joint possession of the properties being land and building as aforesaid and company's share and properties in the District of 24 Parganas (South) in Bodra and with a view to get the properties being land and building and share of Company excepting the properties of Mouza – Bodra in the District of 24 Parganas (South) partitioned by metes and bounds among the co-sharers as aforesaid the co-sharers sat together and decided to get all those properties partitioned excepting the properties comprised within various dags and khatians, J.L. No. 130, Mouza – Bodra, P.S. - Bhangar in the District of 24 Parganas (South) ;

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THAT said Prabhat Kumar Basu & others have jointly sat together to settle all their disputes and differences among them once for all and have mutually agreed to get the properties being land and building situate in six holdings partitioned by metes and bounds amongst the parties stated herein above on compromise for permanent settlement / partition upon keeping the property at Bodra as joint / ejmal.

THAT in consideration of above the respective co-sharers by virtue of a registered Deed of Partition executed and registered on 14th day of May 2010 in the Office of the District Sub-Registrar Howrah vide Book No. I, CD Volume No. 12, pages 469 to 516, Being No. 05020 for the year 2010 got the aforesaid all the properties being land and building in six holdings including 15, Rajani Kanta Roy Chowdhury Lane, Howrah and companies share partitioned where heirs of said Prabhat Kumar Basu viz. Sri Pradip Kumar Basu and Dr. Sikha Kar were represented as First Party and heirs of said Nilkanta Basu viz. Smt. Ila Basu, Sri Prasanta Basu, Sri Subrata Basu and Smt. Krishna Ghosh were jointly represented as Second Party and Sri Sankar Kumar Basu, Sri Pankaj Kumar Basu and Sri Bimal Kumar Basu were jointly represented as Third Party and said Smt. Ila Basu along with her two sons and daughter herein have jointly been allotted the property being demarcated land measuring 16 (sixteen) Cottahs 15 (fifteen) Chittak 23 (twenty three) sq.ft. with all structures standing thereon situate at 15, Rajani Kanta Roy Chowdhury Lane under H.M.C. Ward No. 39, within Police Station - A.J.C. Bose Botanic Garden in the District - Howrah ;

THAT Smt. Ila Basu became owner of 1/4th undivided Share of the above mentioned property gifted her entired Share to her grandson Sri Pallab Basu son of Sri Prasanta Basu vide a registered Deed of Gift being No. 3025 of 2010.

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by
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THAT Sri Prasanta Basu, Sri Subrata Basu, Smt. Krishna Ghosh and Sri Pallab Basu became joint owners of the said property measuring 16, Cottahs 15 Chittacks 23 Sq.ft. together with three storied building of Holding No. 15, Rajani Kanta Roy Chowdhury Lane.

THAT thereafter Krishna Ghosh died on 3.2.2012 leaving behind her surviving her husband Dr. Ashoke Kumar Ghosh, two sons Sri Avik Kumar Ghosh and Amab Ghosh as the sole heirs and successors to inherit her 1/4th undivided Share in the property.

THAT on the death of Krishna Ghosh – Sri Prasanta Basu, Sri Pallab Basu, Sri Subrata Basu, Dr. Ashoke Kumar Ghosh, Sri Avik Kumar Ghosh and Sri Amab Ghosh became joint absolute owners of the said property i.e. 15, Rajani Kanta Roy Chowdhury Lane, Ward No. 39, P.S. Shibpur, District Howrah and they have jointly mutated their names as owners and occupiers in the record of Howrah Municipal Corporation and Sub Division Land and Land Reform Office in the District of Howrah.

THAT Ashoke Kumar Ghosh died intestate on 28.07.2017 leaving behind his two sons Avik Kumar Ghosh and Amab Ghosh who inherited his 1/12th undivided Share in equal proportion.

THAT Subrata Basu died intestate on 13.02.2018 leaving behind him surviving his widow Smt. Sumitra Basu to inherit his 1/4th undivided Share.

THAT Prasanta Basu died intestate on 02.07.2018 leaving behind him surviving his widow Smt. Shyamali Basu and only son Pallab Basu to inherit his 1/4th undivided Share in equal proportion.

by
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THAT on death of Ashoke Kumar Ghosh, Subrata Basu and Prasanta Basu, Shyamali Basu, Pallab Basu, Sumitra Basu, Avik Kumar Ghosh and Arnab Ghosh became the joint owners and occupiers of Holding No. 15, Rajani Kanta Roy Chowdhury Lane, P.S. A.J.C. Bose Botanic Garden, District Howrah.

I hereby certify that the above referred property of the present owners are free from all encumbrances, charges, liabilities, liens and lispendent, attachment of any kind whatsoever and the property has an absolutely clear, free and marketable title and is fit for equitable mortgage.

I also hereby certify that the above mentioned land is not subject to any restriction of Urban Land (Ceiling & Regulation) Act, 1976.

The receipts for the relavant searches are enclosed herewith.

Advocate

Trilok Chattopadhyay

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Enrolment No. F-1088/921/2002

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