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Date 23.02.2017

REPORT OF TITLE

Re: All that piece and parcel of the land at Municipal Premies No. 173, Motilal Gupta Road, under Police Station: Behala now Haridevpur, Kolkata- 700008

ABSTRACT OF TITLE

- 1) Haran Chandra Dutta, MakhanLal Dutta, Ashutosh Dutta and Narayan Chandra Dutta were the joint owners in respect of the piece and parcel of land measuring about 44 Decimals equivalent to 1 Bigha, 6 Cottahs, 9 Chittacks and 41 Sq. Ft situated within Mouza: Sayedpur, Khatian No 311, Touzi No 23, J.L. No 12, Survey No 192, Pargana Magura, P.S. Behala , now Haridevpur, District 24 Paraganas (S) which however, known and numbered as premises No 197, Motilal Gupta Road, under KMC Ward No 122, Kolkata - 700008
- 2) All the aforesaid brothers had undivided 1/4th Share in the said properties.
- 3) Amongst the said co-shares, Haran Chandra Dutta had undivided 1/4th share in respect of the said piece and parcel of land measuring about 44 decimals equivalent to 1 Bigha 06 Chittacks and 41 Sq Ft situated within Mouza : Sayedpur, Khatian No 311, Touzi No: 23, J.L. No 12, Revenue Survey No 192, Pargana Magura, P.S. Behala now Haridevpur , Dist: 24 Paraganas(S) which however, known and numbered as premises no 197, Motilal Gupta Road under KMC Ward No 122, Kolkata - 700008
- 4) The remaining share in respect of the aforesaid property held by the other three brothers, namely MakhanLal Dutta, Ashutosh Dutta and Narayan Chandra Dutta, who jointly held the undivided 3/4th share in respect of the said property.

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- 5) Said Haran Chandra Dutta died intestate on 27th November 1982 leaving behind his seven sons, namely Asit Kumar Dutta, Anajali Kumar Dutta, Archana Kumar Dutta, Arpan Kumar Dutta, Anup Kumar Dutta, Ashis Kumar Dutta and Alope Kumar Dutta who thus jointly inherited the aforesaid undivided 1/4th share of said Haran Chandra Dutta in respect of the aforesaid property.
- 6) After pro-amalgamation of the Urban Land (Ceiling and Regulation) Act, 1976. It was detected that the legal heirs of said MakhanLal Dutta and Haran Chandra Dutta holding excess vacant land beyond the ceiling limits, and accordingly, a return was submitted to the Competent Authority appointed under the said Act.
- 7) It was detected that the legal heirs of said MakhanLal Dutta were holding vacant land of 11 Satak equivalent to 6 Cottahs , 10 Chittaks and 21Sqft and the legal heirs of said Haran Chandra Dutta were holding excess vacant land to the extent of 5 Decimals equivalent to 03 Cottahs and accordingly the entire share of said legal heirs of Late MakhanLal Dutta i.e. 11 Decimals and 5 Decimals of land out of the share of the legal heirs of said Haran Chandra Dutta in the aforesaid premises No 197, Motital Gupta Road, Kolkata - 700008 was acquired by the said appropriate authority as a result of which the legal heirs of said Haran Chandra Dutta jointly with the legal heirs of Ashutosh Dutta and the heirs of late Narayan Chandra Dutta remains as joint owners in respect of the balance portion of the property being premises No 197 Motilal Gupta Road under KMC Ward No 122, Kolkata 700008.
- 8) After such acquisition, the legal heirs of said Haran Chandra Dutta, namely Asit Kumar Dutta, Anajali Kumar Dutta, Archana Kumar Dutta, Arpan Kumar Dutta, Anup Kumar Dutta, Ashis Kumar Dutta and Alope Kumar Dutta became the owners of the remaining undivided 6 Decimals of land equivalent to 03 Cottachs, 10 Chittaks and 4 Sqft situated within Mouza: Satyedpur, Khatian No 311, Touzi No : 23, J.L. No: 12, Revenue Survey No 193, Pargana Magura P.S: Behala now Haridevpur, District 24 Paraganas (S) being present municipal premises No 197, Motilal Gupta Road, Kolkata 700008 KMC Ward 122.

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- 9) The aforesaid legal heirs of said Haran Chandra Dutta, namely Ashit Kumar Dutta, Anajali Kumar Dutta, Archana Kumar Dutta, Arpan Kumar Dutta, Anup Kumar Dutta, Ashis Kumar Dutta and Alope Kumar Dutta jointly by virtue of a registered Deed of Conveyance Dated 25th of May 2007 sold, conveyed and transferred the 6 Decimal of land equivalent to 03 Cottahs, 10 Chittacks and 4 Sqft. situated within Mouza: Sayedpur, Khatian No 311, Touzi No 23, J.L. No 12 Revenue Survey No:193 Pargana Magura P.S.: Behala now Haridevpur, District 24 Paraganas(S), being present municipal premises 197 Motilal Gupta Road., Kolkata - 700008, Ward No 122 to the present Vendor on valuable consideration and the said Deed was duly registered before the District Registrar at Alipore 24 Paraganas (S) and recorded in Book No 1, volume No 35, pages 138 to 150 being No 01720 for the year 2007 in favour of M/s Noble Trexim Pvt Ltd., M/s Swastick Grih Nirman Pvt Ltd and Surendra Kumar Karnani (HUF)
- 10) Thus by virtue of another registered Deed of Conveyance 25th May 2007 the legal heirs of Ashutosh Dutta, namely Smt Swapna Dutta, Smt Chandrani Modi, Monojit Dutta, RamendraNath Dutta, RanendraNath Dutta, SamarendraNath Dutta, DwejendraNath Dutta and one daughter Smt Bela Bose sold, conveyed and transferred their right title and interest in respect of undivided 11 Decimals equivalent to 06 Cottahs, 10 Chittaks and 21 sft situated within Mouza: Sayedpur, Khatian No 311, Touzi No 23, J L No 12, Revenue Survey No 192, Paragana Magura, P.S. Behala, now Haridevpur, District 24 Paraganas(S) being present premises No 197 Motilal Gupta Road, Kolkata - 700008, KMC Ward No 122 to the present vendor on valuable consideration and said Deed was duly registered before the District Registrar at Alipore , 24 Paraganas (S) and recorded in Book No 1, Volume No. 35, Pages 151 to 164 being No 01721 for the year 2007 in favour of M/s Noble Trexim Pvt Ltd., M/s Swastick Grih Nirman Pvt Ltd., and Surendra Kumar Karnani(HUF)
- 11) By another registered Deed of Conveyance dated 25th May 2007 the legal heirs of said Narayan Chandra Dutta namely Ashok Dutta, Mrs Kalyani Ghosh , Smt Shila Patra, Smt Tapati Dasgupta, Smt Padma Dutta, Ashit Kumar Datta Smt Swapna Dutta, Smt Mukul Dutta, Smt Suchismita Debnath and Smt Ava Dutta sold conveyed and transferred their right, title and interest in respect of undivided 11

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Decimals equivalent to 06 Cottahs 10 Chittaks and 21 Sqft situated within Mouza Syedpur, Khatian No 311, Touzi No 23, J.L. No 12 Revenue Survey No 193, Pargana Magura, P.S. Behala now Haridevpur, District 24 Paraganas(S) being premises No 197, Motilal Gupta Road, Kolkata - 700008, Ward No 122 to the present Vendor on valuable consideration and the said Deed was duly registered before the District Registrar at Alipore 24 Paraganas South and recorded in Book No 1 CD Volume No 35, pages 165 to 177 being No 01722 for the year 2007 in favour of M/s Noble Trexim Pvt Ltd., M/s. Swastick Grih Nirman Pvt Ltd., and Surendra Kumar Karnani(HUF)

- 12) This by virtue of said three registered Deed of Conveyances the present Vendors became the absolute Owner of 28 Decimals equivalent to 16 Cottahs, 15 Chittaks and 01 Sqft being Municipal Premises No 197, Motilal Gupta Road, subsequently renumbered and new known as 1033, Motilal Gupta Road, Ward No. 122, P.S: Haridevpur, Kolkata-700 082 on dated 16.01.2014.
- 13) One Rama Prasad Bandyopadhyay was the absolute owner in possession of the aforesaid property containing land measuring 04 Cottahs 07 Chittacks 06 Sq.ft and while seized and possessed the aforesaid property the said Rama Prasad Bandyopadhyay died instead on 06.02.1966 leading behind his widow wife Smt. Sati Rani Bandhapadhyay and only married daughter Smt. Gopa Rani Chakraborty, whose are jointly inherited the aforesaid property as 50% equal share.
- 14) The said Smt Sati Rani Bandyopadhyay in consultation with her daughter Smt. Gopa Rani Chakraborty executed a WILL on 08.08.1980 in respect of her share of aforesaid property and annexing site plan with it, demarcated the property, for beneficial enjoyment of Smt Gopa Rani Chakraborty and one Alope Basu who was brothers son of Smt. Sati Rani Bandhapadhyay and the said Smt. Sati Rani Bandhapadhyay by virtue of the said WILL bequeathed her share in the property dividing it into lot "B" consisting of vacant land measuring 01 Cottahs 08 Chittaks in favour of Alope Basu, In the WILL the Testatrix did not nominate any person as its Executor or Executrix.

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- 15) Smt. Rani Bandyapadhyay died testate on 14.08.1983 and thereafter Alok Basu as beneficiary initiated a proceeding for letter of Administration, which was registered as Act, 39 Case No. 82 of 1993 and the said Letters of Administration was granted on 27th July, 1994 annexing the WILL.
- 16) In the meantime Smt Gopa Rani Chakraborty instituted a suit for eviction in the Court of the Ld. 5th Munsiff at Alipore which was registered as Title Suit No 139 of 1999 praying for eviction of Alope Basu from the house of the said premises and the said suit was dismissed on context on 30.09.1994 and the said Smt Gopa Rani Chakraborty did not move higher forum and the said judgment reached to its finality.
- 17) Thereafter being unsuccessful in the aforesaid eviction proceeding, Smt Gopa Rani Chakraborty initiated original Suit No. 58 of 1994 for renovation of the grant of Letters of Administration before the Ld. District Judge at Alipore and the said revocation proceeding has been transferred to the Court of Ld. 8th Additional District Judge at Alipore for disposal and it is still pending for disposal.
- 18) That in the said WILL of Smt Sati Rani Bandhapadhyay her daughter Smt Gopa Rani Chakraborty is one of the attesting witnesses and she will never be able to deny execution of the WILL executed by her mother. Thus the said Smt Gopa Rani Chakraborty and Alope Basu are the owners in respect of the aforesaid property. And since then they were enjoying the said property as its absolute owners thereof and were enjoying all its usufructs on payment of taxes and other outgoings to the appropriated authorities and by exercising all rights of ownership according the law.
- 19) The present Vendor being interested to purchase the aforesaid property having an area of 2 Cottahs, 12 Chittaks and 0 Sft be little more or less together with 50% right over the common passage measuring about 3 Chittaks 6 Sft more or less being premises No P-117, Motilal Gupta Road which subsequently renumbered and now known as 173 Motilal Gupta Road by virtue of registered Deed of Conveyance dated 27th May 2010 sold, conveyed and transferred the same being Lot A and Lot B as fully and particularly described in the


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Schedule of the said Deed and shown and delineated in colour Yellow in the map or plan annexed herein from Mrs. Gopa Chakraborty alias Gopa Rani Chakraborty on valuable consideration and the said Deed was registered before the District Sub Registrar-II Alipore 24 Paraganas South and recorded in Block No 1, CD Volume No 19, Pages 1254 to 1269 Being No 05276 for the year 2010 in favour of M/s Noble Trexim Pvt Ltd., M/s Swastick Grih Nirman Pvt Ltd., and Surendra Kumar Karnani (HUF)

- 20) By another registered Deed of Conveyance dated 1st of June 2010, the present Vendor purchased a piece and parcel of land measuring about 1 Cottah and 8 Chittaks more together with 50% right over the common passage measuring about 3 Chittaks 6 Sft more or less being premises No. P-117, Motilal Gupta Road which subsequently renumbered and now known as 173, Motilal Gupta Road from Aloke Kumar Basu with due confirmation of said Gopa Rani Chakraborty on valuable consideration and the said Deed was registered before the District Sub Registrar- II , Alipore 24 Paraganas(S) and recorded in Book No I, CD Volume No 20, pages 1408 to 1423 Being No 05448 for the year 2010. M/s Noble Trexim Pvt Ltd., M/s Swastick Grih Nirman Pvt Ltd., and Surendra Kumar Karnani (HUF)
- 21) After purchasing the aforesaid several adjacent properties by 5 nos. of Deed of Conveyances as aforesaid, the present Vendors duly amalgamated the same into one premises in the record of the Kolkata Municipal Corporation and the same has been numbered as premises No 173, Motilal Gupta Road, P.S. Haridevpur, Kolkata - 700008, KMC Ward No 122.

PAPER EXAMINED

Search report having searched Index -II in the office of the District Registrar at Alipore and Sub-Registry Office at Behala and in the office of the Registrar of Assurance at Kolkata during the period from 1978 to 2009 till date, in respect of the above mentioned property I have also search in the case of Ld. 7th Civil Judge (Sr. Division) at Alipore and Ld. 5th Civil Judge (Jr. Division) at Alipore regarding the Title Suit in respect of the aforesaid property in the name of Smt Gopa Rani Chakraborty wife of Nanda Dulal Chakraborty and Sri Aloke Basu son of Kishori


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Mohan Basu during the period from 1999 to 2009 and found no Title Suit and/or Money Suit has not been pending before the aforesaid Ld. Court.

OBSERVATION


From the careful consideration of the aforesaid and the reports, documents and papers, I find that the aforesaid present owners are the full and absolute owners of the entirety of the said property and they had lawfully seized and possessed the said property by paying the rate/taxes regularly to the Authority Concern.

CONCLUSION

After going through the above abstract and documents as above and fully relying upon the same, I am the opinion that the said present owners are the absolute bonafide owners of the land and property and have got good clear marketable title and the said property is free from all encumbrances.

Search Receipts are enclosed herewith.

Dated this the 23rd February, 2017


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