

Chinmay Sarkar

Advocate

Siliguri Bar Association
Room No.6

Residence Cum Chamber
Beside Rathkhola Math,
Rathkhola, P.O. Rabindra Sarani
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Ref:

Date: 23-08-2023

SUB: TITLE INVESTIGATION REPORT.

Re: Search-Cum-Title investigation opinion of Land measuring 1.7058 Acres, recorded in L.R. Khatian No. 1173, appertaining to part of R.S. Plot Nos. 121, 122 & 149, corresponding to L.R. Plot Nos. 195, 196 & 194, Situated within Mouza Khopalasi, J.L. No. 21, Touzi No. 8, Pargana Patharghata, Under Patharghata Gram Panchayet Area, Registry office at Additional District Sub-Registrar Bagdogra, Within the jurisdiction of P.S. Matigara, District Darjeeling, owned by Smt. Anju Sahu, Wife of Late Mohan Sahu & Daughter of Late Sailendra Kumar Sahu @ Nirmal Kumar Shalendra, resident of Khopalasi, P.O. New Chamta, P.S. Matigara, Pin No. 734009, District Darjeeling (W.B.).

AND

I have carefully looked through the photocopies of muniments and other related papers of the said land as mentioned in annexures 1 to 12 hereinbelow and I have carefully conducted searches for the said property as stated in this report.

1. Source of Ownership

Whereas one one Sri Bhagwan Dayal Sahu, Son of Kedar Nath Sahu, was the absolute recorded owner of Land measuring 12.51 Acres, recorded in R.S. Khatian No. 2/1, appertaining to part of R.S. Plot No. 3, 1, 171, 1557, 159, 134, 135, 120, 121, 122, 149, 167 & Others, Situated within Mouza Khopalasi, J.L. No. 21, Touzi No. 8, Pargana Patharghata, Under Patharghata Gram Panchayet Area, Within the jurisdiction of P.S. Siliguri now Matigara, District Darjeeling, and the record was published during the Revisional Settlement Survey held by the Government of West Bengal on the year of 1955, since then in his khas actual and physical possession having permanent, heritable and transferable right, title and interest therein.

Whereas during the settlement survey held by the Government of State of West Bengal on the year of 1984 said Sri Bhagwan Dayal Sahu's name had been recorded under L.R. Khatian No. 107, Bearing L.R. Plot Nos. 243, 195, 196, 194 & Others, and since then in his khas actual and physical possession having permanent, heritable and transferable right, title and interest therein.

Whereas being owner in such possession said Sri Bhagwan Dayal Sahu, Son of Late Kedar Nath Sahu, being represented by his constituted attorney cum his son namely Sri Satyendra Kumar Sahu, Son of Sri Bhagwan Dayal Sahu, by virtue of a registered General Power of Attorney being No. IV-18 for the year of 2003 recorded in Book No. IV and the same was registered at the office of the Sadar Sub-Registrar Ballia, Dated 15.02.2003, transferred his Land measuring 3.39 Acres out of his total landed property, recorded in L.R. Khatian No. 107, appertaining to part of R.S. Plot Nos. 120, 121, 122, 149 & 167, corresponding to L.R. Plot Nos. 243, 195, 196 & 194, Situated within Mouza Khopalasi, J.L. No. 21, Touzi No. 8, Pargana Patharghata, Under Patharghata Gram Panchayet Area, Within the jurisdiction of P.S. Siliguri now Matigara, District Darjeeling, to and in favour of his grand-daughter namely Smt. Anju Sahu, Wife of Late Mohan Sahu & Daughter of Late Sailendra Kumar Sahu @ Nirmal Kumar Shalendra, by virtue of a registered Deed of Gift being No. I-3778 for the year of 2006 recorded in Book No. I Volume No. 94 Pages from 89 to 96 and the same was registered at the office of the Additional District Sub Registrar Siliguri ii at Bagdogra.

Whereas being owner in such possession said Smt. Anju Sahu, Daughter of Late Sailendra Kumar Sahu, had mutated her name at the office of the B.L. & L.R.O. Matigara in respect of her said landed property and therefore a new khatian had been issued in her favour vide L.R. Khatian No. 1173, Bearing L.R. Plot Nos. 243, 195, 196 & 194, and thereafter she also converted her Land measuring

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1.7758 Acre's classification to "Commercial Bastu" under L.R. Plot Nos. 195 (Area measuring 0.82 Acre), 196 (Area measuring 0.9058 Acre) & 194 (Area measuring 0.05 Acre) out of her total Land measuring 3.39 Acres vide Conversion Certificate Memo Nos. 4173/BLLRO-MTG/22, 4174/BLLRO-MTG/22, 4187/BLLRO-MTG/22, 4188/BLLRO-MTG/22, 4190/BLLRO-MTG/22, 4191/BLLRO-MTG/22, 4192/BLLRO-MTG/22, 4195/BLLRO-MTG/22, 4194/BLLRO-MTG/22, 4193/BLLRO-MTG/22, 4196/BLLRO-MTG/22, 4197/BLLRO-MTG/22, 4199/BLLRO-MTG/22, 4198/BLLRO-MTG/22, 4171/BLLRO-MTG/22, 4163/BLLRO-MTG/22, 4164/BLLRO-MTG/22, 4200/BLLRO-MTG/22, Dated 08.06.2022 & 09.06.2022 respectively, since then in her khas actual and physical possession having permanent, heritable and transferable right, title and interest therein

Whereas being owner in such possession said Smt. Anju Sahu, Wife of Late Mohan Sahu & Daughter of Late Sailendra Kumar Sahu @ Nirmal Kumar Shalendra, desirous to construct a Residential cum Commercial Building complex divided into six different G+5 Storied Buildings/Blocks upon her converted area of Land measuring 1.7058 Acres under L.R. Plot Nos. 195 (Area measuring 0.75 Acre), 196 (Area measuring 0.9058 Acre) & 194 (Area measuring 0.05 Acre) out of her total landed property therefore she had entered into a registered Development Agreement being No. I-5647 for the year of 2023 recorded in Book No. I Volume No. 403 Pages from 109486 to 109510 registered at the office of the Additional District Sub-Registrar Bagdogra, with Jalsangh Realty Private Limited, a Private Limited Company, represented by its directors namely (1) Sri Mukesh Kumar Sah, Son of Late Ram Narayan Sah, (2) Sri Aditya Baishya Sahu, Son of Late Mohan Sahu, (3) Sri Raju Shah, Son of Sri Ashok Shah.

Whereas being owner in such possession said Smt. Anju Sahu, Wife of Late Mohan Sahu & Daughter of Late Sailendra Kumar Sahu @ Nirmal Kumar Shalendra, further executed a registered Development Power of Attorney being No. I-5721 for the year of 2023 recorded in Book No. I Volume No. 403 Pages from 111243 to 111259 and the same was registered at the office of the Additional District Sub Registrar Bgadogra, in favour of (1) Sri Mukesh Kumar Sah, Son of Late Ram Narayan Sah, (2) Sri Aditya Baishya Sahu, Son of Late Mohan Sahu, (3) Sri Raju Shah, Son of Sri Ashok Shah, directors of Jalsangh Realty Private Limited, a Private Limited Company (Developers), to transfer the entire allocated area/s to and in favour of other intending purchaser/s as per said Development Agreement being No. I-5647 for the year of 2023.

Thereafter the said developer namely said Jalsangh Realty Private Limited, a Private Limited Company, represented by its directors namely (1) Sri Mukesh Kumar Sah, Son of Late Ram Narayan Sah, (2) Sri Aditya Baishya Sahu, Son of Late Mohan Sahu, (3) Sri Raju Shah, Son of Sri Ashok Shah, started to construct the said Residential cum Commercial Building complex divided into six different G+5 Storied Buildings/Blocks under the name and style of "**ROHINI RESIDENCY**" as per Sanctioned Building Plan vide Order No. 345/MPS duly approved by Matigara Panchayet Samity, Dated 13.04.2023.

I also peruse a Land Khazna & Panchayet Tax receipt that the name of the present owner has also been recorded in Gram Panchayat relating to her land and building for which the present owner has paid the revenue/tax in her name in the said Land Khazna & Panchayet Tax receipt upto 1429. I also peruse the copy of approved G+5 Storied Buildings/Blocks plan for construction. I have carefully conducted searches with respect to the land in question in the A.D.S.R.O., Siliguri & Bagdogra (Now) from 1991 to 2021 and in the D.S.R.O., Darjeeling from 2000 to 2023. During the time of searching in the said offices, the available records of the S.R.Os. have reflected nothing regarding the transfer of the said land by the present owner. I also collected the Govt. land information certificate of the said land from the B.L. & L.R.O. Matigara wherein I do not find any irrelevancy. I also submitted six applications in the courts of the Ld. Civil Judges, Senior Division and Junior Division, Siliguri respectively and the concerned official of the said respective courts found nothing against the filing

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and/or pending any suit against the past and present owner in respect of the said land during the period from 2013 to 2023 which are reflected in the court information slips.

2. **OPINION** : - In the light of this searching and upon gleaning the Muniments, Govt. land tax receipt, Panchayet tax receipt, L.R. Khatian, Approved building plan, and on the basis of the available records of S.R.Os, BL & LRO and Courts, I am of the opinion that the land in question is found to be marketable and free from all encumbrances. The said land is neither covered under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 nor exceeded the ceiling area as prescribed in WBLR Act, 1955. The land in question may be accepted for equitable mortgage by accepting the relevant ORIGINAL TITLE DEED and other related documents for the same. The boundary of the land in question as per the said title deed is: by North : 33 Ft. Wide Metal Road; by South : Sold Land of the present land owner; by East : Sold Land of Ravindra Kumar Sahu; by West : Land of Kamala Devi.

3. ANNEXURES:-

(i) Original Development Agreement being No. I-5647 for the year of 2023 recorded in Book No. I Volume No. 403 Pages from 109486 to 109510 and the same was registered at the office of the Additional District Sub Registrar Bgadogra, executed by Smt. Anju Sahu, Wife of Late Mohan Sahu & Daughter of Late Sailendra Kumar Sahu @ Nirmal Kumar Shalendra (Owner) along with Jalsangh Realty Private Limited, a Private Limited Company, represented by its directors namely (1) Sri Mukesh Kumar Sah, Son of Late Ram Narayan Sah, (2) Sri Aditya Baishya Sahu, Son of Late Mohan Sahu, (3) Sri Raju Shah, Son of Sri Ashok Shah (Developers).

(ii) Original Development Power of Attorney being No. I-5721 for the year of 2023 recorded in Book No. I Volume No. 403 Pages from 111243 to 111259 and the same was registered at the office of the Additional District Sub Registrar Bgadogra, in favour of (1) Sri Mukesh Kumar Sah, Son of Late Ram Narayan Sah, (2) Sri Aditya Baishya Sahu, Son of Late Mohan Sahu, (3) Sri Raju Shah, Son of Sri Ashok Shah, directors of Jalsangh Realty Private Limited, a Private Limited Company (Developers).

(iii) Original Deed of Gift being No. I-3778 for the year of 2006 recorded in Book No. I Volume No. 94 Pages from 89 to 96 and the same was registered at the office of the Additional District Sub Registrar Siliguri ii at Bagdogra, in the name of Smt. Anju Sahu, Wife of Late Mohan Sahu & Daughter of Late Sailendra Kumar Sahu @ Nirmal Kumar Shalendra.

(iv) Photocopy of General Power of Attorney being No. IV-18 for the year of 2003 recorded in Book No. IV Volume No. 37 Pages from 363 to 374 and the same was registered at the office of the Sadar Sub Registrar Ballia, in the name of Sri Satyendra Kumar Sahu, Son of Sri Bhagwan Dayal Sahu.

(v) Photocopy of R.S. Khatian No. 2/1 in the name of Sri Bhagwan Dayal Sahu, Son of Kedar Nath Sahu.

(vi) Photocopy of L.R. Khatian No. 107 in the name of Sri Bhagwan dayal Sahu, Son of Kedar Nath Sahu.

(vii) Original L.R. Khatian No. 1173 in the name of Smt. Anju Sahu, Wife of Late Mohan Sahu & Daughter of Late Sailendra Kumar Sahu @ Nirmal Kumar Shalendra.

(viii) Original Conversion Certificate vide Memo Nos. 4173/BLLRO-MTG/22, 4174/BLLRO-MTG/22, 4187/BLLRO-MTG/22, 4188/BLLRO-MTG/22, 4190/BLLRO-MTG/22, 4191/BLLRO-MTG/22,

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4192/BLLRO-MTG/22, 4195/BLLRO-MTG/22, 4194/BLLRO-MTG/22, 4193/BLLRO-MTG/22,
4196/BLLRO-MTG/22, 4197/BLLRO-MTG/22, 4199/BLLRO-MTG/22, 4198/BLLRO-MTG/22,
4171/BLLRO-MTG/22, 4163/BLLRO-MTG/22, 4164/BLLRO-MTG/22, 4200/BLLRO-MTG/22, in the
name of Smt. Anju Sahu, Wife of Late Mohan Sahu & Daughter of Late Sailendra Kumar Sahu @
Nirmal Kumar Shalendra.

(ix) Original Land Khazna Dakhila being No. L&LR SBP REVREC2023040105542 in the name of Smt.
Anju Sahu, Wife of Late Mohan Sahu & Daughter of Late Sailendra Kumar Sahu @ Nirmal Kumar
Shalendra.

(x) Original Panchayet Tax Receipt from Patharghata Gram Panchayet vide No. 1623 in the name of
Smt. Anju Sahu, Wife of Late Mohan Sahu & Daughter of Late Sailendra Kumar Sahu @ Nirmal Kumar
Shalendra.

(xi) Original Plan Order vide Order No. 345/MPS/Planning in the name of Smt. Anju Sahu, Wife of Late
Mohan Sahu & Daughter of Late Sailendra Kumar Sahu @ Nirmal Kumar Shalendra.

(xii) Original Sanctioned Building Plan vide Order No. 345/MPS duly approved by Matigara Panchayet
Samity, in the name of Smt. Anju Sahu, Wife of Late Mohan Sahu & Daughter of Late Sailendra Kumar
Sahu @ Nirmal Kumar Shalendra.

(xiii) Photocopy of Memorandum and Articles of Association of Jalsangh Realty Private Limited, a
Private Limited Company vide CIN No. U70109WB2018PTC227209.

(xiv) Photocopy of ROC of Jalsangh Realty Private Limited, a Private Limited Company.

(xv) Photocopy of Aviation Certificate vide memo No. EAC/6394/2/ATC (77/2021) in the name of Smt.
Anju Sahu, Wife of Late Mohan Sahu & Daughter of Late Sailendra Kumar Sahu @ Nirmal Kumar
Shalendra.

(xvii) Photocopy of Pan Id. of Jalsangh Realty Private Limited, a Private Limited Company, vide No.
AAECJ3116F.

(Chinmay Sarkar)
Advocate/Siliguri.