

NRUSHINGHA CHARAN PATTNAIK
(ADVOCATE)

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ORISSA HIGH COURT
920/3595, JAIL ROAD, JHARAPADA,
GOVINDAPRASAD, BBSR-751006.

To
The Managing Director.
MASON ESTATE (INDIA) PVT.LTD.
Bhubaneswar.

Date:-23.03.2021.

Sub:- Legal opinion on the property OF M/S MASON ESTATES (INDIA) PVT.
LTD IN THE PROJECT-MASON PARADISE.. PHASE-1.

Sir,

On your request, I have verified the documents submitted by the you &
giving my opinion accordingly.

Part-A: Description of the Property:

Dist : KHURDHA.
Tahasil : BHUBANESWAR..
Mouza : INJANA.
1.) Khata No : 391/1928
Plot No : ; 1394/1716...
AREA- ; Ac0.092 decimals. o/o Ac0.190 deimals.
2)KHATA NO- : 391/1646. Old khata no-391/103.
PLOT NO- ; 1396
AREA- ; Ac0.129.23 decimal. o/oAc0.150 decimals.
3) KHATA NO- ; 391/1583.
PLOT NO- ; 1395/2066.
AREA- ; Ac0.230 decimal.

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4- KHATA NO- ; 391/1867.
PLOT NO- ; 1395.
AREA- ; Ac0.260 decimals.
5-KHATA NO- ; 391/228.
PLOT NO- ; 1395/1838.
AREA- ; Ac0.030 decimals.

TOTAL LAND AREA- ; Ac0. 860 decimals.

BDA Project Approved Area- Ac0.741.23 decimals.o/o A0.860 decimals.

Bounded by;- North- Part of Plot no-1394.

South- Part of Plot no-1394/1716.

East- 30 ft.wide Proposed Road.

West- Part of Plot no-1394/1716.

Part –B: Present Address. Of the Party.

M/S MASON ESTATE (INDIA) PVT.LTD.

Represented by its ~~Managing~~ Director,Sri.Satyajit Biswal.

Having its Regd.office at-Plot no-458,Nayapalli,Madhusudan Nagar,P.S-Sahid Nagar,Bhubaneswar.Dist-Khurda.

Part:-C : Flow/Tracing of Title for last 13 years..

Khata no-391/103. Hal-391/1646.

Original recorded owner Sri.RAMACHANDRA SAHU in khata no-391/103 over a land area of Ac0.940 decimals in plot no-1393 and Ac0.150 decimals in plot no-1396 totaling to an area of Ac1.090 decimals. .Sri.Ramachandra Sahu had purchased the land area vide RSD NO-5129 DT.08.12.1993 and since then has been in absolute and uninterrupted possession over the same without any litigation.



↓

There after, in order to meet his legal necessity, Sri. Ramachandra Sahoo had sold the land area of Ac0.150 decimals from plot no-1396, of khata no-391/103 vide RSD NO-11081502933 dtd.31.03.2015 in favor of M/S Mason Estate India pvt.ltd and delivered possession.

↓

After the purchase, Mason Estate India has applied for mutation and vide MUTATION CASE NO-7364/2015 has obtained khata no-391/1646 with plot no-1396 over the land area of Ac0.150 decimals. The land area is a Homestead land.

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KHATA NO-. 391/1928, 391/1884 Savak-391/1723.. and 329.

Original Recorded owner Sri. Radheshyam Mallick and Sri. Keshab Mallick in khata no-329, plot no-1394, Area-Ac0.380 decimals as per ROR Published in the year 1973.

↓

After the death of Radheshyam Mallick his legal heirs namely, 1- Sri. Ghanashyam Mallick and 2- Sri. Rabindranath Mallick have jointly sold the land area of Ac0.126 decimals out of Ac0.190 decimals further out of Ac0.380 decimals from plot no-1394 and an area of Ac0.047 decimals out of Ac0.070 decimals further out of Ac0.140 decimals from plot no-797, totaling to an area of Ac0.173 decimals in favor of Sri. Debendranath Das vide RSD NO-2976 dtd.23.04.2001.

↓



↓

Similarly, another legal heir son of late Radheshyam Mallick had sold the land area of Ac0.063 decimals out of Ac0.190 decimals from plot no-1394 and an area of Ac0.0.024 decimals from plot no-797 of khata no-329 in favor of Sri.Debendra Nath Das vide RSD NO-3528 dtd.16.04.2004 and delivered possession.

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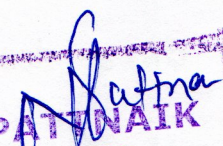
After the purchase,Sri.Debendra Nath Das had applied for Mutation and vide Mutation case no-772/90 has obtained khata no-391/71 with plot no-797/1715,,Area-Ac0.070 decimals and plot no-1394,Area-Ac0.190 decimals totaling to an area of Ac0.260 decimals.

↓

Similarly, after the death of another recorded owner Sri.Keshab Chandra Mallick in khata no-329, his legal heirs namely,Sri.Surendra nath Mallick had sold the land area of Ac0.190 decimals out of Ac0.380 decimals from plot no-1394 and an area of Ac0.070 decimals out of Ac0.140 decimals from plot no-797 in favor of Sri.Debendranath Das vide RSD NO-922 dtd.25.01.1989.

↓

After the purchase,Sri.Debendranath Das had applied for Mutation and obtained khata no-391/1723 with plot no-1394 Area-Ac0.190 decimals and plot no-797,Area-Ac0.070 decimals.


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Hence, Sri. Debendra Nath Das had purchased the total land area of Ac0.380 decimals from plot no-1394 and Ac0.140 decimals from plot no-797.



Again Sri. Debendra Nath Das in order to meet his legal necessity had sold the land area of Ac0.190 decimals from plot no-1394/1716 and Ac0.190 decimals from plot no-1394 totaling to an area of Ac0.380 decimals vide RSD NO-11081701113 dtd.22.02.2017 in favor of M/S Mason Estate India pvt.ltd and delivered possession.



After the purchase, Mason Estate India Pvt.ltd has applied for Mutation and vide Mutation case no-3026/2018 has obtained khata no-391/1928 with plot no-1394/1716 ,Area-Ac0.190 decimals and Khata no-391/1884 with plot no-1394 over the land area of Ac0.190 decimals. totaling to an area of Ac0.380 decimals.

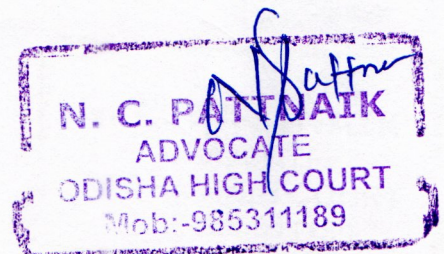


Hence Mason Estate india pvt.ltd has purchased the total land area of Ac0.530 decimals vide two sale deeds and going to make construction over two plots mentioned above in Part-A above.



SET-3. KHATA NO-391/1867.PLOT NO-1395.AREA-Ac0.260 decimals.

Originally the land area was recorded in Khata no-97 in the name of Jadu Dash as per Record of Rights published in the year 1973-74 over the land area of Ac0.520 decimals. After the death of Jadu Dash his two



sons namely, 1-Laxmidhar Dash and Sri.Ratnakar Dash and Smt.Dolia Das alias Martha have inherited the property left by late Jadu Dash. There after, as per mutual partition both of them got equal shares of 50% each as Smt.Dolia Das was not interested to take share from the property and after the death of Ratnakar Dash his only son Sri.Prahalad Dash and Smt.Khira Das, wife of late Ratnakar Das have inherited the property left by late Ratnakar Das.

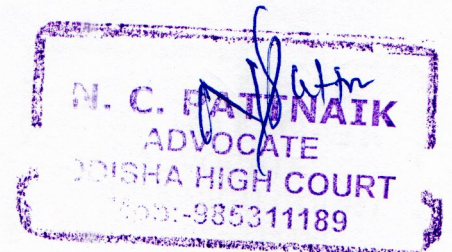


And in order to meet their legal necessity, Sri.Prahalad Dash and Smt.Khira Dash have jointly sold the land area of Ac0.260 decimals out of Ac0.520 decimals from plot no-1395 of Khata no-97 vide Regd.sale Deed bearing no-2839 dtd.18.04.2001 in favor of Sri.Gobinda Chandra Sahoo and delivered possession .



After the purchase, Sri.Gobinda Sahoo has applied for mutation and vide Mutation case no-21728/2016 has obtained khata no-391/1867 over the land area of Ac0.260 decimals. He has deposited the premium for conversion vide OLR 8-A-Case no-1928/2019.

There after, again, in order to meet his legal necessity, Sri. Gobind Chandra Sahoo had sold the land area of Ac0.260 decimals from plot no-1395, khata no-391/1867 corresponding to previous Khata no-97 in favor of Mason Estates INDIA Pvt.ltd vide RSD NO-11081908769 dtd.03.08.2019 and delivered possession..and applied for Mutation.



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SET-4. KHATA NO-391/1583, PLOT NO-1395/2066,Area- Ac0.230 decimals.

Originally this land area is also covers under khata no-97, in the name of Jadu Dash. After his death his another legal heir son Sri.Laxmidhar Dash in order to meet his legal necessity had sold the land area of Ac0.260 decimals out of Ac0.520 decimals from plot no-1395 in favor of Sri.Harihara Patra vide RSD NO-3377 dtd.01.05.2002 and delivered possession.

↓

Again after the purchase,Sri.Harihara Patra in order to meet his legal necessity had sold the land area of Ac0.230 decimals out of Ac0.260 decimals from plot no-1395, of Record of Rights no-97 vide Regd.Sale Deed no-11081404677 dt.28.04.2014 in favor of Mason Estates INDIA Pvt.ltd and delivers possession.

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After the purchase.Mason Estate INDIA Pvt.ltd has applied for mutation and vide Mutation case no-16437/2014 has obtained Khata no-391/1583 with plot no-1395/2066 over the land area of Ac0.230 decimals The land area is converted to Homestead vide OLR 8-A-Case no-3928/2017 ..

It is pertinent to state that Dollya Dash who was one of the legal heir of late Jadu Das ,has earlier given her oral consent in favor of her Brothers, but to make the transaction more secure, the company has purchased her share of land area of Ac0.173.decimals out of Ac0.520



decimals from plot no-1395 to avoid any future litigation from the side of legal heirs.



SET-5. KHATA NO-391/228, PLOT NO-1395/1838, Area-Ac0.030 decimals.

Original Recorded owner, Sri. Harihara Patra in khata no-391/228, plot no-1395/1838 over the land area of Ac0.260 decimals as per ROR Published.

Harihara Patra in order to meet his legal necessity had sold the land area of Ac0.030 decimals in favor of Sri. Benudhar Rout vide RSD NO-11262 dtd. 13.07.2009 and delivered possession.



There after, Sri. Benudhar Rout in order to protect his interest over the property, have executed a GPA Bearing no-11082000678 on dtd. 18.01.2020 in favor of M/S Mason Estate INDIA Pvt. Ltd over the land area of Ac0.030 decimals. The land area is a Homestead land.



There after, due to difficulties, Sri. Benudhar Rout again cancelled the GPA no-11082000678 Dtd. 18.01.2020 vide Cancellation Deed having ID NO-1082104262 Dtd. 17.03.2021 In favor of M/S Mason Estate India Pvt. Ltd. .

After the Cancellation Deed, Sri. Benudhar Rout have sold the land area of Ac0.030 decimals from plot no-1395/1838, of khata no-391/228 and an area of Ac0.010 decimals from plot no-1442/1837 of khata no-



391/227 ,totaling to an area of A0.040 decimals in favor of M/S Mason Estate India pvt. ltd vide RSD. Document no-11082104119 dt.19.03.2021 and delivered possession.

There fore, the Total land area is Ac0.741.23 decimals out of Ac0.860 decimals ,(3000.778 sqmeter) over which the project is being constructed after obtaining required Approval from BDA Letter no-31756 /BDA, Bhubaneswar dtd.31.12.2019 for Approval of Sub-Division of BDA LAY OUT PLAN with houses there on at Mouza-INJANA.

Hence, the flow of Title in favor of Mason Estates India pvt.ltd is clear,absolute, Marketable which will be enforceable under the Sarfaesi Act-2002.

At present, Mason Estates India pvt.ltd has applied for RERA Approval to the Real Estate Regulating Authority.

Part-D:

Observation on Mutation / Sub Division:-

At present ROR stand recorded in khata no-391/1646,PLOT NO-1996,AREA-Ac0.150 decimals and Khata no-3911867, plot no-1395, area-Ac0.260 decimals.,khata no-391/1928, plot no-1394/1716 Area-Ac0.190 decimals,Khata no-391/1884,plot no-1394,Area-Ac0.190 decimals . and khata no-391/228 plot no-1395/1838 ,Ac0.030 decimals The land area is converted to Gharabari.


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Rent Receipt / Premium Receipt:-

The Land owners have paid revenue rent in respect of the land area for the year 2019-20 in respect all the Record of Rights described above.

Encumbrance Certificate:-

The E.C. produced by the party for last 13 years shows that the land area has not been encumbered in any manner till date.

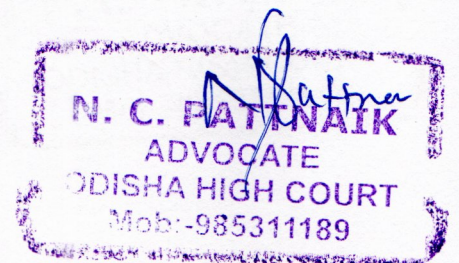
Certificate:-

Therefore, I certify that in view of the aforesaid documents submitted above, the land area is free from litigation, having marketable title, right & interest which can be safely taken on mortgage for the purpose of equitable mortgage.

PART-E- DOCUMENTS SUBMITTED BY THE PARTY.

SET-1.

- 1- ROR NO-391/1646, in the name of Mason Estates India pvt.ltd.
- 2- REGD.SALE DEED NO-5129 DT.08.12.1993. In favor of Ramachandra Sahoo.
- 3- HAL ROR NO-391/103 in the name of Ramachandra Sahoo..
- 4- ON LINE RENT RECEIPT FOR 2019-20.
- 5- CONVERSION RECEIPT OLR 8-A-Case no-1201/13 .
- 6- RSD NO-11081502933 dt.31.03.2015. in favor of Mason Estates India pvt.ltd.executed by Sri.Ramachandra Sahoo..



SET-2.

1-ROR NO-391/1928 in the name of Mason Estates INDIA Pvt.ltd.

2- ROR NO-391/1884 in the name of Mason Estates INDIA Pvt.ltd.

3- ROR NO-391/71 in the name of Debendranath Das.

4-ROR NO-391/1723 in the name of Sri.Debendranath Dash.

5-RSD NO-11081701113 DT.22.02.2017 in favor of Mason Estates INDIA Pvt.ltd executed by Sri.Debendranath Dash,

6-PERMISSION LETTER U/S 22 (1) (b) and (4) of OLR Act,1960 for transfer of land vide Rev.Misc case no-24/2016 of Sub-Collector,Bhubaneswar.

7-LEGAL HEIR ENQUIRY REPORT OF JADU DAS.

8-REGD.SALE DEED NO-2976 DT.23.04.2001. In the name of Debendranath Das.

9- REGD.SALE DEED NO-3528 DT.16.04.2004 In favor of Sri.Debendranath Dash.

10-REGD.SALE DEED NO-922 Dtd.25.01.1989.in favor of Debendranath Das.

SET-3.

1- ROR NO-391/1867. In the name of Gobinda Sahoo.

2- RSD NO-2839 Dtd.18.04.2001. in favor of Gobind Chandra Sahoo. Executed by Sri.Prahalad Das.



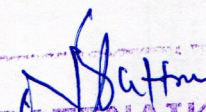
- 3- REGD.SALE DEED NO-11081908769 Dtd.03.08.2019 in favor of Mason Estates pvt.ltd executed by Sri.Gobinda Chandra Sahoo.
- 4- ON LINE REV.RENT RECEIPT FOR THE YEAR 2019-20.

SET-4

- 1- ROR NO-391/1583 In the name of Mason Estate India Pvt.ltd.
- 2-RSD NO-11081404677 dtd.28.04.2014 in favor of Mason Estates India pvt.ltd. by Sri.Harihar Patra.
- 3-RSD NO-3377 dtd. 01.05.2002 in favor of Harihara Patra executed by Sri.Laxmidhar Das.
- 4-ON LINE RENT RECEIPT FOR 2019-20.
- 5- CONVERSION RECEIPT KHATA NO-391/1583.Dtd.13.04.2018.

SET-5

- 1- ROR NO-391/228. In the name of Benudhar Rout.
- 2- Online Rent Receipt for 2019-20.
- 3- REGD.GPA NO-11082000678 DT.18.01.2020 In favor of Mason Estates INDIA Pvt.ltd.
- 4-REGD.SALE DEED NO- 11262 dtd.13.07.2009 in favor of Sri.Benudhar Rout .
- 5-Development Agreement between Hemalata Rout,Benudhar Rout with Mason Estate INDIA Pvt.ltd.
- 6--Articles of Association of the company.
- 7-Board resolution for Authorised Signatory Mr.Satyajit Biswal.


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7- Form showing status of present Directors.

8- Regd. Cancellation Deed ID no-1082104262 Dtd.17.03.2021.

9- Regd. Sale Deed no-11082104119 Dtd.19.03.2021.

Part-F:- Documents Creating Security:-

The party should submit all the documents described in Part –E above, AND Original Documents described in Part-H below for the purpose of Equitable Mortgage.

OPINION

I have verified the documents submitted by the party and found that the area over which the construction is going to take place is free from litigation, having marketable title right and interest, and can be safely taken for mortgage ..

The Total land area is Ac0.741.23 decimals out of Ac0.860 decimals (3000.778 sq.meter) over which the project is being constructed after obtaining required Approval from BDA Letter no-31756 /BDA,Bhubaneswar dtd.31.12.2019 for Approval of Sub-Division of BDA LAY OUT PLAN with houses there on at Mouza-INJANA.

The Encumbrances certificate submitted by the party for last 13 years shows that the land area has not been encumbered in any manner.

Hence, the flow of Title in favor of Mason Estates India pvt.ltd is ,absolute,Marketable which will be enforceable under the Sarfaesi Act-2002.


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At present, Mason Estates India pvt.ltd has applied for RERA Approval to the Real Estate Regulating Authority.

Therefore, I am of opinion that the land area can be safely taken on mortgage by any financial institution for the purpose of sanction of Loan and for APPROVAL by RERA Authority. .

Thanking you

Yours faithfully

N.C. Pattnaik
(Advocate)

Date

