

Notifications and Orders

(150) Policy regarding transfer of immovable property to the legal heirs/legatee(s) after death of the allottee /transferee in U.T., Chandigarh * No, 45/5/22-(JTFl(5)-201 V3355. - In compliance to the order dated 16th May, 2013 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh in CWP No. 1331 of 2013 titled Kamal Kumar versus U.T., Chandigarh, the Administrator, U.T., Chandigarh is pleased to notify the Policy regarding transfer of immovable property to the legal heirs/legatee(s) after death of the allottee/transferee in U. T., Chandigarh in respect of following categories subject to requirement of further modification in case of any hardship shown in the future

- 1, Transfer in the case of 'Intestate Death'.
2. Transfer on the basis of 'Registered will',
- 3, Transfer on the basis of 'Un* registered will',
4. Transfer on the basis of Sale Deed.

1. Transfer in the case of Intestate Death :

On receipt of the application for transfer of ownership in case of death of the allottee/transferee, the Estate Office, U.T., Chandigarh shall issue a public notice at the cost of the applicant(s) - within 30 days of the receipt of the request in three newspapers one in Hindi, one in English and one in Punjabi, having wide circulation in the area giving full particulars of the property and the applicant(s), who have applied for transfer of ownership rights. The public notice should clearly state that if any legal heir(s) is/are having any objection against the transfer of ownership, the objector(s) can submit the objection to the Estate Officer in writing along with supporting documents within one month of the publication of the notice and if no objection is received within 30 days of the publication of the notice in the aforesaid manner, then the ownership shall be transferred in the records of the Estate Office subject to the fulfillment of other conditions regarding submission of the death certificate, affidavit, indemnity bond and payment of all outstanding dues. In case of dispute amongst the legal heirs, the property will be transferred in the names of all the legal heirs. However, they shall not be allowed to alienate the property till they get their inter se dispute settled through the competent court of jurisdiction.

2. Transfer in the basis of 'Registered Will' :

On receipt of the application for mutating the property in the name of the holder of the 'Registered Will' the Estate Office, U.T., Chandigarh shall issue a public notice at the cost of the applicant(s) within 30 days of the receipt of the request in three newspapers - one in English, one in Hindi and one in Punjabi, having wide circulation in the area, giving particulars of the property and the applicants, who have applied for transfer of ownership rights. The public notice should clearly state that if any legal heirs is/are having any objection against the transfer of ownership, the objector(s) can submit the objection to the Estate Officer in writing along with supporting documents within one month of the publication of the notice and if no objection is received within 30 days of the publication of the notice in the aforesaid manner, then the property shall be transferred in the name of the holder of the 'Registered Will' in the records of Estate Office subject to the fulfillment of other conditions regarding submission of the death certificate, affidavit, indemnity bond etc. If any objection is received, then the objector should be asked to get the dispute settled from the competent court of jurisdiction regarding the genuineness of the 'Will' but during the pendency of the dispute, the ownership shall be transferred in the name of the holder of the 'Registered Will' subject to the final outcome of the case subject to the fulfillment of other conditions regarding submission of the death certificate, affidavit, indemnity bond and payment of all outstanding dues.

3. Transfer on The basis of '(Un* registered Will*):

On receipt of the application for mutating the ownership in the name of the holder of the 'Un-registered Will' the Estate Office, U.T., Chandigarh shall issue a public notice at the cost of the applicant(s) - within 30 days of the receipt of the request in three newspapers - one in English, one in Hindi and one in Punjabi, having wide circulation in the area giving particulars of the property and the applicant(s), who have applied for transfer of ownership rights. The public notice should clearly state that if any legal heirs is/are having any objection against the transfer of ownership, the objector(s) can submit the objection to the Estate Officer in writing along with supporting documents within one month of the publication of the notice and if any objection is received within 30 days of the publication of the notice in the aforesaid manner, then the ownership shall be transferred in the records of the Estate Office subject to the fulfillment of other conditions regarding submission of the death certificate, affidavit, indemnity bond and

payment of all outstanding dues. If any objection is received, and the Estate Officer is not satisfied regarding the genuineness of the 'Un-registered Will*' then the Estate Officer shall transfer the property on the basis of natural succession subject to the final outcome of the dispute regarding the genuineness of the 'Un- registered Will*.

4, Transfer on the basis of Sale Deed.

If the sale deed has been executed after obtaining 'No Objection Certificate' from Estate Office, U.T., Chandigarh or after execution of the Conveyance Deed in favour of the allottee, the transfer shall be allowed by the Estate Officer. Otherwise, same procedure as mentioned at Sr. No 2 and 3 shall be followed.

Note. - (i) All applications for transfer will be uploaded by the Estate Office, U.T., Chandigarh on its Website along-with the details of applicant(s) and property. This will be in addition to the Public Notice in Newspaper.

(ii) The applicants) shall submit an affidavit saying that they have indicated the name and address of all legal heirs of the allottee/lessee, correctly