

DELHI DEVELOPMENT AUTHORITY
SLUM & JJR WING

No. F.43/JD(JJ)/84(Policy)/ 554/6(S)87

Dated 14TH JULY, 1987

Sub:- Guidelines for mutation/transfer of properties allotted by the Slum & JJR Wing, DDA.

The following guidelines/instructions in supersession of all previous guidelines/instructions on the subject are hereby issued for due observance:-

1. In the cases of plot/flat allotted on perpetual lease hold basis, the person to whom mutation is sought shall have to furnish the following documents in original:-

✓ 1.1. Request in writing from legal heir of deceased person for proposed mutation/transfer and his written consent to abide by the terms and conditions of allotment/lease;

✓ 1.2. Death Certificate of the deceased person issued by Municipal Corporation of Delhi/New Delhi Municipal Committee or appropriate authority;

✓ 1.3. An affidavit on non-judicial stamp paper worth Rs.2/- duly sworn before Magistrate/Sub-judge/Notary Public relating to the statement of all legal heirs of the deceased person showing therein age, relationship with the deceased and address, i.e., wife, son, daughter and mother. In case, there is no living direct family member of the deceased person, the mutation/transfer is to be allowed on the basis of Law of Succession of such person. In case affidavit is attested by a Notary Public, a notarial stamp worth Rs.3/- is also to be affixed thereon;

1.4. Indemnity Bond on non-judicial paper worth Rs.10/- duly registered in the office of the Sub-Registrar, Delhi District, indemnifying the President of India, the lessor, against all loss, damages or claims arising out of the proposed mutation/transfer;

1.5. In case, the legal heirs want the mutation in favour of one or more legal heirs, a relinquishment-deed on non-judicial stamp papers worth Rs.10/- duly registered in the Office of Sub-Registrar, Delhi District, from the remaining legal heirs;

1.6. In the case of 'WILL' if left behind by the deceased person, may be decided in favour of the Legatee on the basis of 'Registered-Will' and on receipt of no-objection from the other legal heirs relating to said devolution. In case, the no-objection is not given by the other legal heirs, the mutation is not to be allowed till the 'will' is duly probated from the Court of Competent jurisdiction;

1.7. In case the property is under charge or mortgage, the person seeking mutation/transfer shall have to get the property released from such charge or mortgage or have to furnish a no-objection from the mortgagee;

1.8. The property may not be allowed to be mutated till all the dues of the Lessor are paid by such person. (The dues includes premium, rent, licence fee, penalty, damages, composition fee for condonation of breaches of terms and conditions of allotment/lease, interest, restoration fee etc.). In case, the amount of premium is recoverable in instalments, such person shall have to execute the prescribed terms and conditions of allotment required from other allottees.

4. In case properties allotted on licence-basis, the person-in-interest, in addition to above mentioned documents in para 1, shall have to furnish the documents as under:-

2.1. Family photograph in duplicate of the person seeking mutation/transfer of licence.

2.2. Documentary evidence to prove their occupation including true-copy of ration-card held by the deceased allottee and his family members living with deceased allottee on the address for which property, the mutation is sought.

3. The cases of allotment of plots in JJR Schemes of 25.00 sq.yds. shall be dealt with in accordance with para No. 2 above.

4. The minors may not be excluded from the mutation of any property held by their deceased parents, their names shall be associated in the lease-hold rights or licence alongwith their natural guardian. The guardian of such minor children shall execute all the deeds and do all acts and things for self and on behalf of the minor children till they attain majority. In case, both mother and father have expired the guardian if appointed by the Court of Law shall act in accordance with the directions of court.

5. The cases of change in the constitution of firm/private limited company shall be examined to allow such transaction on filing of the following documents in addition to above mentioned documents in para 1, :-

5.1. True copy of partnership-deed/articles of association, memorandum and incorporation certificate of Company;

5.2. Statement of share holdings and names of the partners/share holders and directors of co. at the time of (i) purchase/allotment of property, (ii) at the time of execution of lease-deed & (iii) at the time of seeking such permission;

5.3. In case there is no change in the constitution of firm/Co., the authorised person on behalf of firm/Co. shall file an affidavit to the effect that there is no change in the constitution of firm/Co. from the date of allotment/auction till date of application for mutation/transfer.

5.4. An affidavit to the effect that the terms and conditions of partnership-deed/articles of association and memorandum of the Co. shall not have effect on the terms and conditions of lease hold rights of plot, if any of them is contrary to the terms of auction/allotment/lease-deed of the plot of land against which mutation/transfer is being sought.

6. The property on licence/tenancy basis in old Slums and in JJR Schemes shall not be allowed to be transferred during life time of the allottee/licensee.

7. In cases of auctioned plots allotted for residential or commercial or industrial use the mutation/transfer shall be considered on the basis of terms and conditions of allotment/lease and specific request consent;

7.1. A request/consent from transferor/transferee with signature duly attested by a Gazetted officer Class-I or Magistrate/Sub-Judge.

7.2. Indemnity bond as mentioned in para 1.

7.3. Relinquishment-deed as mentioned in para 1.

- 7.4. Statement on affidavit from transferor & transferee that they do not hold any residential/commercial/industrial plot/house/flat/shop/stall etc., as the case may be, on lease-hold basis in part or full or free hold basis on their own name, in the name of wife/husband or dependant relations including minor childred in the Union Territory of Delhi and that they were competent at the time of allotment/auction of such plot/shop.
- 7.5. An Undertaking from the transferor that he/she will not have any new allotment from DDA/Slum Deptt., nor does he/she has any - said affidavit shall be given by the transferee also.
8. All mutation/transfer cases shall be allowed conditional that the said mutation/transfer is subject to cancellation in case, the same has been obtained on filing of wrong statement/fraud, or concealment/supression of facts etc.
9. In the affidavit, indemnity bond, the permanent income tax number of the transferor/transferee shall be indicated and change of such transfer shall be informed to the Income tax authorities by endorsing a copy of such orders.
10. In case the lease-deed is registered, a change shall take place through registered conveyance-deed or Gift deed. In the case of unregistered leases all the transfers shall be allowed by issuance of mutation letters.
11. Sale permission cases, shall be considered on the basis of terms and conditions of lease/allotment/auction and on charging 50% unearned increase in the value of land.
12. The mutation cases in favour of family members shall be decided at the level of Deputy Director;
13. The cases of mutation/transfer of property in the name of other than family members shall be decided at the level of Director.
14. The sale permission cases/amalgamation of plots shall be decided at the level of the lessor, the Lt. Governor, Delhi or the Vice-Chairman/Commissioner(S&JJR)(as per the terms and conditions applicable for the property in question).
15. The cases not covered by the guidelines shall have to be referred to the Commissioner(S&JJ), DDA for his decision, who's decision shall be final.
16. The question of charging the unearned increase shall be decided with the concurrence of finance and then approval permission shall be allowed by the Competent Authority as mentioned in these orders.
17. The cases for interpretation of any terms & conditions may be referred to the Law Officer(S&JJ) by the Dy. Director/Director/Commissioner(S&JJR).

'Sd./-
(MANJIT SINGH)
COMMISSIONER(S&JJR).

Copy for information and necessary action

To All Concerned.

(R.K. Varshneya)
Law Officer(S&JJ)