

No. 1/ConversionCases/2023/05
Government of India
Ministry of Housing and Urban Affairs
(Land & Development Office)

Nirman Bhawan, New Delhi
Dated the 3rd August, 2023

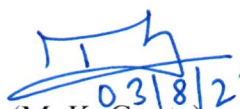
OFFICE MEMORANDUM

Reference: Approval of the SOP for rationalization of substitution/mutation cases in Land and Development Office.

In supersession of OM No. 1/ConversionCases/2023/05 dated 26.07.2023 and approval as under reference, the Conversion and Document Verification Cell (CDVC) has developed an SOP for rationalization of substitution/mutation cases in Land and Development Office which has been approved by the Competent Authority on 13.07.2023.

2. A copy of the approved SOP as Annexure 'A' is herewith forwarded for compliance and further necessary action.
3. This issues with approval of the Competent Authority.

Encl: as above


(M. K. Gupta) 03/8/23
Dy. L&DO- IV

To

1. All Dy. L&DOs/EO
2. All Section Officers/Superintendents
3. Dy. L&DO (CDN) with request to get the SOP uploaded on the website. Further, CDN Section is also requested to coordinate with DAVP for ascertaining the process and charges of publishing the public notice. Additionally, Divisional Commissioner, Delhi may be requested to direct all attesting authorities to cooperate in case a verification from them is required. It will also forward the information received from the concerned Section to DAVP for newspaper advertisement in requisite proforma.
4. Accounts Officer (with request to provide heads / sub-heads, etc. for receipt and expenditure to be done on account of publishing the public notice.)
5. Dy. L&DO(Admin) with request to make necessary logistics arrangements.
6. NIC Cell (for getting it uploaded on website & making necessary provisions in the e-dharti portal)

Copy for information to:

1. PPS to JS (L&E)
2. PS to L&DO

Annexure 'A'

Subject: SOP for rationalization of substitution/mutation cases in Land and Development Office.

1. The following information/documents to be submitted by applicants along with online application for Substitution/Mutation:

- 1.1. The cost of Newspaper Advertisement for public notice calling for objections shall be borne by the applicant. **This process will be applicable for all pending as well as future applications.**
- 1.2. Affidavit (**Annexure- H**) by the Legal Heirs on Rs. 10/- (Rs. Ten only) Non-judicial stamp paper to be attested by the SDM/Sub-Judge/1st Class Magistrate.
- 1.3. Indemnity Bond (**Annexure- F**) by the applicants on Rs. 100/- (Rs. One Hundred only) Non-judicial stamp paper to be attested by the SDM/Sub-Judge/1st Class Magistrate.
- 1.4. Affidavit to the effect that Lost of the Lease Deed (**Annexure- I**) on Rs. 10/- (Rs. Ten only) Non-judicial stamp paper.
- 1.5. Copy of Newspaper Advertisement regarding lost of Lease Deed.
- 1.6. In case of No Objection Affidavit by all the legal heirs of the Property (in case of substitution only) on Rs. 10/- (Rs. Ten only) Non-judicial stamp paper. In absence of which the beneficiary should obtain probate of the WILL from the Competent Court of Law and will submit a certified copy of the same to this office.
- 1.7. Surviving Member Certificate along with online application.
- 1.8. Uploading of AADHAR and PAN Card with online application.
- 1.9. Self attested copy of registered Lease Deed.
- 1.10. Self attested copy of registered Conveyance Deed (in case of Freehold property).
- 1.11. Self attested copy of registered Sale Deed (in case of Mutation).
- 1.12. In case of mutation, copy of Sanctioned Building Plan duly signed by the registered architect and countersigned by all the co-owners of the property along with payment of Rs. 1000/- (Rs. One Thousand only) as application fee.
- 1.13. Any other required documents.



Debarment of applicants:

Where it is found that the applicant(s) has submitted false information or false/forged documents along with online application, his application shall be summarily rejected and the applicant(s) shall be debarred for a period of 6 (Six) months from the date of rejection of application.

2. Procedure to be followed by the concerned Property/Lease Section while dealing with the Substitution /Mutation Applications :

- 2.1. Ascertaining that the application is duly filled with legible enclosures will be done by the concerned Section.
- 2.2. The requisite documents will be verified by the Section as per this Office's Order dated 06.03.2023. Further, sincere efforts should be made to verify from different sources available over the internet, if required, and from previous documents available in the records. Additionally, in case of Substitution, applicant has to upload Surviving Member/Legal Heir Certificate.
- 2.3. Special attention shall be paid to verify signatures of lessees, attesting authorities (SDM/ Sub-Judge/ 1st Class Magistrate) of the indemnity bonds, Affidavits, etc. and authenticity of the documents like death certificate, WILL Deed, relinquishment deed, etc.
- 2.4. In all the pending applications, the applicants shall be asked to provide a banker's cheque / demand draft in the favour of "Accounts Officer, Land & Development Office" payable at New Delhi of an amount as conveyed by DAVP which will be required for the payment against the public notice published by L&DO in several national newspapers, calling for objections, if any, against the application of substitution/ mutation received in the department. If no objections are received in L&DO within one month (30 days) of the publication, the 'No Objection' shall be deemed. This process shall be followed only until NIC does not make a provision in the e-dharti portal of this office for online payment along with the application of substitution/ mutation.
- 2.5. The Sections will send a letter to all the legal heirs, prospective interest holders / stakeholders, etc., intimating them about the application of substitution/ mutation received and inviting any objections, if any, along with the documentary proof to substantiate their claim. If no objections are received in L&DO within one month (30 days) from the date of



the letter, the 'No Objection' shall be deemed. All the letters shall be sent through registered post with acknowledgement, to ensure that the letters have reached the concerned.

- 2.6. In case, the Section receives any objections, the same will be examined by the Section and will take necessary action.
- 2.7. Whereas if there are no objections received within the stipulated time, the application and the records of the property will be sent to the "Conversion & Document Verification Cell (CDVC)" for verification of documents pertaining to the application. The note on the file shall clearly mention the documents that have been verified by the Section and the sources (along with copies) from which they have been verified. Additionally, the list of those documents that have not been verified due to unavailability of any source shall also be mentioned in the note.
- 2.8. The respective Section will send concerned property file along with proof reading proforma to CDVC for verification of documents.
- 2.9. CDVC will examine the application with enclosed documents. In case, there are deficiencies found in documents, Cell will return the file to respective Section with its observations.
- 2.10. Where the documents are found to be in order, the Cell will send a proof reading letter to the applicants for proof reading along with the list of people who will be required to be physically present at the time of proof reading at given scheduled date and time. The letter shall also mention that in case, any of the person as mentioned in the list is unable to be present on the given date, the same shall be intimated in advance, so that the proof reading can be re-scheduled. For those who are not residing in the country, they shall provide a Special Power of Attorney for attending the proof-reading, on their behalf.
- 2.11. Demand, if any, may be raised in name of the applicant/lessee only after successful verification of all documents by the Cell.
- 2.12. In rare circumstances, where the documents uploaded with the application are to be replaced at the time of proof reading, the applicant shall be provided with an option to upload additional documents in the online portal which will be done by NIC. Only after uploading those documents, the replaced/ additional documents shall be considered at the time of proof reading.



2.13. After the proof reading is successfully completed, the files will be returned to the Section for issuing the substitution/ mutation letter.

2.14. Initially, the CDVC will function only on 2nd & 4th Friday of a month.

Specific cases to be dealt with as under:

- a) **Substitution applied on the basis of a registered WILL Deed** – In such cases, the Section will get the public notice published and send letters, inviting objections, to all the legal heirs. If objections are not received within the stipulated time, then only those legal heirs will be called for the proof reading in whose names the property is to be substituted.
- b) **Substitution applied on the basis of un-registered WILL Deed** – In such cases, the Section will get the public notice published and send letters, inviting objections to all the legal heirs. If objections are not received within the stipulated time, then all the legal heirs will be called for the proof reading.
- c) **Substitution applied on the basis of a Relinquishment Deed** – In such cases, the Section will get the public notice published and send letters, inviting objections to all the legal heirs. If objections are not received within the stipulated time, then only those legal heirs will be called for the proof reading in whose names the property is to be substituted.
- d) **Substitution applied on the basis of NOC/ Affidavit** - In such cases, the Section will get the public notice published and send letters, inviting objections to all the legal heirs. If objections are not received within the stipulated time, then all the legal heirs will be called for the proof reading irrespective of in whose names the property is to be substituted.
- e) **Mutation applied on registered Sale Deed** – In such cases, the Section will get the public notice published and send letters, inviting objections to all the recorded lessees. If objections are not received within the stipulated time, then only the purchasers will be called for the proof reading.



(To be executed on non-judicial stamp paper of Rs.10/-
and to be attested by 1st Class Magistrate)

AFFIDAVIT of Legal Heir for Substitution

Affidavit of Shri/Smt./Km. _____ s/o w/o d/o _____
resident of _____. The deponent solemnly affirm as under:-

1. That _____ was my father/ mother/ husband/ wife/ grandfather/
grandmother/ father-in-law/ mother-in-law and he/she died on _____.
2. That the deceased was the lessee of property No. _____.
3. That the lease in respect of said property was registered as No. _____ in
Additional Book No. _____ Volume No. _____ on pages _____ to
_____ dated _____ with the Sub-Registrar, Delhi/New Delhi.
4. That the deceased has left behind the following heirs (widow/ widower/
mother/ son / daughter / widow of predeceased son / children of
predeceased daughter / children of predeceased son etc.) including myself
under Hindu Succession Act and their names along with their relationship
with the deceased, their ages and their addresses are given below:-

| S.No. | Name | Age | Relationship with deceased | Address |
|-------|------|-----|-------------------------------|---------|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |

5. That the deceased did not leave behind any heirs except those whose names
are given above.
6. That the deceased left behind 'WILL' dated _____ bequeathing the
above property in favour of _____ which is registered/
unregistered. The 'WILL' is genuine and I have no objection if the same is
acted upon.

OR

That the deceased has left behind no 'WILL'.

DEPONENT

VERIFICATION:-

I, _____, the above named deponent do hereby verify that the
contents of para 1 to 6 of the above affidavit are true and correct to my knowledge

and that no portion is false. The said affidavit conceals nothing which is relevant to the above matter.

Signed, dated and verified at _____ this the _____ of _____.

DEPONENT

(To be executed on non-judicial stamp paper of Rs.100/-
and to be attested by 1st Class Magistrate)

INDEMNITY BOND for Substitution

This Indemnity Bond is executed on _____ this day of _____ by
Shri / Smt. / Km. _____ s/o w/o d/o _____
resident of _____ hereinafter called the
executants (which term shall include his / her heirs, successors, executors,
administrators and legal assigns) in favour of President of India, hereinafter
called the Lessor (which terms shall include its heirs, successors, executors,
administrators and legal assigns).

WHEREAS the executants is the lessee / sub-lessee / allottee in physical
possession of the Plot / Flat No. _____ in Block No. _____ Pocket No. _____
in _____.

OR

WHEREAS the executants is the duly constituted attorney of Shri /Smt. /Km.
_____ s/o w/o d/o _____
property _____ and is competent to seek Sale Permission, execute
the Sale Deed and get it registered on behalf of the lessee / sub-lessee /
allottee.

AND WHEREAS the lessee of the said property has died on leaving behind
the following legal heirs:-

| S. No. | Name | Age (Years) | Relationship with deceased | Address |
|--------|------|----------------|-------------------------------|---------|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |

AND WHEREAS the deceased lessee had executed a WILL dated _____
registered as No. _____ in Additional Book No. _____ Volume No. _____
on pages from _____ to _____ dated with the Sub-Registrar, Delhi / New
Delhi bequeathing the property in favour of the executant.

AND WHEREAS the other legal heir(s) to the deceased lessee have filed affidavit(s) to the effect that he / she / they have no objection to the substitution of the property in favour of the executant on the basis of the WILL referred to above, by the Lessor.

AND WHEREAS the executant has represented to the Lessor for substituting the rights, interests and the title of the lessee in his / her favour on the basis of the WILL referred to above.

AND WHEREAS the Lessor has agreed to substitute the rights, title and interest of the lessee in favour of the executants subject to the condition of the executant executing a registered indemnity bond in favour of the lessee to indemnify the Lessor against any loss for damage that it may sustain or any action that may be brought against it on account of the substitution of the property in favour of the executants.

NOW therefore, in consideration of the aforesaid agreement the executants do hereby indemnify and shall always keep the Lessor indemnified against any loss or damage that it may sustain by substituting lease hold rights of the deceased lessee in favour of the executant of any claim, proceedings of litigation penalty or action that may be taken or brought against the Lessor arising out of or in connection with the substitution of the lease hold rights in favour of the executants by the Lessor.

IN WITNESS WHEREOF the executants Shri / Smt. / Km. _____
s/o, w/o, d/o _____ has signed and delivered this
bond on this day of _____.

EXECUTANT

WITNESSES:-

1. _____

2. _____

ANNEXURE 'I'

(To be attested by I Class Magistrate / Sub -Judge and given on non- judicial stamp paper of Rs. 10/-)

Affidavit of _____ aged _____ son of / daughter of / wife of Shri _____ Resident of _____. The deponent solemnly affirms as follows: -

1. That I am lessee /GPA of lessee of property No. - _____
2. That the lease deed dated _____ in respect of the property No. _____ has been lost.
3. That I have got published a public notice dated _____ in _____ Newspaper regarding loss of lease deed in respect of Property No. _____.
4. That no person has so far come forward with the said lease deed or has staked claim in respect of the above mentioned property.
5. That I have not alienated / transferred the property by means of an agreement to sell, general power of attorney and I have not parted with the possession of the said property.
6. That the above property is not mortgaged .
7. That the contents of the above affidavit are true and that no portion is false and that the affidavit conceals nothing, which is relevant to the above matter.

DEPONENT

VERIFICATION

I, _____, the above named deponent, do hereby verify that the contents of para 1 to 6 of the above affidavit are true and correct to my personal knowledge and that the contents of para 6 of the same affidavit are believed to be true . Signed dated and Verified at _____ this _____ the _____ day of _____.

DEPONENT