

Government of India  
Ministry of Urban Development  
Land and Development Office  
Nirman Bhawan, New Delhi

No.24(735)/09/CDN/167

Dated 29/5/09

**OFFICE ORDER NO. 5/2009**

Sub:-Substitution on the basis of a 'Will'.

As per the existing policy for substitution on the basis of a 'Will' by lessee, in case of death of the lessee, no objection affidavits of all legal heirs of the deceased lessee are required to determine the genuinness of the 'Will'. If that is not possible, the beneficiaries are asked to got the 'Will' probated through a Competent Court of Law. In case of certified copy of probate is submitted, affidavits, death certificate or other documents are not required. Now the DDA has decided to dispense with the requirement of NOC from all other family members or legal heirs.

This issue has been examined in consultation with M/o Law & Justice & in view of judicial announcements. M/o Law has opined, that a probate means a copy of the will certified under the seal of a competent court with a grant of administration of the estate to the executor of the Testator. A probate granted by a competent court is conclusive evidence of the validity of the 'Will' until it is revoked and no evidence can be admitted to impeach it except in a proceeding to revoke the probate. The grant of the probate decides the genuinness of the 'Will' and the executors right to represent the estate. Accordingly, it is felt that once a person comes forward with a probate duly granted by a competent court, there is no need of requirement of 'NOC' from other family members or legal heirs and death certificate etc. in the process of substitution of title depending upon the merit of each particular case. In case no probate is sought, the beneficiary has to submit NOC from all other family members or legal heirs as there is no family members.

Contd..../-

Therefore, it has now been decided to dispense with the requirement of NOC from other legal heirs in the cases where the substitution is to be carried out on the basis of a probate of a 'Will' depending upon the merit of each particular case.

Yours faithfully,



(Surendra Singh)

Dy. Land and Development Officer  
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1. All Officers
2. All Sections
3. Guard file of CDN