



हरियाणा शहरी विकास प्राधिकरण
HARYANA SHEHRI VIKAS PRADHIKARAN

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To

1. All the Administrators,
HSVP in the State.
2. All the Estate Officers,
HSVP in the State.

Memo No. A-6-UB-2019/

Dated:

Subject:- Registration of independent floor-clarification/amendment in policy regarding transfer/floor on the basis of WILL.

This is in continuation of this office memo No. A-PHK-UB-1/2009/6552-83 dated 13.03.2009 and further correspondence on the subject cited above.

As per these guidelines the present allottee/owner is required to made an application on prescribed performa along with administrative charges, approved building plan (duly marked the proposed area to be transferred) and details of common areas/facilities to the concerned Estate Officer, only thereafter the division of plot/house is allowed and no provision has been made there for division of house in case of death/WILL, the policy is silent on this issue.

It was observed that there are cases where the testator has bequeathed the house/property to the beneficiaries floor wise, but no provision was incorporated visualizing such situations in the floor-wise partition policy dated 13.03.2009. Though the policy dated 03.06.2013 governing transfer of immovable property to the legal heir(s)/legatee after death of the allottee/re-allottee, clearly provides for mode of transfer of immovable property on the basis of WILL, therefore, in such cases to avoid hardship to the allottee and unnecessary litigation as well as honouring the last WILL of deceased, it may be clarified/considered that the Estate Officers shall transfer the house/property floor wise in favour of beneficiaries in accordance with WILL instead of joint transfer.

The matter was got examined legally and it was observed that the following para 4.7 after para 4.6 may be added in the policy guidelines dated 13.06.2009:-

4.7 "Floor wise partition on the basis of Will"

Where the testator has bequeathed the house/property floor wise the transfer in favour of the beneficiaries shall be made floor wise in accordance with the WILL and not jointly. Before floor wise transfer, the procedure given in the policy pertaining to WILL dated 03.06.2013 shall be followed, where after, the Estate Officer concerned shall suo motu pass an order registering the house/property floor wise. After floor wise transfer, the transferee shall



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abide by Rules/Regulations/Policy etc. governing floor wise partition issued from time to time. All pending representations and Court cases, if any, shall be dealt with accordingly".

Besides, administrative charges of Rs. 10,000/- per floor shall be charged at the time of submitting application for transfer of plot/floor on the basis of WILL. The all pre-requisite formalities as prescribed in the policy guidelines dated 03.06.2013 governing transfer of plot on the basis of WILL shall be made applicable.

The above matter was placed before the Pradhikaran in its 118th meeting held on 10.07.2019 vide Agenda item No. 118th (10) for consideration and decision. The Pradhikaran has approved the proposal. A copy of Agendas alongwith extract of the decision of the Pradhikaran is sent herewith.

You are requested to take further action in the matter accordingly and action taken report may be sent to this office immediately. These instructions may be brought to the notice of all concerned.

DA/As above

Administrator (HQ),
HSVP, Panchkula.

Endst. No. A-6-UB-2019/ 134875

Dated:- 26/7/19

A copy of the above is forwarded to the following for information and necessary action:-

1. The Chief Controller of Finance, HSVP, Panchkula.
2. The Chief Engineer, HSVP, Panchkula.
3. The Chief Town Planner, HSVP, Panchkula.
4. The Secretary, HSVP, Panchkula.
5. The GM(IT), HSVP, Panchkula. He is requested to host it on HSVP Web-site.
6. The District Attorney, HSVP (HQ), Panchkula.
7. The Dy. ESA, HSVP (HQ), Panchkula.
8. All the Assistant/Record Keepers, Urban Branch, HSVP (HQ), Panchkula.

Administrator (HQ),
HSVP, Panchkula.