

From

Chief Administrator,  
Haryana State Agricultural Marketing Board,  
Panchkula.

To

All the Secretaries -cum-E.O.,  
Market Committee, in the State.

Memo No. L.A.-I-2015/ 95457 - 95565

Dated 28/9/15

**Subject : Policy regarding process of transfer of immovable property.**

It is informed that in supersession of earlier instructions and guidelines regarding mode of transfer of immovable property, the Board in its meeting held on 09.09.2015 vide Agenda item No. 23 has approved the following Policy guidelines regarding process of transfer of Immoveable Property:-

**1. General Instructions**

- a) All the transfers shall be made by the Secretary-cum-E.O. However, transfer of any plot shall be subject to the restrictions, if any, under the applicable rules.
- b) No transfer is allowed without clearance of all the pending dues of the plot including total price of the plot which includes interest and penal interest, extension fees etc, except the cases where the transfer is required to be made to legal heirs/successor due to the death of the allottee/transferee. In the cases where the transfer is required to be made to legal heirs/successor due to the death of the allottee/transferee, an undertaking should be taken from them to create their joint and several liability to clear all the dues. However, in all transfers an undertaking from the transferee must be taken to deposit the compensation enhancement, penalties and other dues including penal interest, if any, found at a later stage.
- c)
  - i) Transfer of a vacant plot may be allowed if the installments and others dues on the date of transfer are paid subject to an under taking of the transferee to make the payment of balance installments and other dues as per the terms and conditions of the allotment. The transferee shall indemnify the Market Committee/HSAM Board against any loss due to transfer of plots.
  - ii) The transferee of a vacant plot may be allowed to make construction on the plot in such balance time as is permissible for the original allottee subject to the payment of extension fees, if any, under the terms and conditions of the allotment letter.
- d) Only three maximum transactions of a vacant plot can be allowed.
- e) A constructed plot can only be transferred by the allottee after getting executed the conveyance deed in his own favour from the Market Committee.



- f) The transfer in the case of family settlement or consent decree can be allowed after getting it registered before the appropriate authority and following the procedure at point No.4.
- g) The transfer of a plot owned by a partnership firm in case of its dissolution, can be allowed as per dissolution deed after inviting objections by a public notice at the cost of the applicant(s) within 30 days of the receipt of the request in two leading newspapers – one in Hindi and other in English, having wide circulation in the area giving full particulars of the property and the applicant(s), who have applied for transfer of ownership rights.
- h) The transferee has to give an undertaking that he shall be bound by the provisions of the HAPM Act, 1961 and rules made there under as well as by the policy/instructions issued by the Government/Board/Market Committee from time to time.
- i) In case the transferees are more than one, they have to give an undertaking that they will not make any fragmentation of the plot/shop.
- j) A share in the plot may be allowed to be transferred on the proof that the owner is going to start/carry on the business alongwith the transferee on the said plot and on an undertaking from owner and transferee that they will not make any fragmentation of the plot.
- k) No constructed plot is allowed to be transferred before issuance of completion certificate. However, where the transfer is required to be made to the legal heirs/successors of the deceased allottee/transferee, the said transfer can be allowed on an undertaking from such legal heirs/successors that the violations, if any, will be removed or got regularized by depositing the requisite compounding fees as the case may be.
- l) The Secretary Market Committee shall ensure that the publication of the notices is made in the National Newspapers
- m) In death cases, the transferees have to give the names of all the legal heirs (alongwith their complete addresses) of the deceased allottees (as per his personal law like Hindu Law, Muslim Law etc.) on an affidavit. In case of transfer on the basis of Will (Registered/Un-registered), the transferees have also to give the No Objection Certificate (NOC) from all such legal heirs who are excluded from the Will by the deceased qua that property. However, in case the transferees are not in position to give their NOCs, the E.O.-cum-Secretary may invite the objections from such legal heirs by sending notices through Registered Post on the addresses given by the transferees in addition to the public notice.
- n) No transfer fee shall be chargeable in death, family settlement and consent decree cases. However, the processing fees shall be payable in all transfer cases.
- o) Secretary Market Committee has to dispose of a transfer case within a period of two months including the notice period. They have also to dispose of the pending transfer cases within a period of three months from the date of circulation of this policy.
- p) No conveyance deed shall be executed before the clearance of all the dues including interest, penal interest non construction fee etc. of the plot and completion certificate.



- q) The Secretary, Market Committee shall endeavor to get disposed of any pending litigation, for transfer of a plot, in terms of this policy after taking a legal opinion.
- r) Transfer fee shall be charged as per the Resolution No. 3 passed by the Board of Directors in its meeting held on 19.8.2008. A processing fee of Rs. 1000/- shall also be charged in addition to the transfer fee, if any, from the applicant(s).

**2. 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 E.O.-cum-Secretary of concerned Market Committee shall issue a public notice at the cost of the applicant(s) within 30 days of the receipt of the request in two leading newspapers – one in Hindi and the other in English, 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)/claimants can submit the objections to the E.O.-cum-Secretary 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 concerned Market Committee subject to 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.

**3. Transfer on the basis of a Will which was registered before the death of the testator**

On receipt of the application for mutating the property in the name of the holder of such 'Registered Will', the E.O.-cum-Secretary of the concerned Market Committee shall issue a public notice at the cost of the applicant(s) within 30 days of the receipt of the request in two newspapers – one in Hindi and the other in English, 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 having any objection against the transfer of ownership, the objector(s) can submit the objections to the E.O.-cum-Secretary 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 the concerned Market Committee 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 provided he fulfils other conditions regarding submission of the death certificate, affidavit, indemnity bond and payment of all outstanding dues.




**4. Transfer on the basis of the 'Un-registered Will' or a Will which was registered after the death of the Testator.**

On receipt of the application for mutating the ownership in the name of the holder of the 'Un-registered Will' or such registered Will, the E.O.-cum-Secretary of the Market Committee concerned shall issue a public notice at the cost of the applicant(s) within 30 days of the receipt of the request in two newspapers – one in Hindi and the other in English, 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 having any objection against the transfer of ownership, the objector(s) can submit the objection to the E.O.-cum-Secretary of the Market Committee 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 Market Committee 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 E.O.-cum-Secretary of the Market Committee is not satisfied regarding the genuineness of the Will, then E.O.-cum-Secretary of the Market Committee 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' or such registered Will.

**5. Transfer on the basis of Sale Deed.**

If the sale deed has been executed after obtaining 'No Objection Certificate' from the Market Committee or after execution of the conveyance deed in favour of the allottee subject to general instructions as provided under this policy, the transfer shall be allowed by the E.O.-cum-Secretary of the Market Committee. Otherwise, the same procedure as mentioned at Serial Number 2 and 3 shall be followed.

*These instructions should be followed meticulously.*

  
Supdt. (L.A)

for Chief Administrator.

Endst. No. L.A-I-2015/ 95566-95735

Dated 28/9/15

A copy is forwarded to the following for information and necessary action.

1. All the Deputy Commissioner, in the State of Haryana.
2. All the SDMs/Administrators of Market Committees.
3. All the ZAs/ZMEOs/DMEOs, HSAM Board in the State.
4. The Chief Engineer-I & II, HSAM Board, Panchkula.
5. The CMEO, HSAM Board, Panchkula.
6. The Controller Finance & Accounts, HSAM Board, Panchkula
7. All the Branch In-charges/Officers at Head Quarter.
8. PS/CA & PA/Secretary, HSAM Board, Panchkula.
9. The Executive Engineer, (IT), HSAM Board, Panchkula.

  
Supdt. (L.A)

for Chief Administrator.