



8, Jan Marg, Sector 9-D, Chandigarh
0172-4601809

No. 184

Dated 26/08/15

ORDER

Many applications/petitions have been received in the Chandigarh Housing Board regarding transfers, where the GPA/SPA holder/s, who was/were also an agreement to sell holder/s, has/have died. There has been no clear cut policy to deal with such cases.

Regarding SPA/GPAWILL transactions, the Hon'ble Supreme Court of India has also given directions in Special Leave Petition (C) No.13917 of 2009 that "They can continue to be treated as existing agreements of sale. Nothing prevents affected parties from getting registered Deeds of Conveyance to complete their title. The said 'SA/GPAWILL transactions' may also be used to obtain specific performance or to defend possession under section 53A of TP Act. If they are entered before this day, they may be relied upon to apply for regularization of allotments/leases by Development Authorities. We make it clear that if the documents relating to 'SA/GPAWILL transactions' has been accepted/acted upon by DDA or other developmental authorities or by the Municipal or revenue authorities to effect mutation, they need not be disturbed, merely on account of this decision." The phrase 'before this day', as stated by the Hon'ble Supreme Court above, refers to the day of 11.10.2011, i.e. the day of passing of the above order.

Accordingly, Chandigarh Housing Board has now decided that in all such cases where the GPA/SPA holder/s, who was/were also an agreement to sell holder/s, has/have died and where there is evidence/proof of payment to establish/validate the transaction, the Class-I legal heir/s of the deceased shall have the right to get the said property transferred in his/her/their name/s. In case all the legal heirs desire to have the property transferred in their name, the property shall be accordingly transferred jointly and equally. In other cases, where some of the legal heirs have expressed their intention of relinquishing their rights through an affidavit in favour of one or more of the legal heirs, the property shall accordingly be transferred to such legal heir/s.

Therefore, in cases where GPA/SPA holder/s has/have died and where the deceased GPA/SPA holder/s also had an agreement to sell along with evidence/proof of payment to validate such transaction, the Chandigarh Housing Board shall transfer the property in favour of the legal heir/s of the deceased.

Maninder Singh, IAS,
Chairman,
Chandigarh Housing Board,
Chandigarh.

Dated 26.8.2015

Endst. No. HB(S)/EA-III/2015/ 2195

Dated 26.08.2015

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