

To

The Principal Directors
Defence Estates
Southern/Central/Western/Eastern/South-Western Commands
Pune/Lucknow/Chandigarh/Kolkata/Jaipur

Subject: Guidelines regarding documents to be submitted by the applicants in compliance of MoD policy dated 02.05.2025.

Sir/Madam,

Please refer MoD letter No. 14(19)/2017-D(Q&C)/Pt.III dated 02.05.2025 and DGDE letter No. 701/2268/L/DE/OGB/2023 dated 06.05.2025 and 27.08.2025.

2. General guidelines/SOP in the subject matter was issued by this Dte General vide letter of even no. dated 27.08.2025.

3. Now, in continuation of the same, an Indicative checklist regarding transfer of occupancy rights and authorized superstructures of old grant properties in Cantonments (**Annexure-A**) is forwarded herewith for further necessary action. Mandatory contents to be incorporated in the draft transfer deed have also been included therein.

4. It is requested that the same may be suitably circulated amongst the offices under your jurisdiction.

5. DGDE has approved.

(Subrat Pal)

Dy. Director General (Lands-II)
Defence Estates
For DGDE

Encl: As above

Copy to:

Dte DE, NC - For information only.

Indicative Checklist for CEOs/DEOs

(Transfer of 'occupancy rights' and 'authorised superstructures' of Old Grant Properties in Cantonments).

Introduction

This Standard Operating Procedure (SOP) provides an indicative checklist to guide Chief Executive Officers (CEOs) and Defence Estates Officers (DEOs) in processing cases that seek prior permission for the transfer of occupancy rights and authorised superstructures in Old Grant Properties. The checklist given below serves only as a reference framework, it is not exhaustive. The field offices and the Station Commander may request additional documents, records, or information as deemed necessary for the thorough examination and careful processing of each case.

Further, all applications for transfer of occupancy rights and authorised super structures, will also be examined by the DEOs/CEOs as per the order dated 11.10.2011 of the Hon'ble Supreme Court in SLP(c) No.13917 of 2009 and order dated 01.11.2023 in Civil Appeal No.1598 of 2023 (copies enclosed). As per 4(h) of MOD letter NO.14(19)/2017-D(Q&C)/Pt.III dated 02.05.2025, cases for condonation of other breaches of Old Grant Terms shall continue to be referred to the concerned Competent Authority for decision.

In addition, the Indicative Check list is subject to the directions issued by MOD vide letter No.14(19)/2017-D (Q&C)/Pt.III dated 02 May 2025, as well as the guidelines issued vide DG DE letter No.701/2268/L/DE/OGP/2023 dated 27.08.2025.

- A. For Fresh Cases of Transfer, wherein prior permission for transfer of occupancy rights and authorized superstructures in Old Grant Properties has been sought.

Step 1: Submission of Application

Applicants [Holder(s) of Occupancy Rights or legal heir(s)/successor(s)-in-interest, and intended Transferee(s)] shall submit an application containing all required details and documents as per the details given at Para 1 of the Annexure enclosed with DGDE letter No. 701/2268/L/DE/UGP/2023 dated 27.08.2025.

For Old Grant properties located inside Civil Area: Application shall be submitted to the Chief Executive Officer (CEO), of the concerned Cantonment Board.

For Old Grant properties located outside Civil Area: Application shall be submitted to the Defence Estates Officer (DEO) of the concerned cantonment.

Step 2: Document Verification by CEO/DEO

The CEO/DEO shall verify the following documents and details:

- **Application:** Confirm the details of the Holder(s) of Occupancy Rights (HoR)/Legal Heirs(s) and property details as per GLR/office records etc.
- **Aadhaar Card:** The copies of Aadhaar Cards submitted by the applicant(s) and intended purchaser(s) shall be verified against the originals. In cases where Aadhaar Cards have not been issued to them, the CEO/DEO may, at their discretion, may accept any other Government-issued identity document.

- **PAN Card:** In applicable cases, as per Government of India norms mandating submission of PAN Card for property transactions, the copy submitted by the applicant(s) shall be verified against the original PAN Card.
- **No Dues:** CEOs and DEOs shall ensure that all Government dues of the concerned Cantonment Board and DEO Circle are cleared prior to processing of the request. No dues certificate will be obtained from both the offices and placed on record.
- **Affidavit:** Applicant(s) shall submit an affidavit as prescribed at Sl. No. 6 of para 1 of the Annexure enclosed with the DGDE letter No. 701/2268/L/DE/OGP/2023 dated 27.08.2025.
- **Draft Transfer Deed**
 - a) CEO/DEO shall ensure that the draft transfer deed does not confer any greater rights over defence land.
 - b) Any objectionable word(s) or phrase(s) such as "absolute title", "ownership rights", "sale of land" etc shall be removed/struck off from the draft deed.
 - c) CEO/DEO shall confirm correctness of authorized built-up area, survey number, boundaries, and other relevant particulars from GLR entries and records held in their offices.
 - d) In addition, the following will be included (mandatory) in the draft Transfer Deed:-
 - (i) That the applicant(s) admits the Government's ownership of the land, and the trees standing thereon.

- (ii) That the land of the Old Grant Property is resumable by the Ministry of Defence, Govt. of India after issue of resumption notice, and that after expiry of the notice period, all types of rights of the occupancy holder in said land, and structures thereon will get extinguished in favour of the Ministry of Defence, Govt. of India.
 - (iii) That in the event of resumption of the Old Grant Property, the Government will not be obliged to pay compensation for the authorized superstructure(s) on the basis of Transfer price, and that the compensation payable for the authorized superstructure(s) will be on the basis of instructions issued by the Government from time to time.
 - (iv) That the applicant will not use the Old Grant Property or permit the same to be used for any purpose other than what is given in the description given in GLR.
 - (v) That the vacant land of the site will not be transferred separately and the site shall not be sub-divided. The land shall not be sold, leased, licensed or mortgaged by the applicant(s).
 - (vi) That the applicant(s) will not transfer the Occupancy Rights of the Land, or the ownership of the superstructure(s) standing thereon, without the permission in writing of the Govt. of India, Ministry of Defence, and that the rights accruable to the transfer would be restricted to those under the Old Grant terms.
- e) Any discrepancy pointed out by CEO/DEO/Station Commander in the draft transfer deed shall be rectified by the applicant(s).

- f) The draft transfer deed shall be vetted by CBLA/CGSC/Dy. SG/Addl. SG, as applicable.

Document Authentication: The CEO/DEO shall check all documents attached to the application, and also obtain an affidavit from the applicant(s) confirming that all submissions made regarding the proposed transfer of rights in the property are genuine. Further, if any false/fraudulent document or misrepresentation is noticed in future, it shall render the process and transfer deed null and void ab initio.

Step 3: Site Inspection

A joint site inspection of the Old Grant Property shall be carried out as under:

Inside Civil Area: Jointly by the Engineer of the Cantonment Board, along with representatives of LMA/Station Commander and HoR(s)/LR(s).

Outside Civil Area: Jointly by representative of DEO Circle, Engineer of CB, representative of LMA/Station Commander, and HoR(s)/LR(s).

Step 4: Site Inspection Report

A detailed Site Inspection Report shall be prepared, including site plan, dated colour photographs, satellite image, details of unauthorized constructions (mentioning compoundable and non-compoundable constructions separately therein), sub-division of site, change of purpose, and encroachments, if any.

- **For Inside Civil Area:** Engineer of CB shall submit the joint report to the CEO.
- **For Outside Civil Area:** Representative of DEO shall submit the joint report to the DEO.

The report shall be signed by all members of the inspection team with their names, designations, and date. CEO/DEO shall countersign after verification.

Step 5: Legal Opinion and Vetting

Before forwarding the application to the Station Commander, the CEO/DEO shall obtain legal opinion from CBLA/CGSC/Dy. SG/Addl. SG on the draft transfer deed or any other aspect of the case which may be relevant in the context of the proposed transfer.

- DEOs shall obtain opinion from the Central Government Standing Counsel/Dy. SG/Addl. SG.
- Cantonment Boards may obtain opinion from their Legal Advisor/CGSC/Dy. SG/Addl. SG.

Step 6: Compilation and Forwarding to Station Commander

The case file forwarded to the Station Commander by the DEO/CEO for consideration of the request of the applicant (s) shall include:

- a) Application with all supporting documents, self-attested and duly verified.
- b) Detailed site inspection report with site plan, photographs, satellite images, etc as well as, wherever applicable, the details of unauthorised construction, change of purpose, sub-division of site, encroachment etc.
- c) Office report on the application as per GLR records-including extract of the concerned Survey Number, details of HoR(s)/LR(s), sanctioned building plan, etc.
- d) Legal opinion on the draft transfer deed

- e) Specific recommendations of CEO/DEO on the application.
- f) Cantonment Board resolution (*for properties inside Civil Area*).
- g) No Dues Certificates from CEO and DEO.
- h) Draft transfer deed duly vetted.

The Station Commander may seek any assistance/clarification from CEO and DEO, as and when required, for processing the proposal. In addition, the Station Commander will also be at liberty to seek advice from the PDDE of the Command or on any specific land issue involved in the proposal.

Step 7: Decision of the Station Commander

The Station Commander may

- Approve the application seeking prior permission for transfer of occupancy rights and authorised superstructure; OR
- Reject the application with a detailed speaking order.

The case file shall be returned to the concerned CEO/DEO along with the Station Commander's decision.

Step 8: Communication of Decision of Station Commander

The CEO/DEO shall formally communicate the decision of the Station Commander to the applicant(s) in writing. In case of approval of transfer by the Stn Cdr, the applicants(s) will give authenticated copy of the registered Transfer Deed within one month of its execution to the CEO/DEO concerned.

Step 9: In case the Transfer Deed is not strictly as per the approval given by the Station Commander the same will be considered *void-ab-initio*.

B. For Past Cases regarding Condonation/Ex-Post-Facto Sanction, wherein transfer of Occupancy Rights of Old Grant Property has already been done by the applicant(s) without obtaining prior approval of the Competent Authority, as required under the Old Grant Terms.

Step 1 : Submission of Condonation/Ex Post Facto Sanction Application;-

Applicants i.e. the Transferor(s)/legal heir(s)/successor(s)-in-interest, and Transferee(s)/LRs shall submit, as far as possible, joint application containing all required details and documents as per the details given at Para 2 of the Annexure enclosed with DGDE letter No. 701/2268/L/DE/UGP/2023 dated 27.08.2025.

For Old Grant properties located inside Civil Area: Application shall be submitted to the Chief Executive Officer (CEO), of the concerned Cantonment Board.

For Old Grant properties located outside Civil Area: Application shall be submitted to the Defence Estates Officer (DEO) of the concerned cantonment.

The joint application must include the following:

- Admit transfer of Occupancy Rights of Old Grant Property, without taking prior approval of the Competent Authority, as required under the Old Grant Terms.

- Request for ex-post-facto sanction, and condonation of not taking prior permission from the Competent Authority, before Transfer of Occupancy Rights of Old Grant property.
- Provide full property details, nature of transfer along with date and justification.
- Also provide details of unauthorized construction (if any), change of purpose (if any), encroachment on defence land (if any), any legal dispute, and also that the property is free from encumbrances, such as Mortgage, unpaid loans, liens, restrictions on right of use, attachments, court cases, legal claims, etc, and also if any greater rights have been transferred vide the already executed transfer deed.
- The applicants will give an affidavit as given at SI No.6 of Para 2 of Annexure enclosed with DG DE letter dated 27.08.2025 that all the information and document(s) submitted by them are correct.
- If any false/fraudulent document or misrepresentation is noticed in future, it shall render the process/ex-post facto approval/condonation null and *void-ab-initio*.
- Declare willingness to comply with applicable policies of the Ministry of Defence, and pay all applicable charges.
- In case, it is not feasible to submit a joint application, then the Transferee(s)/LR(s)/Successor(s)-in-interest will provide detailed reason(s) as to why a joint application is not feasible, and only thereafter the application submitted by Transferee(s)/LR(s) will be processed further.

Step 2 : Document Verification by CEO/DEO

The CEO/DEO shall verify the following documents and details:

- **Application:** Confirm the details of the Holder(s) of Occupancy Rights (HoR)/Legal Heirs(s) and property details as per GLR/office records etc.
- **Aadhaar Card:** The copies of Aadhaar Cards submitted by all the applicant(s) shall be verified against the originals. In cases where Aadhaar Cards have not been issued to them, the CEO/DEO may, at their discretion, may accept any other Government-issued identity document from the applicant(s).
- **PAN Card:** In applicable cases, as per Government of India norms mandating submission of PAN Card for property transactions, the copy submitted by the applicant(s) shall be verified against the original PAN Card.
- **No Dues:** CEOs and DEOs shall ensure that all Government dues of the concerned Cantonment Board and DEO Circle are cleared prior to processing of the request. No dues certificate will be obtained from both the offices and placed on record.

Step 3 : Site Inspection Team:-

A joint site inspection of the Old Grant Property shall be carried out as under:

Inside Civil Area: Jointly by the Engineer of the Cantonment Board, along with representatives of LMA/Station Commander and HoR(s)/LR(s).

Outside Civil Area: Jointly by representative of DEO Circle, Engineer of CB, representative of LMA/Station Commander, and HoR(s)/LR(s).

Step 4: Site Inspection Report:-

A detailed Site Inspection Report shall be prepared, including site plan, dated colour photographs, satellite image, details of unauthorized constructions (mentioning compoundable and non-compoundable constructions, separately, therein), sub-division of site, change of purpose, and encroachments, if any.

- **For Inside Civil Area**: Engineer of CB shall submit the joint report to the CEO.
- **For Outside Civil Area**: Representative of DEO shall submit the joint report to the DEO.

The report shall be signed by all members of the inspection team with their names, designations, and date. CEO/DEO shall countersign after verification.

Step: 5 Examination of Transfer Deed already executed:

- The DEO/CEO along with CGSC/Dy SG/Addl SG/CBLA will check the transfer deed, to confirm that no greater/absolute proprietary rights had been transferred through the already executed Transfer Deed, and that the ownership rights of Ministry of Defence, Govt. of India over the land of the subject Old Grant Property has been agreed to categorically in the Transfer Deed.
- The DEO/CEO will ensure that any objectionable terms like "absolute title", "ownership rights", "sale of land" etc. in the already executed Sale Deed, is corrected by a Rectification Deed to be provided to the applicant(s) by the concerned DEO/CEO in consultation with the CGSC/Dy SG/Addl SG/CBLA, and as per provisions of the concerned State Govts.

- The DEO/CEO will confirm the correctness of the authorized built-up area in the already executed transfer deed as also check the other details from the GLR, such as the Survey Number, area of the Old Grant property, its description, name(s) of the HoR(s) etc, and also the correctness of the schedule of boundaries from the GLR Plan.
- The applicant(s) will need to suitably rectify the already executed transfer deed, if any discrepancy is found by the DEO/CEO. Any failure to rectify the executed transfer deed, will result in the rejection of the application of the applicant(s).

Step 6 : Legal Opinion (Mandatory)

- Further in each case wherein ex post facto approval has been sought regarding transfer of an Old Grant Property without prior approval of the Competent Authority, the legal opinion of the CGSC/Dy.SG/Addl.SG will have to be taken by the DEO, and legal opinion from the CBLA/CGSC/Dy.SG/Addl.SG will have to be taken by the CEO CB concerned.

Step 7: Compilation and Forwarding of application along with documents to Station Commander :-

The case file forwarded to the Station Commander by the DEO/CEO for consideration of the request of the applicant (s) shall include:

- i. Condonation and Ex-post facto sanction Application with all supporting documents, self-attested and duly verified.

- ii. Detailed site inspection report with site plan, photographs, satellite images etc. as well as, wherever applicable, the details of unauthorised construction, change of purpose, sub-division of site, encroachment etc.
- iii. Office report on the application as per GLR records-including extract of the concerned Survey Number, details of HoR(s)/LR(s), sanctioned building plan, etc.
- iv. Legal opinion on the already executed Transfer deed.
- v. Copy of Rectification Deed, wherever applicable.
- vi. CEO/DEO's specific recommendations on the application.
- vii. Cantonment Board resolution (*for properties inside Civil Area*).
- viii. No Dues Certificates from CEO and DEO.

The Station Commander may seek any assistance/clarification from CEO and DEO, as and when required, for processing the proposal. In addition, the Station Commander will also be at liberty to seek advice from the PDDE of the Command on any specific land issue involved in the proposal.

Step 8: Decision of the Station Commander:-

- (i) Approve the application for condonation of violating the Old Grant Term regarding seeking of prior permission of Competent Authority before transfer of an Old Grant Property, and give ex post facto sanction for the transfer of occupancy rights, and authorised superstructure.

In case, the Station Commander, approves, the ex-post facto sanction application, then the applicant(s) will have to execute an Admission Deed, duly vetted by CBLA/CGSC

on stamp paper of appropriate value as advised by the CGSC/CBLA, giving following undertakings:-

- (a) That the applicant(s) admits the Government's ownership of the land, and the trees standing thereon.
- (b) That the land of the Old Grant Property is resumable by the Ministry of Defence, Govt. of India after issue of resumption notice, and that after expiry of the notice period, all types of rights of the occupancy holder in said land, and the structures thereon will get extinguished in favour of the Ministry of Defence, Govt. of India.
- (c) That in the event of resumption of the Old Grant Property, the Government will not be obliged to pay compensation for the authorized superstructure(s) on the basis of Transfer price, and that the compensation payable for the authorized superstructure(s) will be on the basis of instructions issued by the Government from time to time.
- (d) That the applicant will not use the Old Grant Property or permit the same to be used for any purpose other than for what is the description given in GLR.
- (e) That the vacant land of the site will not be transferred separately, and the site shall not be sub-divided. The land shall not be sold, leased, licensed or mortgaged by the applicant(s).
- (f) That the applicant(s) will not transfer the Occupancy Rights of the Land, or the ownership of the superstructure(s) standing thereon, without the permission in writing of the Govt. of India, Ministry of Defence, and that

the rights accruable to the transfer, would be restricted to those under the Old Grant terms.

OR

(ii) May reject the application with detailed speaking order.

- Case file will be returned to the concerned CEO/DEO along with Station Commander's decision.

Step 9 : Convey the decision of the Station Commander to Applicant(s)

- CEO/DEO will convey the decision of the Station Commander to the applicant(s) regarding approval or rejection of the Application.