



# htestates

## LAW BOOK

Sunil Tyagi

I own a house in Delhi and want to open a small shop in one of the rooms that overlooks the service street. Can I do so?

—Sunita Nair

Assuming your plot does not fall in a category A or B colony, you may open a small shop having an area of not more than 20 square metres for catering to daily needs such as stationery, vegetables and fruits, etc, out of the 24 items listed in the Master Plan for Delhi 2021.

You can do all of the above from your house provided it is located on the ground floor.

Further, you need to register for mixed use with the local municipal authority and pay the annual mixed use charges as applicable.

I was the sole caretaker of my aunt and used to live with her. On several occasions she told me that she would give the house which belonged to her to me. Now after her death, her children have taken possession of the house and have denied my claim. What remedy do I have?

—Ashish Soni

According to the succession law applicable in India, if there is a Will in which you are the beneficiary, then you have a claim over the house. However, if she died intestate i.e., without a Will, her property

will devolve upon her legal heirs (her children in this case).

I have booked an apartment in an under-construction residential tower in Noida. The flats are nearing completion and we have formed a Residents' Welfare Association (RWA). The builder has got the revised building plans sanctioned without the approval of the flat owners. In the revised building plan, he has added extra floors to the tower. What is the way out?

—Ritesh Agarwal

In the case of Emerald Court Owner Resident Welfare Association vs the state of Uttar Pradesh, the Allahabad High Court has held that sanctioning revised building plans by the authority without obtaining prior consent of the flat owners is in violation of the Uttar Pradesh Apartment Ownership Act, 2010.

Thus, as a recourse, at the first instance, the Residents' Welfare Association can approach the Noida Authority.

*The author is a senior partner at Zeus Law, a corporate commercial law firm. One of its areas of specialisations is real estate transactional and litigation work. If you have any queries, email us at htestates@hindustantimes.com or ht@zeus.firm.in*

