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To,

Anti Corruption Beru

Sub: What must laymen do ?

When the keepers of Law (**Corrupt government Officers**)

Does not abide by the Law of the Book?

Help me, Fight Corruption and to protect the Law

**Ref:**

- a. Land situated at alibaug sea face Road, dist Raigard bearing CTS no 1238
- b. The appeal no 39(3)/2004/PS & OSD, Ref2603/660/102/L1 of 2003 with **The** Minister for Revenue and forest Department Govt of Maharashtra, mantrayla Mumbai 400012
- c. The Appeal against the Order no 540 filled with the Deputy director of land records (konkan Region) at old Customhouse Mumbai.

Dear Sirs,

A rich investor in order to grab my Ancestral prime property (situated at sea face of alibaug), (to which I am 50 % legal heir and in which I am residing and earning my legal daily bread.) at a throw away price has with the help of corrupt City Survey Officer, Alibaug in year 2000 transferred the names of the property from my late grandmothers name to the name of my uncles heirs, thereby excluding my name entirely, and made me an illegal encroacher in my own property. The Land grabbers have made a secret deed for sale (sathe karar) with them and purchased the property and threatened me of dire consequences if I do not vacate the property.

From past Eight years, I have appealed to various appellant authorities, which has fallen to the deaf ears.

At present My review petition is being heard by the Deputy Director of land Records, Konkan division at Custom house Mumbai, and I am sure that he would also act in a Corrupt manner and not do justice and abide by the Law. My next date of hearing is on 4/2/2009. I would like to know how you can help me to prevent Corruption from taking place.

I now look forward to you to assist me in this matter and oblige.

Thanking You

Yours truly,

A.S.merchant

The recorded facts are as follows.

The disputed property described above belongs to my grandmother late khatijabai fazal expired in 1984 she had two sons, My Father late Sheriff Fazal merchant (expired in 1977) and My Uncle Late Anwar Fazal parpia (expired in 1990). In 1986 my uncle, in order to grab my property came up with an alleged will of my grandmother and went to the City Survey Officer to transfer the property, Due to the objection raised by me, he was asked to produce the letter of probate as required by the Indian succession Act. Hence he filled a probate petition No 696 of 1986 with the high court Mumbai, which was objected by me and transferred to regular suit No 14 of 1987. In 1990 my uncle expired and as his heir were not brought to record the suit was abetted in 1992. Hence from that day I am the undisputed 50 % legal heir to the property of my grand mother and am residing and doing legal business in the premises.

However in 2000 the city survey officer has without informing me or getting probate letter transferred the property on the bases of he will.

I appealed to the Superintendent of land records and informed him the officer had erred on following grounds

1. The transfer was made on the bases of unreadable Xerox copy of the will. The original will is with the High court, to which they have no Access as their name (even on this date) are not brought to record.
2. As per the Indian succession Act clause No 24 No legal rigths / powers can be given until the letter of probate is granted by appropriate court. However in this case the property is transferred on bases of will which has already been abated, which has not been proved to be authentic. And which was refused to be accepted (without letter of probate) in the past.
3. As per the Maharashtra land revenue act Section 54 prior to transfer of the property a survey of the property has to be made, all the concerned persons to be informed, and objection if any has

to be recorded. However in my case No intimation was served to me even though

- a. My name address and phone numbers were in the records of the city survey officer.
  - b. My objection to the transfer was already there in books
  - c. My name was mentioned as a legal heir in the alleged will of khatijabai.
  - d. No Inspection /notice was pasted or served on the property.
  - e. In fact, (In order to hide the facts from me,) the registered letter sent to intimate khatijabai for transfer, was sent to the uncles mumbai address and not to the Alibaug popery address where I was staying when in the will my grandmother has sated that due to reason of her health, she is staying in Alibaug.
  - f. The Taluka niakshak bhoomi abhilek in his order has asked the heirs of my uncle as to why no application for the transfer was made uptill now (2000) when khatijabai had expired in 1984 ? the heir's of my uncle kept mum, ( did not disclose the above facts ) paid a fine of Rs 5/s imposed on them . (When the Deputy Director of land record asks same question to them they state that they state that they did not know of the same,).
4. As per the Muslim Law of succession a Muslim cannot will away more than 1/3<sup>rd</sup> of the property by will, In the will khatijabai states that she is an Indian Muslim .and has willed away the entire property 100% to one person . In this case this has been done. Is this not against the law ?
5. My uncle's heirs and The City survey officer had made a false declaration that khatijabai had made bequest of the property to Anwar fazal parpia. Hence the death certificate of Anwar fazal was enclosed, declaration affidavit that they are the only survivor of Anwar fazal was made, and property transferred in name of Anwar fazal Parpia.

However the real fact is that in the Alleged will khatijabai has not made bequest to Anwar fazal . She has made bequest to one Anwarali. Hence it proves that the Taluka nirakshak bhoomi abilehk had not read the will. This fact can also be proved by the fact that TIL order refers to all documents except the will

My Appeal was dismissed on flimsy Ground that As my father had expired prior to my Grand Mother, as per the Muslim law of succession my rights does not react to my Grandmother's property.

Hence I appealed to the Deputy Director of land record, stating that the officer has erred as follows

1. The Property is transferred on the bases of the will. I.e. Respondent are agreeing that khatijabai had made a will, which means that khaijabai has died (as per the definition laid by Indian succession act clause No 14) a testate death. Than how are you applying a law of intestate death in this Case?

2. As per the Indian succession Act clause No 25 , “In case of intestate death also a varras dhakla or the letter of succession from an appropriate court is required for the transfer of the property” than without it how a quasi Court take a decision, and Guide me to go to the appropriate Court?

My Appeal was not accepted by the Deputy director, stating that as the suit to the probate petition was pending in high court, the matter was sub jurdiced , hence what has been done by the city survey officer is justified, hence the Superintendent order is justified.

Hence I appealed to the Minister of land record land & forest department stating that the officer has erred as

1. Not agreeing but for the sake of argument, if the case is pending,
  - a. How can the respondents apply prior to the decision of the Court
  - b. When matters are sub jurisdiced. Even he cannot take a decision, than how can his junior decide.
  - c. If the property name were transferred than prior to high court decision the party would dispose off the property, which has happened in this case.
2. It has been recorded by Superintendent of land record in his order that the respondent agree that the suit for probate petition filled by their father had abetted in 1992.

On 9/11/2004 the principal Secretary and officer on Special Duty appeals heard my case. However the judgement to my case was not given, as it seems that the respondent had taken objection to the jurisdiction of the Authority. No further date has been given to me , inspite of my repeated reminders and follow up.

***It is very clear , head or tail, Probate petition case pending or not pending the transfer cannot be made. Hence if Justice cannot be given, deny the Justice.***

**After delaying the decision for almost 5 Years, the Officer on Special duty had ordered the a review Order by the Deputy Director of land record Konkan division Konkan division Mumbai.** and I am sure that he would also act in a Corrupt manner and not do justice and abide by the Law. My next date of hearing is on 4/2/2009. I would like to know how you can **help me to prevent Corruption from taking place.**

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