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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 644/2016

RAN SINGH & ORS

..... Appellants

Through: Mr. Yogesh Saini, Adv.

versus

TEHSILDAR (NOTIFICATION) & ANR

..... Respondents

Through: Mr. Sanjay Dewan with Ms. Palak Rohmetra, Advs. for R-1.

Mr. Sanjay Kumar Pathak with Mr. Sunil Kumar Jha & Mr. Kushal Raj Tater, Advs. for ADM/LAC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

14.09.2017

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1. The appellants' grievance is that the learned Single Judge even while reviewing her order dated 18.07.2016, did not take into consideration that the Tehsildar declined to grant 'No Objection Certificate' even though he had no jurisdiction to do so. Apparently, the appellants had applied to the Competent Authority i.e. Additional District Magistrate (ADM) who seems to have forwarded it to the Tehsildar.

2. Learned counsel for the appellants has relied upon the judgment of the Supreme Court reported as *Meera Sahni v. Lt. Governor of Delhi & Ors.*; (2008) 9 SCC 177 which clearly states that in terms of the prevailing

notification and provisions of the Delhi Lands (Restrictions on Transfer) Act, 1972, it is the ADM concerned who is authorized to exercise such powers with respect to Sections 5, 6 and 8 of that Act. It is also contended that the concerned notification of 27.05.1992 still holds the field in this regard.

3. It is also contended that 'No Objection Certificate' is inessential in view of the judgment of this Court in *O.P.C. Jain v. Additional District Magistrate (LA) & Ors.*; 42 (1990) DLT 478.

4. Having regard to the overall circumstances, this Court is of the opinion that it is open to the appellant to approach the ADM with a request to revive the application; in such event the concerned ADM shall pass an appropriate order in accordance with law within six months of the receipt of such application.

The appeal is disposed of in the above terms.

Order dasti.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

SEPTEMBER 14, 2017

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