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

+ **W.P.(C) 7209/2018**

DIPAN KUMAR

..... Petitioner

Through: Mr Vaibhav Mahajan and Mr Rohan
Sharma, Advocates.

versus

GOVT OF NCT OF DLEHI & ORS

..... Respondents

Through: Mr Santosh Kumar Tripathi, ASC,
GNCTD for R-1 & R-3.
Mr Yeeshu Jain, Standing Counsel
with Ms Jyoti Tyagi, Advocates for
R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.07.2018

CM No. 27432/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 7209/2018

2. The petitioner has filed the present petition, *inter alia*, praying as
under:-

- “a. To issue a writ in the nature of mandamus, or in other
alternative writ, order or direction to allow the Petitioner
to register gift deed in favor of his daughter on the basis
of NOC/ Land Status Report dated 02.05.2017; and
- b. To issue a writ in the nature of mandamus, or in other
alternative writ, order or direction to compensate the
Petitioner for gross negligence, abuse of power, delay
and unconstitutional acts.”

3. The petitioner's grievance arises from the actions of the respondents not providing No Objection Certificate (NOC) for transfer of agricultural land situated in the Village Mehrauli, Tehsil Mehrauli.

4. The learned counsel appearing for the petitioner has referred to the application filed in this regard as well as the cash receipt dated 08.12.2017 evidencing the payment made for processing the aforesaid application. Since, the petitioner did not receive any response to the request for the NOC, the petitioner filed an application under the Right to Information Act, 2005, *inter alia*, seeking the status of his application (application no.21752). The said application also did not elicit any response from the respondents.

5. The petitioner finally received the communication dated 17.05.2018 informing the petitioner that the status report had been received on 02.05.2018 and the petitioner should collect the same from the office of respondent no.3 within thirty days. This letter was also not posted immediately. The postal receipt filed by the petitioner indicates that the same was posted on 29.05.2018 and it was received by the petitioner on 30.05.2018. The petitioner's grievance is that the validity of the said NOC is only thirty days and, therefore, by delaying the submission of the said NOC, the concerned officers have effectively precluded the petitioner from executing the conveyance deed in this regard.

6. The petitioner now seeks to execute a gift deed with regard to the property in question and, therefore, requires the NOC.

7. It is apparent from the above that concerned officers of respondent nos.1 & 3 have not acted with due dispatch. This Court is refraining from making any adverse observations against the concerned officers. However,

this Court considers it apposite to direct that the NOC be provided in a time bound manner and without requiring the petitioner to make any separate application.

8. In view of the above, it is directed as under:-

- a) That the concerned officers of respondent nos.1 & 3 shall re-process the petitioner's application (application no. 21752) for a NOC for a gift deed as expeditiously as possible and in any case within a period of one week from today.
- b) The concerned officer shall, thereafter, ensure that the said NOC is hand delivered to the petitioner on or before 23.07.2018.

9. The petition is disposed of in the above terms.

10. Order dasti under signatures of the Court Master.

JULY 13, 2018
MK

VIBHU BAKHRU, J