

\$~16

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

% *Date of Judgment: 15th January, 2018*

+ W.P.(C) 7255/2015

LAXMI ARCHON (P) LTD.

..... Petitioner

Through

Mr. Vikrant Nilesh Goyal, Advocate

versus

ADM SOUTH WEST

..... Respondent

Through

Mr. Satyakam, ASC with

Mr. Shashwat Parihar, Advocate
GNCTD.

Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Advocate for
LAC.

Ms. Mrinalini Sen Gupta with Mr.
Tanmay Yadav, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

1. With the consent of the parties the writ petition is set down for final hearing and disposal.
2. This is a petition under Article 226 of the Constitution of India filed by the petitioner. As per the writ petition, the petitioner claims to be the owner of half share in the agricultural land measuring 23 bighas 14 biswas in Rectangle no.19, Kila no.4(4-10), 7(4-16), 14(4-16), 17(4-16) and 24(4-16), situated in the revenue estate of village Rawta, Tehsil Najafgarh, New Delhi. The petitioner made an application for

grant of No Objection Certificate for sale of the property in the office Sub-Registrar IX, Kapashera, New Delhi on 05.11.2014. The request was refused by an order dated 24.01.2015, while counsel for the petitioner submits that sale deeds with respect to other properties in the same village have been registered.

3. Counsel for the petitioner submits that the reason for rejection of the request for No Objection Certificate is apparently for the reason that consolidation proceedings are pending which is not an absolute rule and hence the order dated 24.01.2015 is liable to be quashed and set aside.
4. Learned counsel appearing for the respondent submits that the petitioner has an alternative efficacious remedy by filing an appeal before the Deputy Commissioner & Collector under Section 6 of the Delhi Land (Restriction on Transfer) Act, 1972. Counsel for the respondent submits that, in fact, in another matter, the Deputy Commissioner & Collector by the order dated 21.04.2014 has set aside a similar order of the ADM in the case of **Raghubir Singh v. Government of NCT of Delhi**, Appeal in File no.096257501.
5. We have heard the learned counsel for the parties.
6. At this stage, learned counsel for the petitioner submits that he would seek an appropriate alternative remedy. It is agreed that the respondent would not raise the plea of limitation. The petitioner prays that a direction be issued to the Deputy Commissioner & Collector to decide the petition expeditiously as an application seeking No Objection was made as far back as in the year 2014.

7. While the writ petition is dismissed as not pressed, we grant liberty to the petitioner to file an appeal before the Deputy Commissioner and Collector, the respondent would not raise the plea of limitation. Upon filing of an appeal, the same shall be decided within a period of two months on completion of service on the respondents.
8. The writ petition is disposed of in above terms.

G.S.SISTANI, J.

SANGITA DHINGRA SEHGAL, J

JANUARY 15, 2018

pst /