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

+ W.P.(C) 1127/2019

SHRI SATYA NARAIN PRAKASH PUNJ AND
ANR.

..... Petitioners

Through: Ms Anju Bhattacharya, Mr Deepika
Kumari and Ms N. Chandra,
Advocates.

versus

GOVERNMENT OF NCT OF DELHI

..... Respondent

Through: Mr Anupam Srivastava and Ms Divya
Joshi, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.02.2019

CM No.5111/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 1127/2019 & CM No.5110/2019

2. Issue notice. Learned counsel for the respondent accepts notice.

3. The petitioners have filed the present petition impugning an order dated 31.10.2018 passed by the Sub-Registrar, VII-A, Sarojini Nagar declining to register the Gift Deed submitted by petitioner no.1. A perusal of the said order indicates that the impugned order has been passed for want of No Objection Certificate (NOC) under Section 8 of the Delhi Land (Restriction on Transfer) Act, 1972. The learned counsel appearing for the petitioners states that the said Act is not applicable, as the issue whether petitioner no.1's land had been acquired is no longer *res integra* in view of

the order passed by this Court in W.P.(C) 6390/2014. By virtue of the order dated 23.02.2015 passed in the aforesaid writ petition, the acquisition of petitioner no.1's land was set aside. The Special Leave Petition preferred by the DDA (being SLP(C) 32635/2015) against the said decision has also been rejected on 28.04.2016. The learned counsel appearing for the petitioners submits that in view of the above, there can be no dispute that petitioner no.1's land is free from acquisition proceedings notwithstanding that the question of law regarding lapsing of acquisition has been referred to by the Supreme Court to a Larger Bench. He submits that the said decision would not have a bearing in the facts of the present case.

4. It is seen that the petitioners have an equally efficacious remedy of an appeal against the impugned order before the Registrar. In view of the above, the present petition is disposed of leaving it open for the petitioners to file an appeal before the Registrar.

5. It is clarified that if the said appeal is filed within a period of one week from today, the same would be considered by the Registrar on merits uninfluenced by the question of delay. The Registrar shall also specifically address the aforesaid contentions advanced by the petitioners.

6. The petition is disposed of with the aforesaid observations. The pending application stands disposed of.

VIBHU BAKHRU, J

FEBRUARY 05, 2019
MK