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

+ **W.P.(C) 10814/2024**

LALIT KUMAR GULATI

.....Petitioner

Through: Mr. Ankur Chawla and Ms. Perna Mahajan, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Standing Counsel with Mr. Sunil Kumar Jha and Mr. M. S. Akhtar, Advocates for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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17.12.2024

CM APPL. 73870/2024(seeking early hearing)

1. For the grounds and reasons stated in the application, the same is allowed.
2. With the consent of counsel for parties, the main writ petition is taken up on board today itself.
3. Disposed of.

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4. The Petitioner intends to transfer by way of a gift deed, the property being agricultural land measuring 13 Bigha and 15 Biswas comprised in Khasra no. 837 (4-16), 838 (04-16) and 839 (4-03) situated in Village Satabari, Tehsil-Saket, M.B. Road, New Delhi-110030, in favour of his son.
5. For effecting such transfer, the Petitioner filed an application for No



Objection Certificate¹ with the Sub-Registrar (VA), Hauz Khas/ Respondent No. 3 on 07th March, 2024. On the said request, Respondent No. 3 issued a memorandum dated 16th March, 2024, directing the Petitioner to procure the Land Status Report from Respondent No. 2. However, Respondent No. 2, through impugned communication dated 07th June, 2024, rejected the Petitioner's Application No. 90580000013463, specifying the reason as "*the land is awarded vide award no. 14/87-88 hence not recommended*".

6. The Petitioner contends that the aforementioned objection is grossly unreasonable and misconceived. In this regard, the Petitioner points out that he had filed a writ petition being W.P.(C) 5203/2015 titled ***Lalit Gulati and Anr. v. Govt. of NCT Of Delhi and Ors.***, seeking declaration that the acquisition proceedings with respect to the subject land shall be deemed to have lapsed. The said writ petition was allowed *vide* order dated 22nd September, 2015, declaring that the acquisition proceedings initiated under the Land Acquisition Act, 1894 in respect of the said property were deemed to have lapsed.

7. The said order was assailed by the Delhi Development Authority before the Supreme Court in Special Leave to Appeal CC No. 8763/2016. The said appeal was disposed of holding as follows:

"Heard learned counsel for the petitioner.

Delay condoned.

It is an admitted fact that neither physical possession has been taken nor any compensation has been paid to the petitioner. If that be so, Section 24(2) of the Right to Fair Compensation and Transparency and Resettlement Act, 2013 is squarely applied to the facts of the present cases.

The special leave petitions are dismissed."

8. In light of the foregoing, the Petitioner urges that since there is a specific declaration that the acquisition proceedings with respect to the

¹ "NOC"



subject land have lapsed, the Respondents are not justified in withholding the NOC. Respondents' contention that as per their records, the land is shown to have been acquired is entirely untenable in law and facts of the case.

9. Having considered the submissions made by the Petitioner, the Court is of the opinion that, in light of the declaration issued by this Court in the writ petition filed by the Petitioner, which has attained finality following the dismissal of the special leave petition, the decision of Respondent No. 3 is no longer sustainable. In this regard, it must also be also be noted that a similar view has been taken by this Court in *Manjesh Kumar Vohra v. Government of NCT of Delhi & Ors.*,² *MR Prabhu Chawla & Anr. v. Government of NCT of Delhi & Ors.*,³ and *Manzoor-Ul-Haq v. Government of NCT of Delhi and Others*.⁴

10. In view of the foregoing, the present petition is allowed with following directions:

- (i) The impugned rejection dated 07th June, 2024 is set aside.
- (ii) The concerned sub-Registrar is directed to process the Petitioner's application for registration of documents, in accordance with law. It is directed that the sub-Registrar shall not insist for an NOC from the concerned land department.

11. With the above directions, the present petition is disposed of.

12. The next date of hearing fixed, *i.e.*, 17th March, 2025 stands cancelled.

SANJEEV NARULA, J

DECEMBER 17, 2024/d.negi

² W.P.(C) 11318/2022, decided on 18th August, 2022.

³ W.P.(C) 14561/2022, decided on 18th October, 2022.

⁴ 2021 SCC OnLine Del 4874.