



\$~33

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

%

Date of Decision : 23.12.2024+ **LPA 1234/2024 CM APPL. 75299/2024 CM APPL. 75300/2024****SHRI SUNIL DHINGRA**

.....Appellant

Through: Mr Vivek Kumar Tandon, Ms Mamta Tandon, Ms Prerna Tandon, Mr Mayank Tiwari and Mr Harshit S Gahlot, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondents

Through: None.

CORAM:**HON'BLE THE ACTING CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****VIBHU BAKHRU, ACJ. (ORAL)**

1. The appellant has filed the present appeal, *inter alia*, impugning an order dated 09.09.2024 passed by the learned Single Judge of this court in W.P.(C) No.12574/2024 captioned *Shri Sunil Dhingra v. Government of NCT of Delhi & Ors.*

2. The appellant had filed the aforementioned writ petition, *inter alia*, praying as under: -

“To direct the respondents to initiate statutory action under Section 82 and 83 of the Registration Act, 1908 and the circular dated 13.09.2016 against the persons who are responsible for



registration of Sale Deed based on false NOC submitted to the Registering Authority i.e. Sub Registrar and also take departmental action against the persons involved in issuance of false NOC dated 09.05.2012 as requested vide letter dated 22.5.2013.”

3. It is the case of the appellant that in the year 2011 the appellant had entered into an agreement with M/s Agrasen Estate Private Limited for purchasing a plot of land described as Khasra No.99/7/2 min (1-8), 99/8 min (4-10), 99/9 min (4-0), 99/10/1 min (1-2) situated in the revenue estate of Village Dera Mandi District South, New Delhi (hereafter *the said property*) for a total consideration of ₹5.85 Crores. The appellant also claims that he advanced a sum of ₹3.50 Crores to the seller (M/s Agrasen Estate Private Limited) in cash and the balance was to be paid on or before 25.11.2011. The appellant claims that he had also informed the respondents not to issue any No Objection Certificate (NOC) for the sale of the said property. Yet, a sale deed in respect of the said property was executed.

4. The appellant is essentially aggrieved that the respondents have registered the sale deed in respect of the said property in the name of three other entities (M/s Amma Greens Private Limited, M/s Aadishi Greens Private Limited and Mr Vikas Kejriwal).

5. The appellant alleges that the said sale deed was registered on the basis of collusion and misuse of the official powers.

6. It is noted that the appellant has already filed a civil suit for specific performance, which is pending and has also taken further steps by lodging a protest petition against the closure/final report in respect of the FIR



instituted by the concerned authority.

7. It is noted that the appellant had filed an application under the Right to Information Act, 2005 (hereafter *the RTI Act*) seeking the details of the procedure for issuance of a NOC. This was in the context of the registration of the sale deed by the Registering Authority. It was informed that the copy of the said NOC was not traceable.

8. The appellant, thereafter, found that multiple requests for issuance of NOCs were rejected by the concerned authorities on account of the proceedings pending under Section 81 of the Delhi Land Reforms Act, 1954 (thereafter *the DLR Act*). It is the appellant's grievance that apparently an NOC was issued for registration of the subject land, which was impermissible.

9. It is stated that pursuant to the complaints made by the appellant, an inquiry was conducted, which indicated that the clear status report was issued by the office of the Tehsildar on 05.09.2012. The appellant alleged that the Registrar had permitted the registration of the sale deed on the basis of an incorrect status report, which could not have been issued as the proceedings under Section 81 of the DRL Act were pending in the Court of the Revenue authorities at Mehrauli.

10. It is in the aforesaid context that the appellant filed a petition praying that the directions be issued to the respondents to take action under Section 82 and 83 of the Registration Act, 1908 against those individuals who are responsible for registration of the sale deed in question on the basis of a false NOC.



11. The learned Single Judge examined the petitioner's grievance and noted that an enquiry had been instituted in this regard and a report dated 30.06.2016 had been furnished. The relevant extract of the status report dated 30.06.2016 is set out below:-

“Conclusion

1. It has been proved beyond doubt that status report nos. 206, 207 & 208 dated 09.05.2012 contained a wrong information, but in the absence of the official records there remains an ambiguity about the responsibility of the officer/official, who manipulated the same.

16. However, legal opinion is being sought as to whether an FIR can be registered under the provisions of the circular No.1(92)/Regn. Br./Div.Comm./HQ/2012/PF-II/1196 dated 13.07.2016, on account of the registry having been done on the basis of an NOC with wrong information (as reported by ADM (S), on the basis of complaint of third party, who is neither the buyer nor the seller.

17. Legal opinion is being sought with respect to the issue pointed out in para 16 above.”

12. As is apparent from the facts above, that although it was concluded that wrong information may have been provided to the Registrar, in the absence of any official record, further responsibility has not been fixed on any particular official as yet.

13. The learned Single Judge noted that after the enquiry, an FIR was lodged (FIR No.152/2017) at the police station Neb Sarai, on 30.03.2017. After the enquiry, the final report was submitted and the same is pending consideration before the Court of learned Metropolitan Magistrate, South District Courts, Saket Courts, New Delhi.



14. As noted above, the appellant has also filed the protest petition against the closure report and has also availed his remedy by filing the civil suit. In the aforesaid circumstances, since the concerned authorities had taken steps and the appellant had also availed of its remedy, the learned Single Judge found that there was no requirement for issuance of further directions.

15. We find no infirmity in the said decision of the learned Single Judge. Accordingly, the appeal is dismissed. Pending applications also stand disposed of.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

DECEMBER 23, 2024

M

Click here to check corrigendum, if any