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

+ **W.P.(C) 18004/2024**

SHRI KRISHAN & ORS.

.....Petitioners

Through: Mr. V. P. Rana and Ms. Jyoti
Namkiad, Advocates.

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Raghvendra Upadhyay, Panel
Counsel with Ms. Purnima Jain,
Advocate for GNCTD.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.12.2024

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1. Late Mr. Ramesh Chand was the owner of the land measuring 4 bigha 16 biswas, comprising in Khasra No. 74/11 at Village Jaunti, Tehsil Kanjhawala, Delhi. After his death, the said land was mutated in name of his sons i.e. Petitioners No. 1 to 4 in the revenue record.

2. Petitioners No. 1 to 4 being the owner of the aforesaid land are now intending to sell/transfer the land in favour of Petitioner No. 5 for which they have executed a document purported to be a Sale Deed dated 6th December, 2024. The said document was presented for registration with the Sub-Registrar (Kanjhawala), Respondent No. 2, however, Respondent No. 2 has not registered the document and instead issued the impugned Deficiency Memorandum dated 9th December, 2024, calling upon the Petitioners to



produce a No-Objection Certificate¹ in order to register the document.

3. Counsel for the Petitioner submits that the Deficiency Memorandum is untenable in law as no NOC is required to be produced by the Petitioners as the land has not been acquired or notified under the Land Acquisition Act, 1894 and Delhi Land (Restrictions on Transfer) Act, 1972. In this regard, the Petitioners have also placed reliance on the decisions rendered in *O.P.C. Jain v. ADM (LA)*;² *Vinod Kumar Rajoria v. Government of NCT of Delhi*;³ *Arpan Verma & Anr. v. Government of NCT of Delhi*;⁴ *Tej Singh v. Government of NCT of Delhi*;⁵ *Jai Prakash v. Government of NCT of Delhi*;⁶ *Namita Dabas & Ors. v. Adm (notification) & Anr.*⁷

4. In view of the foregoing judgments, in the opinion of the Court, the impugned Deficiency Memorandum cannot be sustained and the present petition is disposed of with a direction that Respondent No. 2 shall proceed for registration of the document, purported to be Sale Deed dated 6th December, 2024 without insisting for the NOC, in accordance with law.

5. With the above directions, the present writ petition, along with the pending applications, is disposed of.

SANJEEV NARULA, J

DECEMBER 24, 2024

¹ “NOC”

² 1989 SCC Delhi 260

³ [W.P.(C) No. 5155/2023 decided on 04th September, 2023]

⁴ [WP (C) No. 14884/2024]

⁵ [W.P.(C) No. 14887/2024]

⁶ [W.P.(C) No. 14920/2024] decided on 07th November, 2024

⁷ [W.P.(C) No.890/2017 – decided on 11th September, 2024]