



\$~54 & 55

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

+ **W.P.(C) 4046/2025**

SMT. NIRMALA DEVI & ORS.Petitioners

versus

GOVT. OF NCT OF DELHI & ORS.Respondents

+ **W.P.(C) 4047/2025**

SH. ARVIND KUMAR AGARWAL & ORS.Petitioners

versus

GOVT. OF NCT OF DELHI & ORS.Respondents

Appearance:-

Mr. Tanmaya Mehta, Mr. Anurag Singh & Mr. Yash Gaur, Advocates for Petitioners in Item Nos. 54 & 55.

Mr. Tushar Sannu, Mr. Tarun Rajput & Mr. Shivraj Tomar, Advocates for GNCTD in Item No. 54.

Ms. Urvi Mohan, Advocate for GNCTD in Item No. 55.

Mr. Sajay Kumar Pathak, Standing Counsel with Mr. Sunil Kumar Jha & Mr. M.S. Akhtar, Advocate for LAC/ADM in Item Nos. 54 & 55.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

01.04.2025

CM APPL. 18768/2025 (for exemption) in W.P.(C) 4046/2025

CM APPL. 18769/2025 (for exemption) in W.P.(C) 4047/2025

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

W.P.(C) 4046/2025 & W.P.(C) 4047/2025

1. Both these petitions concern proposed transactions for sale of property in village Ladpur, Delhi.



2. In W.P.(C) 4046/2025, the petitioner Nos. 1 and 2 have entered into Sale Deeds dated 28.02.2025 for sale of their land [3 Bigha 11 Biswa each] in Khasra No. 37/16 (4-16), & 17/2 (2-06), situated in the Revenue Estate of Village Ladpur, Delhi-110081. The petitioner No. 3 is the purchaser in both the Sale Deeds.

3. In W.P.(C) 4047/2025, the owners are petitioner Nos. 1 to 3, and the intending purchasers are impleaded as petitioner Nos. 4 to 6. In this case, no Sale Deed has yet been executed, but they have entered an agreement to sell dated 01.12.2024 in respect of the property, admeasuring 70 Bigha 04 Biswas, Bearing Khasra. Nos. 21//25/2(3-12), 24(4-16), 22//13/1(2-00), 14/1(4-04), 4(4-16), 5(4-16), 7(4-16), 8(4-16), 9/1 MIN(1-18), 9/2 MIN(0-02), 3/2 MIN(5-17), 23//1/1(2-05), 21//14(4-16), 17(4-16), 18/2(6-00), 23/2 MIN(4-16), 13/2 MIN(4-10), 22//6/1(1-08), situated in the revenue Estate of Village Ladpur, Dehli-110081.

4. In both cases, the petitioners seek a direction that non-availability of a no objection certificate/land status report should not come in the way of registration of their Sale Deeds, subject to the purchasers also being bound by the outcome of the pending consolidation proceedings in respect of the aforesaid lands.

5. Mr. Tanmaya Mehta, learned counsel for the petitioner, relies upon the decision of a coordinate bench in *Okaya Infocom Pvt. Ltd. & Anr. vs. Govt. of NCT of Delhi & Anr.* [W.P.(C) 12122/2021, decided on 10.11.2023] wherein this Court has held as follows:-

“12. In the circumstances, what is apparent to this court is that consolidation proceedings in respect of Village : Ladpur have been pending since 1993, that is for almost 30 years. Furthermore, there is no cavil that section 30 of the EPH Act does not impose an absolute bar against transfer of land during the pendency



consolidation proceedings, except that it requires parties to obtain prior sanction/NOC from the Consolidation Officer for such transaction. However, since according to the respondents themselves, several steps in the consolidation proceedings are still pending, it is uncertain when these steps will be completed. Clearly, the parties cannot be expected to wait endlessly for a transaction that they have intended to complete for the last two years.

13. Moreover, this court is also persuaded to accept that substantial compliance of section 30 of the EPH Act can be achieved by directing that the intending purchaser of the subject land, viz. petitioner No. 2, would be bound by the outcome of the consolidation proceedings. This position would not hinder the on-going consolidation proceedings, which might take their own time to conclude; while at the same time, the parties would be able to bring their pending transaction to a close.

14. In view of the above, without delving further into the matter, the present petition is disposed-of with the following directions :

14.1. Sub-Registrar of Assurances–VI D is directed to process the registration of the sale deed stated to have been presented to him on 26.02.2021, in accordance with law, without insisting on production of a sanction/approval/NOC from the Consolidation Officer. Let the needful be done within 02 weeks of a copy of this order being communicated to the Sub-Registrar.

14.2. It is further directed that the transferee/purchaser/petitioner No. 2 - M/s Mac Infraheights Pvt. Ltd. - shall be bound by the outcome of the consolidation proceedings in respect of the subject land; and that transfer of the subject land in favour of petitioner No. 2 shall not affect the rights of any other person arising from the consolidation proceedings.”

6. Moreover, a recent decision of a coordinate Bench in *Chandan Sawhney v. State (NCT of Delhi)* [2024 SCC OnLine Del 8421], following another judgment in *Vinod Kumar Rajoria v. Government of NCT of Delhi and Others*, [2023 SCC OnLine Del 5446], reiterated that furnishing of a No Objection Certificate/Land Status Report cannot be insisted upon for registration of a Sale Deed.

7. Mr. Sajay Kumar Pathak, learned Standing Counsel, who is present on advance notice, confirms that there are no acquisition proceedings pending in respect of the lands in question.



8. Learned counsel for the Government of National Capital Territory of Delhi, who are also present on advance notice, do not point out any distinction between the facts of this case with *Okaya Infocom* (supra.).

9. In view of the above, the writ petitions are disposed of with a direction that registration of the Sale Deeds will not be refused for want of sanction/approval/no objection certificate or land status reports from the Consolidation Officer.

10. The purchaser/intending purchasers [petitioner No. 3 in W.P.(C) 4046/2025 and petitioner Nos. 4 to 6 in W.P.(C) 4047/2025] will be bound by the outcome of the consolidation proceedings in respect of the subject land.

11. It is made clear that registration of the Sale Deeds in terms of the said order will not affect the rights of any other persons, arising from the consolidation proceedings.

12. The writ petitions are disposed of with the aforesaid directions.

PRATEEK JALAN, J

APRIL 1, 2025

'pv/AD'/'