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

+ **W.P.(C) 4508/2025**

JALBIR SINGH & ORS.

.....Petitioners

Through: **Mr. Rajbir Singh, Advocate.**

versus

ADM (LA) SOUTH WEST & ORS.

.....Respondents

Through: **Mr. Sanjay Kumar Pathak,**
Standing Counsel for R-
1/ADM/LAC with Mr. Sunil
Kumar Jha, Mr. M.S. Akhtar, Mr.
Mayank Madhu & Mr. S. Sameer,
Advocates.

Mr. Dhruv Rohatgi, Mrs.
Chandirka Sachdeva & Mr. Dhruv
Kumar, Advocates for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

08.04.2025

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1. The petitioners are the joint owners and in possession of property admeasuring *56 Bigha 09 Biswas situated in Khata No. 39/3536, Village Mundhela Khurd, Tehsil Najafgarh, New Delhi*. They intend to sell part of their land to a third-party purchaser. To that end, they entered into an Agreement to Sell dated 11.12.2024 with one Mr. Jaswant Singh and Mr. Dharmpal Dagar for sale of 6 Bighas 19 Biswas of their land. The agreement to sell is handed over in Court and the is taken on record.

2. The present writ petition has been filed for a direction upon



respondent to issue a No Objection Certificate [“NOC”] for registration of the proposed sale deed during the pendency of consolidation proceedings under Section 30 of the East Punjab Holding (Consolidation and Prevention of Fragmentation) Act, 1948.

3. Mr. Rajbir Singh, learned counsel for the petitioner, relies upon judgment of this Court in *Deepak v. A D M LA South West & Ors.* [W.P.(C) 3103/2021, decided on 15.02.2023], in which a similar issue was considered with regard to transfer of land in the same village.

4. A similar position has been taken by this Court in *Okaya Infocom Pvt. Ltd. & Anr. v. Govt. of NCT of Delhi & Anr.* [W.P.(C) 12122/2021, decided on 10.11.2023], which was disposed of with the following directions:-

“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.”

5. Mr. Dhruv Rohatgi, learned counsel for Government of National Capital Territory of Delhi, who appears on advance notice, submits that consolidation proceedings with respect to the land in question remain pending in the present case.

6. The same situation obtained in the case of *Deepak* (Supra) and *Okaya Infocom* (Supra). Nevertheless, this Court, having regard to the long pendency of the consolidation proceedings, directed that registration of the sale deed ought not to be withheld on this ground, so long as the transferees are bound by the outcome of the consolidation proceedings. No distinguishing feature has been pointed out, that would warrant a different approach in this case.

7. Mr. Sanjay Kumar Pathak, learned Standing Counsel for the land acquisition authorities, also confirms that the land in question is not the subject matter of any acquisition proceedings.

8. Having regard to the above, the writ petition is disposed of with the direction that if the sale deed is presented for registration, the same shall not be refused for want of a NOC or land status report. However, the sale deed shall include a specific clause with regard to the pendency of the consolidation proceedings, recording that the intending purchaser shall



take the land subject to the outcome of the consolidation proceedings. An undertaking of the intending purchaser or their nominee to this effect, will be incorporated in the sale deed.

9. It is also made clear that the registration of the sale deed in these terms will have no effect on the rights of any third parties arising out of the consolidation proceedings.

10. The writ petition stands disposed of with these observations.

PRATEEK JALAN, J

APRIL 8, 2025

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