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

+ W.P.(C) 7553/2021

SMT TWINKLE GUPTA

.....Petitioner

Through: Mr. Anuj Kumar Garg, Advocate.

versus

THE L T GOVERNOR OF DELHI AND ORSRespondents

Through: Mr. Raghvendra Upadhyay,
Advocate for GNCTD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.03.2025

CM APPL. 15644/2025 (*Application on behalf of the petitioner for early hearing*)

This is an application for early hearing filed by the petitioner. For the reason stated in the application, and with the consent of learned counsel for the parties, the application is allowed and the writ petition is taken on Board.

W.P.(C) 7553/2021

1. The petitioner has filed this petition under Article 226 of the Constitution, seeking directions upon respondents to issue a No-Objection Certificate ["NOC"], and consequently register two documents [Sale deed and Power of Attorney] in her favour.

2. A sale deed in respect of property bearing No. 113 out of Khasra No. 142/113 (Western Side) situated in the extended Lal Dora Abadi of



Village Kanjhawala, Delhi-110081 [“subject land”], was presented for registration before the Office of Sub-Registrar-VI D, Kanjhawala, Delhi [respondent No. 6] on 27.07.2018 by one Mr. Rajeev Gupta in favour of the petitioner herein.

3. Respondent No. 6 passed an order dated 11.12.2019, rejecting the registration on account of the original NOC not being provided. The petitioner preferred an appeal against the said order, which was dismissed by the District Magistrate/ Registrar (North West) by an order dated 06.07.2021, upholding the order dated 11.12.2019, and further stating that the NOC was denied on account of pending consolidation proceedings under section 30 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.

4. By order dated 14.01.2025 in the present writ petition, it was recorded as follows:

“2. Learned counsel for the petitioner submits that consolidation proceedings of the village in question commenced with a notification dated 16.09.1993 issued under Section 14(1) of the said Act. Under the same notification, proceedings were also commenced in respect of Village Ladpur. Learned counsel draws my attention to an order of this Court dated 10.11.2023 in W.P.(C) 12122/2021 [Okaya Infocom Pvt. Ltd. & Anr. v. Govt. of NCT of Delhi & Anr.] which concerned a similar prayer in respect of land in Village Ladpur. The Court held that the registration would proceed without production of a sanction/approval/No Objection Certificate from the Consolidation Officer, and that the purchaser would be bound by the outcome of the consolidation proceedings.

3. Learned counsel submits that the petitioner would be satisfied with a similar order in the present case, and that the sale deed will also reflect the pendency of the consolidation proceedings.



4. *An adjournment is sought on the ground that learned Additional Standing Counsel for Government of National Capital Territory of Delhi is unavailable. Learned Additional Standing Counsel is directed to take instructions as to whether the present petition can be disposed of on the basis of the aforesaid judgment, and apprise the Court on the next date of hearing.”*

5. By a further order dated 04.02.2025, Government of National Capital Territory Delhi [“GNCTD”] was directed to file an affidavit, stating whether GNCTD has challenged the judgment in *Okaya Infocom Pvt. Ltd. & Anr. v. Govt. of NCT of Delhi & Anr.* [W.P. (C) 12122/2021, decided on 10.11.2023], and whether the facts of the present case are distinguishable from the facts of the said case.

6. Pursuant to the said order, respondent No. 6 filed a status report dated 17.02.2025, in which it is stated as follows:

“2. *That as per official record, it is stated that the judgement has not been challenged in Okaya Infocom Pvt. Ltd & Anr. Vs. Govt, of NCT of Delhi and Anr. [WP (C) 12122/2021, decided on 10/11/2023.*

3. *That the facts of the present case are not distinguishable from the facts of the said case. Both the villages i.e. Kanjhawla and Ladpur are under consolidation but only distinguishable point is that in reference to the Village Kanjhawla, the then District Magistrate/ Registrar (North West), vide order No.F.05/Distt.NW/Teh(K)/2018/3768-3775, dated 05/12/2019 has ordered to stop the issuance of Land Status Report/ No Objection Certificate for transfer of land and mutation for the entire village of Kanjhawla from 05/12/2019 to till further order (copy annexed).”*

7. Learned counsel for the parties therefore submit that they would be agreeable to a similar order, as the one passed in *Okaya Infocom Pvt. Ltd* (supra.)



8. The operative directions in *Okaya Infocom Pvt. Ltd.* (supra.) were as follows:-

“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.”

9. In view of the aforesaid, the writ petition is disposed of with the following directions:

- A. Respondent No. 6 is directed to process the registration of the sale deed and power of attorney presented to him on 27.07.2018, in accordance with law, without insisting on production of a sanction/approval/NOC from the Consolidation Officer. Let the needful be done within two weeks of a copy of this order being communicated to respondent No. 6.
- B. It is further directed that the petitioner herein 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



shall not affect the rights of any other person arising
from the consolidation proceedings.

10. The writ petition, alongwith the pending application, is disposed of
in the aforesaid terms.

PRATEEK JALAN, J

MARCH 18, 2025
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