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

+ W.P.(C) 5954/2024
AVTAR SINGH BAJAJPetitioner

versus

GOVT OF NCT OF DELHI & ORS.Respondents

+ W.P.(C) 5977/2024
AVTAR SINGH BAJAJPetitioner

versus

GOVT OF NCT OF DELHI & ORS.Respondents

+ W.P.(C) 5979/2024
AVTAR SINGH BAJAJPetitioner

versus

GOVT. OF NCT OF DELHI & ORS.Respondents

+ W.P.(C) 6239/2024
AVTAR SINGH BAJAJPetitioner

versus

GOVT OF NCT OF DELHI AND ORSRespondents

Appearances:

Mr. Uday Gupta, Sr. Adv. with Mr. Amit Gupta, Ms. Shivani Lal, Mr. Pritish Kumar, Mr. Ashutosh, Advocates for petitioner.

Mr. Sanjay Kumar Pathak, Mr. Sunil Kumar, Jha, Mr. M.S. Akhtar, Advocates for R-2.

Mr. Abhinav Sharma, Ms. Aakriti Jain, Advocates for GNCTD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN



ORDER

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21.03.2025

CM APPL. 16495/2025 (for early hearing) in W.P.(C) 5954/2024

CM APPL. 16501/2025 (for early hearing) in W.P.(C) 5977/2024

CM APPL. 16500/2025 (for early hearing) in W.P.(C) 5979/2024

CM APPL. 16497/2025 (for early hearing) in W.P.(C) 6239/2024

1. These applications have been filed for early hearing of the writ petitions.

2. Respondents are represented. With the consent of learned counsel for the parties, these applications are allowed and the writ petitions are taken on Board.

W.P.(C) 5954/2024, W.P.(C) 5977/2024, W.P.(C) 5979/2024, W.P.(C) 6239/2024

1. Although several reliefs are sought in these writ petitions, by order dated 09.01.2025, it was recorded that the petitioner restricts the relief sought to prayer (b) of the writ petitions. Prayer (b) of W.P.(C) 5954/2024 reads as follows:

“b) Declare that deemed NOC/ Land Status Report has been granted by the Respondent No. 2 in respect of Land/ Property measuring 01 Bigha and 12 Biswas, bearing Khasra Nos. 604 (0-16) and 615 (0-16) situated at Village Ghitorni, Tehsil Vasant Vihar, Nely Delhi [say 'Said Land'] under Section 5 (5) of the Delhi Lands (Restrictions on Transfer) Act, 1972; Or, in the alternative, declare that no NOC/ Land Status Report is required to be obtained from the Respondent No. 2 so as to enable registration of a sale deed in respect of the said Land; Or, in the alternative issue an appropriate Writ and/or direction/order in the nature of Mandamus and thereby direct the Respondent No. 2 to grant NOC/ Land Status Report in respect of the Said Land;”

2. The other three writ petitions are virtually identical except for identification of the land in question. The following table sets out the



identification of the property in each of the four writ petitions:

S.No.	Writ Petition	Property Description
1.	W.P.(C) 5954/2024	01 Bigha and 12 Biswas, bearing Khasra Nos. 604 (0-16) and 615 (0-16) situated at Village Ghitorni. Tehsil Vasant Vihar, New Delhi.
2.	W.P.(C) 5977/2024	01 Bigha and 12 Biswas, bearing Khasra Nos. 604 (0-16) and 615 (0-16) situated at Village Ghitorni, Tehsil Vasant Vihar, New Delhi.
3.	W.P.(C) 5979/2024	01 Bigha and 12 Biswas, bearing Khasra Nos. 604 (0-16) and 615 (0-16) situated at Village Ghitorni. Tehsil Vasant Vihar, New Delhi.
4.	W.P.(C) 6239/2024	02 Bigha and 08 Biswas, bearing Khasra No. 604 (2-08) situated at Village Ghitorni. Tehsil Vasant Vihar New Delhi.

3. The case of the petitioner is that he is the owner of the lands in question. Proceedings were commenced in respect of the lands under the Delhi Lands Reforms Act, 1954. Orders were passed in those proceedings, by the concerned Sub-Divisional Magistrate on 09.10.2019, recording that the land vested in the Gram Sabha, which was affirmed by the Deputy Commissioner *vide* order dated 03.01.2022. This Court, by order dated 18.02.2022 in W.P.(C) 2797/2022, quashed the orders of the revenue authority.

4. The petitioner has entered into an Agreement to Sell dated 06.03.2023, with third parties, with regard to the entirety of the lands in question. However, the petitioner apprehends that registration of the Sale Deed will be held up for want of a No Objection Certificate from the



Government of National Capital Territory of Delhi [“GNCTD”].

5. Mr. Uday Gupta, learned Senior Counsel for the petitioner, points out that the application of the buyers, for a Land Status Report, has been rejected on 07.03.2024, on the ground that the land is shown as Gram Sabha land.

6. Mr. Gupta submits that this position is incorrect in view of the order of this Court dated 18.02.2022. However, without prejudice to this contention, he submits that the judgments of this Court clearly hold that a No Objection Certificate is not required from the revenue authority for sale of a land or registration of a Sale Deed. My attention is drawn to the judgment of a Coordinate Bench in *Chandan Sawhney & Ors. v. Government of NCT of Delhi & Ors.* [W.P.(C) 8846/2024, decided on 26.11.2024], in which the Court relied upon a judgment in *Vinod Kumar Rajoria v. Government of NCT of Delhi and Others*, [2023 SCC OnLine Del 5446] and held that furnishing of a No Objection Certificate/Land Status Report cannot be insisted upon for registration of a Sale Deed.

7. Mr. Sanjay Kumar Pathak, learned counsel for the Land Acquisition Collector [“LAC”], submits that this position obtains if the land is free from acquisition proceedings, as observed in *Vinod Kumar Rajoria [Supra]*. It is, however, undisputed that, in the present case, the Land Status Report has not been refused on the ground of any acquisition proceedings.

8. In the order dated 09.01.2025, this Court noticed that learned counsel for the respondents had raised a separate objection that some of the other prayers sought in these writ petitions, including with regard to mutation of land, cannot be granted at this stage, as the question of legal



consequence of urbanisation of the land is pending before a Division Bench in *Suo Moto* proceedings.

9. It is in this context that the petitioner confined the relief sought in these petitions to prayer (b). The following observations in the said order are relevant:

“3. At this stage, Mr. Gupta states that the petitioners will be satisfied with a decision in terms of prayer (b) of the writ petitions, which concern the registration of sale deeds without requirement of an NOC. He submits that the writ petitions may be disposed of on the basis of the judgment in *Chandan Sawhney (supra.)*, and that the question of the purchasers’ right to have the properties mutated in their favour can await the decision of the Division Bench. He states that petitioners will undertake to incorporate a condition to this effect in the sale deeds to be executed and registered, so that the purchasers are also cognisant of the pendency of the matter before the Division Bench, so far as mutation is concerned.

4. Learned counsel for the petitioners are directed to file affidavits in terms of this submission within one week from today.

5. Learned counsel for the respondents are requested to take instructions on this suggestion, and assist the Court on the next date of hearing.”

[Emphasis supplied.]

10. Pursuant to this order, affidavits have been filed by the petitioner purportedly in terms of the aforesaid order on 14.01.2025. However, I find that there is a discrepancy between the submission made on 09.01.2025 and the affidavit filed. The affidavit filed reads as follows:

“5. That I state that I will be satisfied with a decision in terms of Prayer (a) and (b) of the writ petition, which concern the registration of sale deed without requirement of a NOC and I have no objection if the present writ petition is disposed of in terms of the judgment of this Hon'ble Court in *Chandan Sawhney & Ors. v. Government of NCT of Delhi & Ors. [W.P.(C) 884612024, decided on 26.1.2024]*.

6. That I undertake to incorporate the following condition in the Sale Deed so that the purchaser is cognisant of the pendency of matter before the Division Bench of this Hon'ble Court, so far as the issue regarding mutation is concerned:



3That the Vendor has duly informed the Vendee that the mutation of the Said Land in the revenue records would be subject to outcome of the decision by the Division Bench of the Hon'ble High Court of Delhi in 'Court on its own motion v. L&DO, Ministry of Urban Development, W.P.(C) No. 12453 of 2024' or as per law."

[Emphasis supplied.]

11. At this stage, it is pointed out by Mr. Pathak that even in the applications for early hearing, which have been disposed of above, the same averment has been repeated:-

"3. That this Hon'ble Court, vide Order dated 09.01.2025, directed the Petitioner to file an Affidavit stating that the Petitioner will be satisfied if reliefs sought in Prayer (a) and (b) of the writ petition are disposed of in terms of the judgment of this Hon'ble Court in Chandan Sawhney & Ors. v. Government of NCT of Delhi & Ors. [W.P.(C) 884612024, decided on 26.11.2024] which concern the registration of sale deed without requirement of a NOC. In compliance with the Order dated 09.01.2025, the Petitioner filed the Affidavit but the matter could not be taken up on the last date of hearing on 28.02.2025 due to paucity of time and the matter was adjourned to 17.04.2025. Webcopy of Order dated 09.01 .2025 is annexed herewith and marked as Annexure- A1."

[Emphasis supplied.]

12. Mr. Gupta submits that the inclusion of a reference to prayer (a) of the writ petitions alongwith the reference to prayer (b), was an inadvertent error. I do not accept this explanation. A solemn submission having been made to the Court and recorded in the order, the petitioner was duty bound to follow the orders scrupulously. That an addition has been made in paragraph 5 of the affidavit, and compounded by misinterpreting the order in paragraph 3 of the early hearing applications, necessitates that even if the petitioner is entitled to the relief sought in these writ petitions, he must be burdened with costs.

13. At this stage, Mr. Gupta reiterates that the relief sought by the petitioner is only in terms of prayer (b) of the writ petitions.



14. As far as prayer (b) of the writ petitions is concerned, Mr. Pathak and Mr. Abhinav Sharma, learned counsel for the GNCTD, in view of the judgment in *Chandan Sawhney [Supra]* and the aforesaid judgment dated 18.02.2022, submit that the No Objection Certificate/Land Status Report will not be insisted upon if Sale Deeds in respect of the lands are presented for registration.

15. The writ petitions are disposed of, alongwith the pending applications, in terms of the above submission of learned counsel for the respondents.

16. However, this order is subject to the petitioner filing a revised affidavit, by tomorrow, confining himself to the relief sought in these terms, and depositing consolidated costs of Rs.1 lakh with the Delhi High Court Legal Services Committee [*UCO Bank, Delhi High Court, Shershah Road, New Delhi, Account No. 15530110008386, IFSCCode-UCBA0001553*].

17. A copy of the order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

MARCH 21, 2025

"Bhupi"/kb/