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

+ W.P.(C) 6641/2025

PRABHA RANI & ANR.

.....Petitioners

Through: Mr. Tarun Chandiok, Mr. Varun Chandiok and Mr. Arpit Mahendru, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Sharang Dhulia, CGSC for R-1 (through v/c)
Ms. Avni Singh, Panel Counsel, GNCTD for R-2.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **03.07.2025**

W.P.(C) 6641/2025 and CM APPL.37560/2025 (for directions)

1. The present petition has been filed by the petitioners *inter-alia* seeking to direct the respondent no.2 to register sale deed dated 04.04.2025 *qua* Flat No. 304, Adishwar Apartments, 34 Firozeshah Road, New Delhi. (hereinafter referred as "*the subject property*").
2. In the present petition, the petitioner no.1 is a senior citizen with no legal heirs and is stated to be the recorded owner of the subject property. It is stated that having purchased the subject property from the petitioner no.1 after payment of mutually agreed sale consideration of Rs.5.5 Crores, the petitioner no.2 has become a *bonafide* purchaser of the said property.
3. It is averred in the petition that plot no.9, Block No.148 (later renumbered as 34 Ferozeshah Road, New Delhi-110001) was leased to one Lala Adishwar Lal by the Secretary of State of India in Council, *vide* a lease



agreement dated 09.04.1932. Subsequently, the aforementioned leased property was mutated in the records of the Land and Development office vide a letter dated 06.12.1973 in the name of 11 owners who had entered into an agreement dated 02.08.1979 with M/s Kailash Nath and Associates for development of the leased property into a Multi-storeyed Group Housing Scheme.

4. It is stated that pursuant thereto, M/s Kailash Nath and Associates sold the subject property to the mother of the petitioner no.1. The mother of petitioner no.1 during her lifetime executed a Will dated 14.07.1994, bequeathing the subject property upon the petitioner no.1.

5. Learned counsel on behalf of the petitioners stated that the petitioners submitted a request letter as far back as on 18.10.2022 to L&DO requesting for an No Objection Certificate (NOC) for sale of the subject property. Pursuant thereto, a demand letter was raised by the L&DO on 01.12.2022 whereby an amount of Rs.4,17,285/- was demanded under various heads. The petitioner is stated to have paid the said amount on 02.12.2022. On the same date, a certificate dated 02.12.2022 was issued by the L&DO stating as under:

*“L-1-19/148/(9)/2022/NOC-267
Government of India
Ministry of Housing and Urban Affairs
Land and Development Office*

*Nirman Bhawan, New Delhi
Dated: 02.12.2022*

TO WHOM SO EVER IT MAY CONCERN

Certified that property bearing Flat No. 304, Adishwar Apartment (a multistoried building) situated at Block No. 148, Plot No. 9, known as 34, Ferozshah Road is a lease hold property as per records of L&DO.



This said property is free from all kinds of encumbrances, sale mortgage, legal flaws court Injunction etc. Hence, L&DO has no objection for further transfer of the above said property, namely, Flat No. 304 Adishwar Apartment subject to verification of other related documents by the sub-registrar office concerned.

*(Surjit Kumar Mishra)
Dy. Land & Development Officer”*

6. Subsequently, a sale deed dated 04.04.2025 *qua* the subject property by affixing stamp duty papers dated 28.03.2025 (to tune of Rs. 27,50,000/-) was executed between the petitioners. The same was presented before the respondent no.2 by the petitioners for registration.

7. It is averred in the petition that despite repeated reminders by the petitioner no.1 and respondent no.2 vide letters dated 09.04.2025 and 15.04.2025 respectively, requesting respondent no.1 to upload the letter dated 02.12.2022 on its official website for the purpose of ascertaining the its authenticity, the respondent no.1 failed to respond. Instead, the respondent no.1 on 06.05.2025 issued a letter stating that in their records petitioner no.1 is not recognized as a sub-lessee and only a sale permission could have been issued since the subject matter property is a leasehold property. The communication dated 06.05.2025 is as under:

“L&DO/L-1/148/(9)/2022/NOC/100

Dated: 06.05.2025

To

*Ms. Prabha Rani
Flat No.304, Adishwar Apartment
34, Ferozshah Road,
New Delhi-110001.*

Subject: NOC dated 02.12.2022 issued in respect of Flat No.304, Adishwar Apartment, 34, Ferozshah Road, New Delhi-Reg.



Madam,

With reference to your letter dated 09.04.2025 and letter dated 15.04.2025 received from Sub-Registrar - VII on the above-mentioned subject, it has been observed that you are not a recognized sub-lessee of this office and the aforesaid flat being a leasehold property, only a sale permission could have been issued in the matter. Therefore, you are advised to:-

- i. First apply for execution of deed of apartment with this office to be recognized as a 'sub - lessee'.*
- ii. Subsequently, you may apply for permission to sell the flat.”*

8. It is submitted that in the above background, the registration of the sale deed has been impeded on account of the objections raised by the Sub-Registrar regarding non-uploading of an NOC by the L&DO. Hence, aggrieved by the same, the present petition has been filed by the petitioners.

9. The learned counsel on behalf of the petitioners, by way of CM APPL. 37560/2025 has brought out that during the pendency of the present proceedings a communication dated 04.06.2025 has been issued by the office of the Sub-Registrar stating as under

No.SR-VII/NEW DELHI/2025/2608

Dated: 04.06.2025

To

*Ms. Prabha Rani D/o Late Shri K.L. Madhavan
R/o Flat No.304, Adhishwar Apartments.
34, Ferozshah Road, New Delhi-110001.*

*Mrs. Anubhi Goyal W/o Mr. Alok Kumar
R/o Flat No.8262, 26th Floor, ATS One Hamlet,
Sector-104, Noida-201301.*

Subject: Regarding NOC.

Sir/Madam,



With reference above subject that an instrument styled as Sale Deed has been presented in this office for registration vide proofing no.2025/11/2743 dated 04/04/2024 on the basis of NOC stated to have been issued by L&DO vide no L-1-9/148/(9)/2022/NOC/267 dated 02.12.2022.

In this connection it is informed that the NOC was sought from L&DO vide letter dated 22.04.2025 and copy of the same was endorsed to provide the required document but in spite of lapse of more than one month period, nothing has been received from your side, as a result the said document is still pending.

You are therefore requested to provide the online NOC from L&DO portal and also to submit any order/stay order of Hon'ble Court of Law, within 07 days, so that further action may be taken up accordingly.

*Sub-Registrar
INA, New Delhi."*

10. Learned counsel for the L&DO submits that the certificate dated 02.12.2022 (supra) was issued inadvertently. It is submitted that in fact, it was subsequently clarified by L&DO vide communication dated 06.05.2025 that the petitioner no.1 is required to first apply for execution of a deed of apartment with the office of L&DO to be recognized as a 'sub-lessee'. Thereafter, the petitioner no.2 could apply for permission to sell the property in question.

11. After some hearing, it has been agreed by respective counsel of the parties as under:

(i) The petitioner no.2 would apply for execution of a deed of apartment in respect of the subject property with the office of L&DO within a period of three weeks from today. The same shall be duly processed by the L&DO thereafter, and the deed of apartment shall be



issued in favour of petitioner no. 2 within a period of seven weeks from today.

(ii) Thereafter, the L&DO would issue the requisite NOC for granting permission to the petitioner no.1 to sell the subject property for which a letter was written by the petitioner no.1 as far back as on 18.10.2022. The requisite NOC would be duly issued within a period of 10 weeks from today and shall also be duly uploaded.

(iii) The respondent no.2 shall thereafter complete the formalities for registration of sale deed in favour of petitioner no.2 as expeditiously as possible. Needless to say, upon uploading of the NOC, the objections raised by the Sub-Registrar *vide* communication dated 04.06.2025 would stand resolved. Learned counsel for the respondent no.2 also accedes that once the NOC is issued by the L&DO in accordance with the aforesaid directions, there would be no impediment in registration of the sale deed in favour of the petitioner no.2. The said statement is taken on record.

12. It is further agreed that for the purpose of making the requisite applications for execution of a deed of apartment and for the purpose of corresponding with the L&DO, the petitioner no.1 would be entitled to authorize the petitioner no.2 for the said purpose. On the basis of the authorization, the L&DO shall entertain the application / correspondence addressed by the petitioner no.2 in terms of the aforesaid directions.

13. The petition is disposed of in the above terms.

14. List for reporting compliance on 31.10.2025.

15. In case the respondents are remiss in adhering the above timelines, the L&DO and the concerned Sub-Registrar shall remain present in Court on the



next date of hearing.

16. The date already fixed i.e. 22.07.2025 stands cancelled.

SACHIN DATTA, J

JULY 3, 2025/cl