



2025:DHC:11855



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 22.12.2025

+ W.P.(C) 17606/2025

SHAILENDER BANSAL & ORS.

.....Petitioners

Through: Mr. V. P. Dabas, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Avni Singh, Panel Counsel
(GNCTD) along with Mr. Vaibhav
Sharma, Advocate for State.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. The present petition assails the order dated 25.02.2025 passed by respondent no.3 (Sub-Registrar, North West, Kanjhawala), whereby the registration of the duly executed and presented sale deed dated 19.02.2025 in favour of the petitioners is stated to have been denied. Order dated 25.02.2025 is reproduced as under –

GOVERNMENT OF NCT OF DELHI
OFFICE OF THE E SUB-REGISTRAR
NORTH-WEST, KANJHAWALA

F.NO./Refusal/2025/14/11/5

Dated 25-Feb-2025

REFUSAL ORDER

An instrument styled as Sale Deed-23 executed by PRADEEP KUMAR GUPTA in R/o HOUSE NO. C39E, ROAD NO-77, WEST PUNJABHI BHAG, WEST, DELHI-110026 was presented for registration in this office on 19-Feb-2025 vide proofing no. 2025/14/2786.

The registration of the said documents is hereby refused U/S 71 of the registration Act on the following grounds.

Due to expedite the process of consolidation and to consign the scheme (Basta Band) in village Kanjhawala vide order No. F.5/Dist.NW/Tech(K)/2018/3768-3775 dated 05-12-2019 of DM (North-West), Kanjhawala, Delhi

In view of the above the registration of the document is hereby refused under the provision of Sec-71, of the registration Act 1908.

The document is returned in original alongwith its copy to the claimant under proper acknowledged receipt.

Dated:- 25-Feb-2025

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SUB-REGISTRAR
NORTH-WEST, KANJHAWALA



2025:DHC:11855



2. The concerned land was originally allotted to respondent no.4 during consolidation proceedings in the year 1998 in lieu of his pre-consolidation holdings.
3. The petitioners submit that they have lawfully purchased the land for valuable consideration, paid the requisite stamp duty and registration fees, and presented the sale deed before the Sub-Registrar after completing all necessary compliances.
4. It is submitted that respondent no.3 refused registration solely on the basis of an order dated 05.12.2019 bearing No. F. 5/Distt. NW/TEch (K)/2018/3768-3775, passed by District Magistrate (North West), Kanjhawala, Delhi, relating to the ongoing consolidation proceedings. The said order is reproduced as under –

“It has been observed that there is an urgent need for rectification of revenue record of consolidation in village Kanjhawala for excess allotment and/or less allotment, allotment without entitlement etc. This is inter alia affecting the issue of No Objection Certificate and mutation for transfer of land in the village causing inconvenience to public. Due to such erroneous allotment a number of court cases have also been filed for fulfilment of demand/deduction of excess allotment/cancellation of improper allotment etc. and it has resulted in loss of Gaon Sabha land as well.

The village Kanjhawala is under consolidation since 1993 and due to erroneous allotment and continuous change in land record the consolidation process has still not attained finality. The village is still under consolidation and the scheme has not been consigned yet.

Further, the village Kanjhawal is now urbanized and hence its Gaon Sabha land and revenue records are required to be transferred to DDA. But considering the status of village where the consolidation proceedings are still going on such transfer may not be possible.

Accordingly, it is felt necessary that the revenue record/scheme of village Kanjhawala which is still under consolidation is required to be consigned first for the redressal of the above issues and for facilitating transfer of Gaon Sabha land and revenue records of DDA.



2025:DHC:11855



In view of the above, in order to expedite the process of consolidation and to consign the scheme (Basta Band) in village Kanjhawala, it is hereby ordered to stop the issuance of No Objection Certificate for transfer of land and mutation for the entire village of Kanjhawala with immediate effect till further orders.”

5. It is submitted that the refusal order dated 25.02.2025 is contrary to the judgment/order of this Court in ***Okaya Infocom Pvt. Ltd & Anr. v. Govt. of NCT of Delhi & Anr.***, passed in W.P.(C) 12122/2021.

6. A perusal of the judgment/order in ***Okaya*** (supra) reveals that the controversy therein arose in an identical factual conspectus. It was, *inter alia*, observed therein as under:

“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.



2025:DHC:11855



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.”

7. The aforesaid judgment/order has been followed in the case of **Vishal Dabas & Ors. v. GNCTD & Ors.**, passed in W.P.(C) 9547/2025. The said order dated 11.07.2025 passed in W.P.(C) 9547/2025 reads as under:

“1. The petitioners are intending purchasers of immovable property admeasuring 04 bigha and 12 biswa out of Khasra No. 46/8 (4-08), 46/9 (0-04) in the revenue estate of Village Khanjawala, Delhi - 110081. They have entered into a sale deed dated 29.02.2024 with the present owner for the said purpose.

2. This petition has been filed seeking a direction to the respondents to issue a No Objection Certificate [“NOC”] and/or Land Status Report [“LSR”] in their favour, in anticipation of the registration of the sale deed.

3. Mr. Ashutosh Rana, learned counsel for the petitioners, submits that the only impediment to the grant of NOC/LSR is the pendency of consolidation proceedings in respect of the village in question. However, he relies upon the judgment of this Court in *Okaya Infocom Pvt. Ltd. & Anr. vs. Govt. of NCT of Delhi & Anr.* [W.P.(C) 12122/2021, decided on 10.11.2023] [hereinafter, “Okaya”], and several subsequent orders following the same view, wherein registration has been permitted, subject to the purchasers being bound by the outcome of the consolidation proceedings.

4. In the present case also, Mr. Rana submits that the petitioners are agreeable to purchasing the property in question, subject to the outcome of consolidation, and without prejudice to the rights and contentions of any third party.

5. Pursuant to notice issued on 10.07.2025, Mr. Manashwy Jha, learned counsel for the respondent, has taken instructions, and is unable to point out any distinction between the present case and the case of *Okaya*.

6. Having regard to the above, the writ petition is disposed of with a direction that the registration of the sale deed will not be refused on the ground of non-availability of NOC/LSR. The petitioners will remain



2025:DHC:11855



bound by their undertaking to take the property subject to the result of the consolidation proceedings, and without prejudice to the rights and contentions of any third party. Affidavits to this effect be filed by the petitioners in the Registry of this Court within one week from today, and copies thereof will also be submitted to the Revenue Authority.

7. The writ petition is disposed of with these directions.”

8. Learned counsel for the respondents relies upon the circular dated 14.08.2025 which, *inter-alia*, reads as under:

“No. F.166/SDM(HQ)/LAND/2022/183

Dated: 14/08/25

CIRCULAR

Subject:- Issuance of NOC/Land Status Report (LSR) by Revenue Authorities Streamlining process in Light of Legal Provisions

1. The practice of insisting upon No Objection Certificates (NOC) or Land Status Reports (LSR) from revenue authorities such as the Land Acquisition Collector (LAC) or Additional District Magistrate (ADM) for the purposes of land transfer and registration has been comprehensively reviewed by the Revenue Department.

2. It has been observed that the requirement to obtain NOC/LSR for land registration cannot be enforced by way of administrative instructions. Furthermore, as per the Registration Act, 1908 there is no requirement of obtaining NOC and the Sub-Registrar cannot insist upon production of such NOC where no such requirement is prescribed under law.

3. Accordingly, it is hereby ordered that:

a) Permission under Section 8 of the Delhi Lands (Restrictions on Transfer) Act, 1972 shall be mandatory only in cases where land acquisition proceedings are pending.

b) Sanction under Section 30 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 shall be required only for lands situated in villages where consolidation proceedings are actively ongoing.

c) No other NOC, LSR, or permission shall be required or issued by any Revenue Authority for the purposes of transfer or registration of land, except as specifically mandated by the above-mentioned laws.”



2025:DHC:11855



9. It is noticed that paragraph 2 of the aforesaid circular records that there is no requirement for obtaining NOC and the Sub-Registrar cannot insist upon production thereof, where no such requirement is prescribed under law.

10. It is further acceded that the said circular would not have the impact of overruling / affecting the dicta laid down in *Okaya* (supra) and *Vishal Dabas* (supra).

11. Accordingly, in line with the directions passed in *Okaya* (supra) and *Vishal Dabas* (supra), the present petition is disposed of with a direction that the registration of the concerned sale deed may not be refused on the ground of non-availability of NOC/LSR.

12. However, the petitioners shall remain bound by the undertaking given during the course of hearing to take the property subject to the outcome of the consolidation proceedings and without prejudice to the rights and contentions of any third party. An undertaking on affidavit to this effect has already been filed along with the present petition.

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

DECEMBER 22, 2025/r

SACHIN DATTA, J