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

+ **W.P.(C) 1640/2026**

NARENDER KUMAR

.....Petitioner

Through: Mr. Rajbir Singh, Mr. Umesh Yadav
and Mr. Uday Sharma, Advocates.

versus

A.D.M. (LA) (SOUTH - WEST) AND ORS

.....Respondents

Through: Mr. Sanjay Kumar, SC with Mrs. K.
K. Kiran Pathak, Mr. Sunil Kumar
Jha & Mr. Mohd. Sueb Akhtar,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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05.02.2026

1. The Petitioner is a co-owner/co-sharer in possession of 1/12th share of agricultural land comprised in Khata No. 48/42 min. Khasra No. 1 etc.//6 (16-11), 73 (9-2), 74 (11-10), 107 (13-15), 264 (13-14), 286 (75-17), 446 (1-3), 517 (2-14), 529 (1-12), 531 (2-16), 550 (1-13) and 629/4 (17-2), admeasuring 167 Bighas 9 Biswas, situated in the revenue estate of Village Mundhela Khurd, Tehsil Najafgarh, New Delhi.
2. The Petitioner intends to (i) sell a portion of his share measuring approximately 4 Bigha 16 Biswa to a purchaser, and (ii) gift the remaining portion of his share to his wife Ms. Suman. For this purpose, the Petitioner applied to Respondent No. 2 (Tehsildar/Consolidation Officer) seeking sanction under Section 30 of the East Punjab Holdings (Consolidation and Fragmentation) Act, 1948. The application has not been decided till date.
3. Thereafter, the Petitioner approached Respondent No. 1 seeking



appropriate directions for disposal of the aforesaid application; however, no order has been communicated. Consequently, the Petitioner has invoked the writ jurisdiction of this Court.

4. Counsel for the Respondents submits that the land falls in a village where consolidation proceedings are pending and therefore sanction is required prior to registration of the proposed transfer.

5. Insofar as the insistence on a sanction/NOC founded on the pendency of consolidation proceedings is concerned, this Court in ***Okaya Infocom Pvt. Ltd. & Anr. v. Govt. of NCT of Delhi & Anr.***¹, while dealing with the registration of a sale deed, held that having regard to the prolonged nature of consolidation proceedings, registration of such documents cannot be indefinitely withheld solely on the ground of non-availability of a sanction/NOC. The Sub-Registrar was directed to proceed in accordance with law, without insisting upon any sanction, approval, or NOC linked exclusively to consolidation proceedings.

6. The aforesaid legal position was reiterated by this Court in ***Jeevantika Organic Farming LLP v. Govt. of NCT of Delhi & Ors.***², wherein, while taking note of the stand of the Government, this Court balanced equities by requiring the intending purchaser(s) therein to furnish an undertaking. The underlying principle, namely that registration cannot be stalled indefinitely on account of pending consolidation proceedings, is equally applicable to the present case.

7. In view of the aforesaid legal position, and having regard to the facts of the present case, this Court is of the opinion that the writ petition can be

¹ In *W.P.(C) 12122/2021*, decided on 10th November, 2023.

² In *W.P. (C) 12083/2025* & other connected matters decided on 12th August, 2025.



disposed of by issuing directions in similar terms.

8. Accordingly, it is directed as under:

(i) The Petitioner shall file an undertaking by way of an affidavit stating that the factum of this order shall be disclosed in the event of any further transaction relating to the subject land, prior to the conclusion of the consolidation proceedings. Let the said undertaking be filed within a period of two weeks from today. Upon filing of such an undertaking, the Petitioner shall remain bound thereby.

(ii) Any breach of the aforesaid undertaking shall entail consequences in accordance with law. The said undertaking shall also form part of the Sale Deed and Gift Deed, so as to put any subsequent transferee to notice of the subsisting undertaking.

(iii) Subject to verification of the land acquisition status by the competent authority, and in line with the decisions in ***Okaya Infocom Pvt. Ltd.*** and ***Jeevantika Organic Farming LLP***, it is directed that the registration of the Sale Deed and Gift Deed shall not be refused solely on the ground of pendency of consolidation proceedings or non-availability of any sanction/ NOC in that regard, and shall be processed further in accordance with law.

(iv) It is clarified that the registration shall be without prejudice to the pending consolidation proceedings and shall remain subject to the rights, claims, and contentions of third parties, if any.

9. With the following directions, the petition is disposed of along with pending application(s), if any.

SANJEEV NARULA, J

FEBRUARY 5, 2026/hc