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

+ **W.P.(C) 1629/2026**

RAKESH KUMAR

.....Petitioner

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

versus

A.D.M. (LA) (SOUTH WEST) AND OTHERSRespondents

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

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **05.02.2026**

1. The Petitioner is a co-owner in possession of 1/5th share of agricultural land comprised in Khata No. 46/41 Khasra No. 1 etc.//30 (8-2), 119(15-13), 375 (13-0), 415 (0-9), 587 (5-0), 588 (5-0) and 601/1 (4-3) and Khata No. 47/41 min. Khasra No. 1 etc.//120 911-7) and 173 (16-0), total admeasuring 77 Bighas 17 Biswas, situated in the revenue estate of Village Mundhela Khurd, Tehsil Najafgarh, New Delhi.
2. The Petitioner proposes to transfer his share in the aforesaid land by executing a Sale Deed in respect of a portion thereof, admeasuring 52 Biswa comprised in Khasra No. 375, and a Gift Deed in respect of the remaining share in favour of his wife.
3. Applications dated 6th September, 2025 and 22nd September, 2025



were submitted to Respondent No. 2 seeking sanction under Section 30 of the East Punjab Holdings (Consolidation and Fragmentation) Act, 1948. However, no decision, either granting or refusing sanction, has been communicated to the Petitioner.

4. The grievance of the Petitioner is that the proposed Sale Deed and Gift Deed cannot be processed by Respondent No. 3 (Sub-Registrar IX A) due to insistence on permission/No Objection Certificate (“NOC”), though no formal order rejecting permission has been passed. Constrained by the same, the Petitioner has invoked the writ jurisdiction of this Court.

5. Counsel for the Respondents submits that the land falls in an area where consolidation proceedings are pending and, therefore, in absence of verification and permission from the competent authorities, the Sub-Registrar could not proceed with registration of the Gift Deed.

6. 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 sale deeds, 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.

7. The aforesaid legal position has been reiterated in subsequent decisions, including in ***Jeevantika Organic Farming LLP v. Govt. of NCT***

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



*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.

8. 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 disposed of by issuing directions in similar terms.

9. 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 registered Sale 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 and Gift Deed, pending before Respondent No. 3, shall not be refused solely on the ground of pendency of consolidation proceedings or non-availability of any NOC in that regard, and shall be processed further in

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



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.

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

SANJEEV NARULA, J

FEBRUARY 5, 2026/hc