



\$~65

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

+ W.P.(C) 4355/2026
AJIT

.....Petitioner

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

versus

ADDITIONAL DISTRICT MAGISTRATE (S-W) AND ORS

.....Respondents

Through: Mr. Sanjay Kumar Pathak, SC with
Mrs. K. K. Kiran Pathak, Mr. Mohd.
S. Akhtar and Mrs. Joohu Kumar,
Advocates for R-1/ADM.
Mr. Lalitaksh Joshi, Advocate for R-2
and R-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **06.04.2026**

1. The Petitioner is a co-owner/co-sharer in possession of 1/27th share in agricultural land comprised in Khata No. 93/85, comprising Khasra Nos. 1 etc./146 (0-16), 216 (0-03), 217 (19-15), 307 (25-11), 372 (14-01), 376 (30-07), 502 (2-13), 543 (7-17) and 612 (7-10), admeasuring 108 Bigha and 13 Biswa, situated in the revenue estate of Village Mundhela Khurd, Tehsil Najafgarh, New Delhi.
2. The Petitioner proposes to sell his entire share in the aforesaid land to an intending purchaser. In this regard, the Petitioner approached Respondent No. 2 seeking grant of sanction to sell under Section 30 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.
3. The record indicates that the Petitioner applied for such sanction on 11th March, 2026, before Respondent No. 2, and thereafter made a further



representation to Respondent No. 1 on 17th March, 2026. However, till date, no decision, either granting or rejecting the same, has been communicated. Constrained by the same, the Petitioner has invoked the writ jurisdiction of this Court.

4. Counsel for the Respondents submits that since the land is under consolidation proceedings, any transfer would require sanction and verification from the competent authority.

5. Insofar as insistence on sanction/NOC on account of pending consolidation proceedings is concerned, this Court in ***Okaya Infocom Pvt. Ltd. & Anr. v. Govt. of NCT of Delhi & Anr.***¹, 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 an 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 has been reiterated in subsequent decisions, including 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 and the intending purchaser 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(s) be filed within a period of two weeks from today. Upon filing of such undertaking(s), the Petitioner shall remain bound thereby.

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

(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 proposed Sale 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.

SANJEEV NARULA, J

APRIL 6, 2026/hc