

Savitri Devi and ors Vs. State of Govt. of Nct and ors

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Court : Delhi

Decided On : Aug-11-2014

Judge : Suresh Kait

Appellant : Savitri Devi and ors

Respondent : State of Govt. of Nct and ors

Judgement :

\$~25 * IN THE HIGH COURT OF DELHI AT NEW DELHI Judgment delivered on:

11. h August, 2014 + W.P.(C) 7941/2013 SAVITRI DEVI & ORS Petitioners Represented by: Mr.Raj Kumar Sehrawat, Adv. Versus STATE OF GOVT. OF NCT & ORS Respondents Represented by: Mr.Jayendra, Adv. for R-1 and 3. Mr.Yeeshu Jain, Adv. for R-2. CORAM: HONBLE MR. JUSTICE SURESH KAIT SURESH KAIT, J.

(Oral) 1. Vide the present petition, the petitioners are seeking directions against respondents to issue formal letter of NOC and for direction against the respondent No.3, i.e. Sub-Registrar to execute the sale deed as and when presented by the petitioners.

2. Mr.Raj Kumar Sehrawat, learned counsel appearing on behalf of the petitioners submits that the petitioners made an application under Section 8 of Delhi Land (Restriction on Transfer) Act, 1972 (hereinafter to be referred as the Act), the same is as under:

Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clause (a) to clause (e) of sub-Section (1) of Section 17 of the Registration Act, 1908 (16 of 1908), purports to transfer by sale, mortgage, gift, lease or otherwise any land or part thereof referred to in Section 4, no registering officer appointed under that Act shall register any such document unless the transferor produces before such registering officer a permission in writing of the competent authority for such transfer.

3. Learned counsel submits that at the time of filing the petition, the petitioners had no knowledge of the application under Section 8 of the Act being rejected by the respondents.

4. He further submits that under Section 4 of the Land Acquisition Act, 1894 (for short LA Act), NOC is required for the purpose if the Govt. has any proposal to acquire land under Section 6 of LA Act. However, there is no such notification under Sections 4 and 6 of LA Act as noted above. Therefore, the respondents Authority was supposed to give NOC on moving the application for the said purpose.

5. Learned counsel for the petitioners has produced Form P-4 of Khasra Girdawri 2013-14, issued by the Patwari on 23.04.2014, wherein the names of the petitioners have been indicated.

6. It is established that the property of the petitioners are not under the proposal to acquire. Moreover, the mutation proceedings have been decided in favour of the petitioners upheld by the Financial Commissioner vide its order dated 31.07.2014.

7. In view of above noted facts, rejection dated 23.01.2014 has no bearing as it is nowhere mentioned in the said rejection letter that the land in question, i.e., Khasra Nos.75 (4-16), 76 (4-16), 77 (4-16), 78 Min (116), 155 (4-16), 230 (1-12), 232 (4-13), 233 (4-12), 339 (4-10), 340 (2-03), 227 (4-16), 228 (4-16), 231 (1-08), 336 (3-09), total (52-19) in Village Mohd. Pur, Ramzan Pur, Delhi, is under proposal to acquire under Land Acquisition Act.

8. Hence, I am of the considered view that there is no requirement of NOC from the concerned Authority.

9. Consequently, order dated 23.01.2014 is hereby set aside and the sub-Registrar-III is directed to register sale deed of the petitioners.

10. The instant petition is allowed on above terms.

11. A copy of this order be given dasti to the learned counsel for the parties.
SURESH KAIT (JUDGE) AUGUST 11 2014 neelam

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