

Arun Kumar Aggarwal & Anr vs Inspector General Of Registraton & Ors on 14 January, 2019

Author: Vibhu Bakhru

Bench: Vibhu Bakhru

\$~41, 42 & 44

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 276/2019

ARUN KUMAR AGGARWAL & ANR

..... Petitioners

Through: Mr Parvinder Chauhan, Advocate.

versus

INSPECTOR GENERAL OF REGISTRATON

& ORS

..... Respondents

Through: Mr Gautam Narayan, ASC, GNCTD

with Ms Mahamaya Chatterjee and

Ms Shivani Vij, Advocates with Mr

Aizaz Ahmed, Sub-Registrar, Narela.

Mr Yeeshu Jain with Ms Jyoti Tyagi,

Advocates for R-3.

WITH

42.

+ W.P.(C) 278/2019

ARUN KUMAR AGGARWAL AND ANR.

..... Petitioners

Through: Mr Parvinder Chauhan, Advocate.

versus

INSPECTOR GENERAL OF REGISTRATION

AND ORS.

..... Respondents

Through: Mr Gautam Narayan, ASC, GNCTD

with Ms Mahamaya Chatterjee and

Ms Shivani Vij, Advocates with Mr

Aizaz Ahmed, Sub-Registrar, Narela.

Mr Yeeshu Jain with Ms Jyoti Tyagi,

Advocates for R-3.

AND

44.

+ W.P.(C) 282/2019

ARUN KUMAR AGGARWAL AND ANR.

..... Petitioners

Through: Mr Parvinder Chauhan, Advocate.

versus

INSPECTOR GENERAL OF REGISTRATION/DIVISIONAL

COMMISSIONER AND ORS.

..... Respondents

Through: Mr Gautam Narayan, ASC, GNCTD
with Ms Mahamaya Chatterjee and
Ms Shivani Vij, Advocates with Mr
Aizaz Ahmed, Sub-Registrar, Narela.
Mr Yeeshu Jain with Ms Jyoti Tyagi,
Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU
ORDER

% 14.01.2019 CM No.1337/2019 in W.P.(C) 276/2019 CM No. 1339/2019 in W.P.(C) 278/2019 CM No. 1343/2019 in W.P.(C) 282/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 276/2019 W.P.(C) 278/2019 W.P.(C) 282/2019

2. The petitioners have filed the present petitions impugning communications issued by the Registering Authority declining to register the Sale Deeds executed by the petitioners. The said orders indicate that the registration have been refused on the ground that the NOC issued earlier by the LAC has since, been withdrawn. Apart from other contentions, Mr Chauhan, learned counsel who appears for the petitioner submits that NOC is not required for registration of the Sale Deeds in question. He submits that the requirement of NOC as stipulated under Section 8 of the Delhi Land (Restriction and Transfer) Act, 1972, is not applicable in case the lands are not under acquisition. He submits that the lands owned by the petitioners are not subject matter of any acquisition proceedings and, therefore, the refusal on the part of the Registering Authority is without jurisdiction. The petitioners also calls into question other notifications passed by the Divisional Commissioner with regard to prohibiting transfer of certain lands.

3. It is seen that the petitioners have an alternative remedy under Section 72 of the Indian Registration Act, 1908 against an order declining to register the Deed.

4. In view of the above, the present petition is disposed of by leaving it open for the petitioners to avail of their alternative remedies. It is directed that in the event the petitioners prefers an appeal against the orders of refusal impugned in these petitions, within a period of two weeks from today, the same would be considered by the Appellate Authority uninfluenced by the question of delay and finally disposed of as expeditiously as possible and preferably within a period of three months from today.

5. Order dasti under signatures of the Court Master.

VIBHU BAKHRU, J JANUARY 14, 2019 MK