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\$~69, 72, 73 and 74

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

*Decided on: 09<sup>th</sup> July 2025*

69

+ W.P.(C) 9289/2025  
M/S PRABUTAV ESTATES  
PRIVATE LIMITED & ORS. ....Petitioners  
Through: Mr. Vishal Singh, Advocate.  
versus  
GOVT OF NCT OF DELHI & ORS. ....Respondents  
Through: Mr. Manashwy Jha, Panel Counsel  
(Civil) for R-1, 3 and 4.  
Mr. Sanjay Kumar Pathak,  
Standing Counsel with Ms. K.K.  
Kiran Pathak, Mr. Sunil Kumar  
Jha, Mr. Mohd. Sueb Akhtar and  
Mr. Divakar Kapil, Advocates for  
R-2/LAC.

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+ W.P.(C) 14604/2023  
VINOD GUGNANI & ANR. ....Petitioners  
Through: Mr. Vishal Singh, Advocate.  
versus  
GOVT. OF NCT OF DELHI & ORS. ....Respondents  
Through: Mr. Manashwy Jha, Panel Counsel  
(Civil) for R-1, 3 and 4.  
Mr. Sanjay Kumar Pathak,  
Standing Counsel with Ms. K.K.  
Kiran Pathak, Mr. Sunil Kumar  
Jha, Mr. Mohd. Sueb Akhtar and  
Mr. Divakar Kapil, Advocates for  
R-2/LAC.

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+ W.P.(C) 14609/2023  
VINOD GUGNANI & ANR. ....Petitioners



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Through: Mr. Vishal Singh, Advocate.

versus

GOVT OF NCT OF DELHI & ORS. ....Respondents

Through: Mr. Manashwy Jha, Panel Counsel  
(Civil) for R-1, 3 and 4.

Mr. Sanjay Kumar Pathak,  
Standing Counsel with Ms. K.K.  
Kiran Pathak, Mr. Sunil Kumar  
Jha, Mr. Mohd. Sueb Akhtar and  
Mr. Divakar Kapil, Advocates for  
R-2/LAC.

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+ W.P.(C) 8787/2025

M/S TANGENT AGRO PVT LTD & ORS. ....Petitioners

Through: Mr. Vishal Singh, Advocate.

versus

GOVT OF NCT OF DELHI & ORS. ....Respondents

Through: Mr. Manashwy Jha, Panel Counsel  
(Civil) for R-1, 3 and 4.

Mr. Sanjay Kumar Pathak,  
Standing Counsel with Ms. K.K.  
Kiran Pathak, Mr. Sunil Kumar  
Jha, Mr. Mohd. Sueb Akhtar and  
Mr. Divakar Kapil, Advocates for  
R-2/LAC.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**PRATEEK JALAN, J. (ORAL)**

**CM APPL. 39302/2025 (for exemption) in W.P.(C) 9289/2025**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.



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**CM APPL. 62966/2023 (for amendment) in W.P.(C) 14604/2023**

3. This is an application for amendment of a typographical error in the writ petition. There is no objection to the request.

4. The application is allowed.

5. Amended writ petition is taken on Board and taken up for hearing with the consent of learned counsel for the parties.

**W.P.(C) 9289/2025**

**W.P.(C) 14604/2023**

**W.P.(C) 14609/2023**

**W.P.(C) 8787/2025**

6. These four writ petitions concern decisions by the Respondent – Government of National Capital Territory of Delhi [“GNCTD”] with regard to issuance of Land Status Report [“LSR”] and/or No-Objection Certificate [“NOC”] for the sale of land in village Dera Mandi, Tehsil Mehrauli, New Delhi. As all four petitions concern similar applications, in respect of the same village, they have been taken up for hearing together, with the consent of learned counsel for the parties.

7. In all four cases, the land was originally allotted to the predecessors-in-interest of the current owners under Section 74(4) of the Delhi Land Reforms Act, 1954 [“DLR Act”], which reads as follows:

*“74. Admission to land mentioned in sub-clause (iii) of clause (a) of section 6 or to waste land for reclamation.*

xxx

xxx

xxx

*(4) At the end of five years, the Gaon Sabha shall report to the Revenue Assistant the extent to which reclamation has been made. The Revenue Assistant shall, after necessary enquiry and after hearing the Asami, either order the termination of the lease and his ejection if there has been no reclamation or extend his lease for another period of two years. If, however, the land has been duly reclaimed during the period*



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*of five years or the extended period, the Revenue Assistant shall direct the Gaon Sabha to admit the Asami as Bhumidhar under section 73. The Asami on his admission as Bhumidhar shall be liable to pay such land revenue as shall be equal to 50 per cent of the rent calculated at the prevailing village rate of rent together with cesses and local rates, but he shall not be liable to pay any compensation.”*

8. A description of the land in question in each of the four writ petitions, and the applications for issuance of NOCs is contained in the following table:

<b>“Writ No.</b>	<b><i>Detail of Application for LSR/NOC filed by the Petitioners</i></b>
WPC No. 14604/2023	<b><i>Application No. 9058000006936 dated 16.01.2023 for LSR/NOC for sale of 3 Bigha 7 Biswa of land in Mustatil No. 61, Killa No. 7 (2-0) and 8 (1-7) Village Dera Mandi.</i></b>
WPC No. 14609/2023	<b><i>Application No. 9058000006935 dated 16.01.2023 for LSR/NOC for sale of 9 Bigha 4 Biswa of land in Mustatil No. 61, Killa No. 6 (1-09), 7 (2-16), 8 (3-09), and 9 (1-10) Village Dera Mandi.</i></b>
WPC No. 8787/2025	<b><i>Application No. 90580000012003 dated 04.01.2024 filed by Petitioners for LSR/NOC for sale of 6 Bigha 4 Biswa 16 Biswasini of land in Mustatil No. 34, Killa No. 20 min (1-9-4), Mustatil No. 33, Killa No. 16 min. (2-2-1), 17 min. (2-8), Village Dera Mandi.</i></b>
WPC No. 9289/2025:	<b><i>Application No. 90580000014533 dated 12.08.2024 filed for LSR/NOC for sale of 12 Bigha of land in Mustatil No. 33, Khasra No. 24 (4-16), 25 (4-11) &amp; Mustatil No. 34, Khasra No. 21 (2-13), Village Dera Mandi.”</i></b>

9. Petitioner No. 1 in each of the four petitions is the present owner of the land. The other petitioners are the intending purchasers, to whom the present owners propose to sell the subject land.

10. In anticipation of registration of the proposed sale deeds, the petitioners applied to the revenue authorities for grant of LSRs/NOCs. Their grievance is that the applications have been rejected on the ground that the land cannot be transferred, having been originally allotted under



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Section 74(4) of the DLR Act.

11. I have heard Mr. Vishal Singh, learned counsel for the petitioners, Mr. Sanjay Kumar Pathak, learned Standing Counsel for respondent No.2, and Mr. Manashwy Jha, learned counsel for respondent Nos. 1, 3 and 4.

12. Mr. Singh submits that the questions raised in these petitions have been adjudicated in favour of the petitioners by this Court in several decisions, including judgment dated 14.12.2021 in *US Mishra v. State (NCT of Delhi)*<sup>1</sup>, and judgment dated 13.03.2024 in *Karan Luthra v. State (NCT of Delhi)*.<sup>2</sup>

13. The judgment in *Karan Luthra* is closest on facts to the present case, as it also deals with an application for LSR/NOC in respect of land originally allotted under Section 74(4) of the DLR Act. As in these four cases, the land in question in *Karan Luthra*, was also in village Dera Mandi. The Court relied on the judgment in *US Mishra*, to hold that there is no absolute prohibition to transfer of land by a *bhumidar*, even if the original allotment was under Section 74(4) of the DLR Act. It was observed that the grant of *bhumidari* rights was not subject to any restrictions or fetters with regard to further transfers, and that LSRs/NOCs had been issued in the past, permitting transfer of the very same land. The Court came to the conclusion that the respondents were not entitled to resist issuance of LSRs/NOCs. A submission based upon Article 46 of the Constitution, that transfer of land originally allotted to landless persons were contrary to the purpose of the allotment, was also

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<sup>1</sup> 2021 SCC OnLine Del 5323 [hereinafter "*US Mishra*"].

<sup>2</sup> 2024 SCC OnLine Del 1774 [hereinafter "*Karan Luthra*"].



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rejected.

14. Further, it was observed in *Karan Luthra*, that the provisions of the DLR Act would be inapplicable to village Dera Mandi following its urbanisation, under a notification dated 20.11.2019 issued under Section 507(a) of the Delhi Municipal Corporation Act, 1957. Reliance was placed on the judgment of the Supreme Court in *Mohinder Singh v. Narain Singh*<sup>3</sup>.

15. Having regard to these findings, the writ petition was allowed and the respondents were directed to issue the requisite LSR/NOC.

16. The cases of the present petitioners are substantially similar. The current owners have acquired the lands in question pursuant to registered sale deeds. In each case, there have been three prior transfers from the original allottees, culminating in the current ownership. The relevant transactions are tabulated as follows, in a chart handed over by Mr. Singh, the factual details whereof are not disputed:

<b>“Writ No.</b>	<b>Detail of Bhumidari of the 1<sup>st</sup> owners</b>	<b>1<sup>st</sup> Sale</b>	<b>2<sup>nd</sup> Sale</b>	<b>3<sup>rd</sup> Sale</b>
<i>WPC No. 14604/2023</i>	<i>The 1<sup>st</sup> owners in all the writ petitions were granted Bhumidari rights under Section 74(4) of the DLR Act through a Common Judicial Order dated</i>	<i>Vide Sale Deed dated 09.06.1989 M/s. Arenja Enterprises Pvt. Ltd. purchased 19 Bigha 09 Biswa of land in Khasra Nos. 61/9 (4-</i>	<i>Vide Sale Deed dated 30.09.1993 M/s. Arenja Enterprises Pvt. Ltd. sold 12 Bigha 11 Biswa of land in Mustatil No. 61, Killa No. 6 (1-09),</i>	<i>Vide Sale Deed dated 04.08.1995 M/s. Arenja Enterprises Pvt. Ltd. sold the land to the Petitioner No. 1, Vinod Gugnani.</i>

<sup>3</sup> (2023) 19 SCC 535.



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WPC No. 14609/2023	31.01.1986 passed in Case No. 293/RS/86 whereafter their names were also updated in revenue records as “ <b>Bhumidars</b> ”.  The grant of Bhumidari Rights was without any	16), 61/7 (4- 16), 61/6 (4- 16) & 61/8 (4-16) from Bhumidars.  After sale name of M/s. Arenja Enterprises Pvt. Ltd. mutated in the Khatoni.	7 (4-16), 8 (4- 16) & 9 (1- 10) Village Dera Mandi to Sh. Anil Dhingra and Smt. Rita Dhingra.	<u><b>LSR/NOC</b></u> <u><b>No. 8960</b></u> <u><b>dated</b></u> <u><b>14.07.1995</b></u> <u><b>granted by</b></u> <u><b>the</b></u> <u><b>Respondent</b></u> <u><b>for the Sale</b></u> <u><b>Deed dated</b></u> <u><b>04.08.1995.</b></u>
WPC No. 8787/2025	restriction or prohibition on sale or transfer of the land.	13 Bigha 6 Biswa of land in Khasra No. 33/16 (4- 12), 17 (9- 16), 34/20 (3- 14) was purchased by M/s. Arenja Enterprises Pvt. Ltd and its name was duly mutated in the Khatoni.	<b>Vide Sale Deed dated 02.09.1993</b> M/s. Arenja Enterprises sold 12 Bigha 13 Biswa of land in Khasra No. 33/16 (4-16), 17 (4-16), 34/20 Mins. (3-01) to Mr. P. Mahitha Sreedharan.  <u><b>LSR/NOC</b></u> <u><b>No. 964</b></u> <u><b>dated</b></u> <u><b>05.01.1993</b></u> <u><b>granted by</b></u> <u><b>the</b></u> <u><b>Respondent</b></u> <u><b>for the Sale</b></u> <u><b>Deed dated</b></u> <u><b>02.09.1993.</b></u>	<b>Vide Sale Deed dated 09.04.2010.</b> P. Mahitha Sreedharan sold the land to the Petitioner No.1, Tangent Agro Ltd.  <u><b>The Sale</b></u> <u><b>Deed was</b></u> <u><b>accepted for</b></u> <u><b>the</b></u> <u><b>registration</b></u> <u><b>without</b></u> <u><b>calling for</b></u> <u><b>LSR/NOC.</b></u>



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WPC No. 9289/2025:		14 Bigha 8 Biswa of land in Mustatil No. 33, Khasra No. 24 (4-16), 25 (4-16) & Mustatil No. 34, Khasra No. 21 (4-16), Village Dera Mandi was purchased by M/s. Arenja Enterprises Pvt. Ltd. and its name was duly mutated in the Khatoni.	<b>Vide Sale Deed dated 16.01.1996</b> M/s. Arenja Enterprises sold 12 Bigha of land in Mustatil No. 33, Khasra No. 24 (4-16), 25 (4-11) & Mustatil No. 34, Khasra No. 21 (2-13) to Sh. Sanjeev Lamba.  <b><u>LSR/NOC No. 7673 dated 28.12.1995 granted by the Respondent for the Sale Deed dated 16.01.1996.</u></b>	<b>Vide Sale Deed dated 18.11.2010</b> Sh. Sanjeev Lamba sold 12 Bigha of said land to the Petitioner No.1, M/s. Prabhutav Estate Pvt. Ltd.  <b><u>LSR/NOC No. 3732 dated 24.09.2010 granted by the Respondent for the Sale Deed dated 18.11.2010.</u></b> <sup>4</sup>
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17. It is evident from the above that, in each case, there have been prior transactions in respect of the same land, for which LSRs/NOCs were issued by the respondents<sup>5</sup>, or were registered without LSRs/NOCs<sup>6</sup>. The position now taken, that land originally allotted under Section 74(4) of the DLR Act cannot be transferred, is inconsistent with sale deeds having been registered in the past upon issuance of LSRs/NOCs by the

<sup>4</sup> Emphasis supplied.

<sup>5</sup> Sale Deed dated 04.08.1995 [third sale in W.P.(C) 14604/2023 and W.P.(C) 14609/2023], Sale Deed dated 02.09.1993 [second sale deed in W.P.(C) 8787/2025] and Sale Deeds dated 16.01.1996 and 18.11.2010 [second and third sale deeds in W.P.(C) 9289/2025].

<sup>6</sup> Sale Deed dated 09.04.2010 in W.P.(C) 8787/2025.



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concerned authorities, or accepted for registration without any LSR/NOC.

18. Learned counsel for the respondents have not placed any documents on record to suggest that the original allotments to the *bhumidars* under Section 74(4) of the DLR Act, in these cases, were subject to restrictions or fetters. To this extent also, the situation is similar to the judgments cited by Mr. Singh.

19. The only distinction, as submitted by Mr. Pathak, pertains to W.P.(C) 8787/2025, where the records of the revenue authorities indicate that an objection to the transfer was lodged with the concerned authorities, although details of the objection are not currently available. In any event, the final order of rejection of the NOC does not refer to any objection, but only to Section 74(4) of the DLR Act. Likewise, in a written submission dated 07.07.2025 by the Tehsildar, which has been handed over to the Court and taken on record, no such point has been taken. It only contends that the NOC/LSR was not recommended based on reports by the Patwari and the Naib Tehsildar, stating that the aforesaid land falls under Section 74(4) of the DLR Act. No other contention, therefore, requires adjudication.

20. Although Mr. Pathak submits that the further transfer of land originally allotted to landless persons, under Section 74(4) of the DLR Act, is inconsistent with the objective of the allotment, I am unable to agree. Such a contention has been rejected, both in *US Mishra* and *Karan Luthra*, in the absence of a statutory fetter or restriction imposed at the time of allotment.

21. Mr. Jha also states, upon instructions, that no acquisition proceedings are pending in respect of the lands in question.



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22. In these circumstances, I am of the view that the petitioner's claims are fully covered by the aforesaid judgments, of which *Karan Luthra* deals with the very same village.

23. Consequently, the writ petitions are allowed and the respondents are directed to issue the required LSRs/NOCs to the petitioners within a period of two weeks.

**PRATEEK JALAN, J**

**JULY 9, 2025**

*UK/sd/*