



\$~47

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

+ W.P.(C) 16435/2024

RENU KRISHNAN JAGDEV

.....Petitioner

Through: Mr.Nimish Chib with Ms.Divya
Chug, Mr.Jatin Rana, Advocates.

versus

REGISTRAR COOPERATIVE SOCIETIES & ORS.Respondents

Through: Ms.Mehak Nakra, ASC with
Ms.Gunjan Suyal and Mr.Aditya
Goyal, Advocates for GNCTD.
Mr.Shashi Pratap Singh with
Ms.Muskaan Garg, Advocates for
DDA.

%

Date of Decision: 28th November, 2024**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****JUDGMENT****MANMOHAN, CJ : (ORAL)****C.M.No.69391/2024**

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

W.P.(C) No.16435/2024

3. Present petition has been filed seeking directions to respondent no.1- Registrar Cooperative Societies (RCS) to regularize the self-draw pertaining to the flat of the petitioner, bearing Flat No.8 in the respondent no.2- society.
4. Learned counsel for the Petitioner states that the late husband of the



petitioner was allotted a membership no.191 in the respondent-society along with the Flat No.8 in the year 1994. He states that a share certificate was issued in favour of the husband of the petitioner and the possession of the subject flat was handed to him vide letter dated 5th November, 1997, however the membership was not cleared.

5. He states that the petitioner again sent a letter dated 25th May, 2004 to the RCS to regularize the membership of her husband to which the RCS sought certain clarifications which were duly provided. He further states that multiple reminder letters were sent to the RCS along with the requisite documents but no response was received.

6. He further states that the petitioner's husband expired on 23rd April 2021 and upon his demise, the respondent no.2 transferred the said membership in the name of the petitioner. He further states that after conducting an inspection of the petitioner's husband's membership file at the office of the RCS, it was revealed that the RCS had already approved the membership of the petitioner's husband on 04th October, 2022, however, the same had not been communicated to the petitioner.

7. He states that subsequently, a complaint dated 20th August, 2023 was filed by Ms. Aarti Gupta, resident of the respondent-society, stating that the petitioner's late husband was already the owner of six properties, and therefore, should not have been granted membership in the society as per Section 87 of the Delhi Cooperative Societies Act, 2003. He states that the petitioner had replied to the complaint by stating that her late husband did not own any residential property exceeding 66.72 sq. mts. in his name and the properties listed by the complainant were either his ancestral properties or were bought subsequent to allotment of the subject flat.



8. He further states that the petitioner had sent a comprehensive representation dated 08th May, 2024 to the RCS and the RCS had *vide* response letter dated 13th June, 2024 directed the petitioner to provide an explanation to the allegations raised by the complainant, which was duly provided by the petitioner *vide* response letter dated 19th June, 2024, however the membership has till date not been regularized by the RCS.

9. Issue notice. Ms.Mehak Nakra, Advocate accepts notice on behalf of GNCTD/RCS and Mr.Shashi Pratap Singh, Advocate accepts notice on behalf of DDA.

10. Learned counsel for GNCTD/RCS states that she has no instructions in the matter as of today.

11. Having perused the paper book, this Court finds that there is no dispute as to the fact that the petitioner's late husband was allotted a membership no.191 in the society along with the subject flat and possession of the same was also given.

12. Moreover, the Resolution dated 23rd August, 2022, as made available at page 73 of the present petition, does reveal that the membership no.191 was transferred in the name of the petitioner and it was also stated that the matter had been placed for approval of the RCS to place the case before the Rule 90 Committee. Further from a perusal of the records of the RCS at page 74 of the present petition and from the document bearing PUC Dy.No.5346 at page 78 of the present petition, it is further revealed that after verification of records, the petitioner was found eligible on 04th October, 2022.

13. Further, the petitioner has provided an explanation to the allegations raised by the complainant *vide* letter dated 19th June, 2024, however no final



2024:DHC:9287-DB



decision has been taken by the RCS till date.

14. Accordingly, the present writ petition is disposed of with a direction to the RCS to treat the present writ petition as a representation and to decide the same in accordance with law as expeditiously as possible, preferably within twelve weeks. The RCS shall give a personal hearing to all the affected parties. The rights and contentions of all the parties are left open.

MANMOHAN, CJ

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 28, 2024

KA