

THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 20.11.2009

+ **WP (C) 11910/2009**

SMT. RAJ CHAWLA

..... Petitioner

- Versus -

REGISTRAR COOPERATIVE SOCIETIES & ORS

... Respondents

Advocates who appeared in this case:-

For the Petitioner	: Mr D.K. Rustagi
For the Respondent No.1	: Mr V.K. Tandon
For the Respondent No.2	: Mr P.K. Rawal
For the Respondent No.4	: Ms Sangeeta Chandra

CORAM:-

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MS. JUSTICE VEENA BIRBAL

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether the judgment should be reported in Digest ?

BADAR DURREZ AHMED, J (ORAL)

1. In this writ petition, the petitioner seeks the issuance of a direction to the respondent Nos.1 and 2 to expedite the process of allotment of Plot No.20 in the respondent No.2 society (Dayanand Co-operative House Building Society) after completing the formalities in this regard in a time-bound schedule. The learned counsel for the petitioner drew our attention to an order passed on 21.01.1997 by a learned Single Judge of this Court in the case of **Satender Kumar Parashar v. Registrar of Co-operative Societies and Others**: CWP No. 745/1983. In that writ petition, the said Plot No.20

in the said society had been kept reserved for the petitioner by an order dated 16.09.1983. The petitioner therein had challenged the refusal of the Registrar of Co-operative Societies to treat him as a member of the respondent society w.e.f. 24.07.1970. That writ petition was decided in favour of the said Mr S.K.Parashar, on 21.01.1997, when this court concluded as under:-

“That being so, the action of the respondent in objecting to petitioner becoming the member of the Society in 1970 on the basis of mother acquiring plot, is without any basis and is illegal. The same is hereby set aside. The petitioner is entitled to become member of the society as well is entitled for grant of a plot. A plot has been kept reserved for the petitioner in these proceedings vide order passed this court 16.09.1983. The society shall proceed in accordance with law taking the membership of the petitioner from the date when he was made a member pursuant to the resolution of the Managing Committee of the society in August 1970. The rule is made absolute. Writ petition is allowed. No order as to costs.”

2. It is the case of the petitioner herein that no action thereafter has been taken by the Society or by the Registrar of Co-operative Societies to allot the said Plot No.20 either to the said Mr S. K. Parashar or to anyone else. According to the learned counsel for the petitioner, the said plot remains vacant and unallotted despite the said judgment and /or order dated 21.01.1997, purely on account of the fact that the said Mr S. K. Parashar has not come forward to complete the formalities for allotment as per the judgment and / or order dated 21.01.1997.

3. The present petitioner had moved an application being CM No. 13391/2008 in the disposed of writ petition, being WP(C) 745/1983. However, the same was withdrawn with liberty to take appropriate action as

permissible under law. This is indicated in the order dated 03.02.2009 passed in the CM No.13391/2008 in WP (C) No.745/1983. It is thereafter that the petitioner has filed the present writ petition seeking the prayers indicated above.

4. The learned counsel for the Registrar of Co-operative Societies stated that the documents, which are relevant for the purposes of coming to a conclusion as to whether the said Plot No.20 is to be declared as vacant for allotment to someone other than Mr S.K. Parashar in view of the fact that Mr S.K. Parashar has not come forward to complete the formalities, are to be supplied by the respondent No.2 society. Mr V.K. Tandon, who appears on behalf of the Registrar of Co-operative Societies, submitted that, in case all the documents are submitted by the society, the Registrar of Co-operative Societies would be in a position to take a final decision in the matter within four weeks thereof.

5. Consequently, we dispose of this writ petition with the direction that the respondent No.2 society shall submit all the material with regard to Plot No.20 and any document submitted by Mr S.K.Parashar pursuant to the said decision dated 21.01.1997 for the consideration of the Registrar of Co-operative Societies. The said documents will be submitted within four weeks and the Registrar of Co-operative Societies would take a decision within four weeks thereafter which shall be communicated to the petitioner.

6. We are making it clear that we have not examined the merits of the petitioner's claim to allotment. That shall be examined independently by the

society and the Registrar of Co-operative Societies and other concerned authorities in accordance with law.

The writ petition stands disposed of.

Dasti.

BADAR DURREZ AHMED, J

VEENA BIRBAL, J

NOVEMBER 20, 2009
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