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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P. (C) 4027/2015, CM APPL.9302/2015 & 11324/2016

PANKAJ CHAKRAVARTI

..... Petitioner

Through: Mr. Sanjiv Sahay with Mr. Jaikishan
Hoon, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Sanjay Ghose with Mr.
Vikramaditya, Advocates.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

28.03.2016

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CM APPL.11324/2016

Issue notice. The application seeks substitution of the legal representatives of the deceased petitioner; having regard to its averments, the Court is of the opinion that interest of justice requires that it should be accepted.

CM APPL.11324/2016 is accordingly allowed subject to just exceptions. The amended memo of parties shall be filed within two days.

W.P. (C) 4027/2015

The writ petitioner seeks direction that the premises, a flat allotted to him but currently in the possession of Official Liquidator -

representing the society, has been retained unlawfully. It is submitted that the pretext on which the possession was taken over is an inspection after which it was alleged that since the petitioner faced prosecution and was involved in the allegations of malpractices vis-a-vis society, he could not be handed over the possession.

The issues sought to be urged clearly are the disputed questions of fact. As to whether the society - now through the Official Liquidator - is in lawful occupation or possession of the property and can retain in that capacity is something that the Court cannot adjudicate especially since the petitioner has not been in possession for almost three decades. In these circumstances, it is open to the legal heirs of the deceased petitioner to raise a dispute under Section 70/71 of the Delhi Cooperative Societies Act. If such claim is made, the Registrar shall have the dispute adjudicated in accordance with law.

The writ petition is disposed of in the above terms.

All rights and contentions of the parties are kept reserved.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

MARCH 28, 2016

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