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

+ **W.P.(C) 11164/2015**

H.G. UPRETI & ORS.

..... Petitioners

Through: **Mr.R.K.Gupta, Advocate**

versus

**GOVT. OF NCT OF DELHI THROUGH SECRETARY (COOP.) &
ORS.**

..... Respondents

Through: **Mr.Harsh Singhal, proxy counsel for
Mr.Ankur Chhibber, Advocate for
R-1 & R-2.**

**Mr.Dhanesh Relan and Ms.Akshita
Manocha, Advocates for R-3.**

**Mr.Rakesh Munjal, Sr.Adv. with
Mr.Rajiv Vig and Mr.Mohd.Atif,
Advocates for R-4.**

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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03.02.2016

1. The petitioner seeks directions with respect to the first respondent - Registrar of Cooperative Societies, to the effect that their names should be duly verified and forwarded to the DDA for formal allotment of constructed flats. The facts are that the petitioners were enrolled as members of the 4th respondent (hereinafter referred to as 'the Cooperative Society'). It is a matter of record that they paid all instalments towards loan for construction of the flat built by the society. Under provisions of the Delhi Cooperative Societies Act, the Registrar of Cooperative Societies is required – by virtue of Section 76 (3) to confirm the membership of such individuals after verifying

their entitlement; i.e. those who may be entitled to allotment of housing units constructed by a given cooperative society. There is no dispute that the petitioners have deposited all amounts and have cleared their dues.

2. The Registrar of Cooperative Societies refers to the fact that the membership of several other individuals is in doubt and that there is possibility of rival claims being set up. The petitioners refer to the orders made by this court in *Yogiraj Krishna Cooperative Group Housing Society Limited vs. DDA & Anr.* W.P.(C) 10066/2004 decided on 25.08.2008, *Naresh Kaushik vs. Bhagwati CGHS Ltd.* W.P.(C) 11024/2009 and *Shobha Tomar vs. Vijay CGHS Ltd.* W.P.(C) 1536/2013. In all these proceedings the Court had issued directions to the Registrar to verify eligible members for confirmed allotment and consequential action by the DDA. The Registrar's concern in the present proceeding is that there is possibility of multiple claims.

3. This Court is of the opinion that the possibility of some individuals setting up rival claims to membership of the society based on their past records should not hinder the verification process given that the petitioners funded the constructions.

4. In the circumstances, the Registrar shall proceed to verify the petitioners' claims and pass appropriate orders within four weeks. At the same time it is open to the Registrar of the Cooperative Societies in the present case to necessitate that the petitioners furnish an appropriate undertaking/document stating that they would not transfer or sell the flat allotted to them as a consequence of the present order.

Likewise, the society shall also furnish an appropriate undertaking not to register any transfer or pass any resolutions permitting transfer till such disputes are settled.

5. The writ petition is allowed in the above terms. The Registrar shall complete the process of verification and also indicate the appropriate form of undertaking to be executed as well as ensure that it is done in the manner suggested within eight weeks from today.

6. The writ petition is allowed in the above terms.
Dasti.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

FEBRUARY 03, 2016
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