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

+ W.P.(C) 476/2013

BANKMENS CO-OPERATIVE GROUP HOUSING SOCIETY LTD

..... Petitioner

Through: Ms. Chandrika Gupta, Advocate

versus

REGISTRAR OF CO-OPERATIVE SOCIETIES AND OTHERS

..... Respondents

Through: Ms. Niti Jain, Advocate for Mr. Anuj Aggarwal, ASC for R-1/RCS.

Mr. Ajay Verma, Advocate for R-2/DDA.

Mr. Satvik Varma, Advocate with Mr. Lautaksh Joshi, Advocate for R-3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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16.05.2017

1. The petitioner/Society has filed the present petition praying *inter alia* for issuance of a writ of mandamus to the respondent No.2/DDA, directing it to restore the original location of the plot in question in its favour in terms of the original layout plan prepared by the DDA and deliver possession of the subject plot forthwith.

2. Mr. Verma, learned counsel for the respondent No.2/DDA states that prior to filing the present petition, the petitioner/Society had filed W.P.(C) 3546/2012, for seeking directions to the DDA to deliver the possession of the allotted plot to it. Vide order dated 23.07.2012, the said petition was

disposed of by the High Court with directions issued to the DDA to process the petitioner's case for handing over possession of the allotted plot to it within one month.

3. Aggrieved by the said order, DDA had filed an appeal before the Supreme Court (Civil Appeal No.6805/2013), which has recently been decided vide judgment dated 17.04.2017. The said judgment is common to Civil Appeal No.6805/2013, 6803-04/2013 and 8627/2014, whereunder it has been held that the revival of the petitioner/Society and the other two societies was illegal and was manipulated by persons, who had no connection with the respective Societies. As a result, the appeals filed by the respondent No.2/DDA against the order dated 23.07.2012 passed in W.P.(C) 3546/2012 and other petitions was allowed. The operative paras of the captioned judgment of the Supreme Court, is reproduced herein below for ready reference:-

“21. In view of the above discussion we are clearly of the view that the revival of the Societies was illegal. It was manipulated by persons who had no connection with the Societies. We are prima facie of the view that the builder mafia had a big hand in getting the Societies revived. Hence we hold that the very revival of the Societies is illegal and the memberships are not genuine and hence the appeals are allowed. However, there may be some members of the Societies who must have been duped by the promoters. Therefore, we direct the DDA to refund the money deposited to the Societies along with interest @10% p.a with effect from the date when the money was deposited with the DDA. The amount be paid within 2 months from today. The Societies shall in turn ensure that within 4 weeks thereafter the amount deposited by the members is returned to them along with the interest aforesaid. This will alleviate the hardship of genuine members.

22. Accordingly, Civil Appeal Nos. 6805 of 2013 and 6803-6804 of

2013 filed by the DDA are allowed and the judgments/orders of the Delhi High Court 23.07.2012 , 27.02.2012 & 22.08.2012 are set aside and the Writ Petition (C) Nos. 3546, 1168 and 5109 of 2012 filed by Bankmens CGHS and Safdarjung CGHS are dismissed with the aforesaid terms.”

4. In view of the aforesaid decision, nothing further survives for adjudication in the present petition, which is dismissed and the interim orders are vacated.

5. At this stage, learned counsel for the petitioner/Society states that her client proposes to file an application before the Supreme Court for seeking review of the judgment dated 17.04.2017.

6. If the petitioner succeeds in the review application proposed to be filed before the Supreme Court, it shall be at liberty to approach this Court for seeking revival of the writ petition.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

MAY 16, 2017

rkb/ap