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

+ W.P.(C) 1325/2013 and CM No. 2516/2013 and 26180/2017

TRILOK NATH MOHAN

..... Petitioner

Through: Mr Tejveer S. Bhatia and Mr Rohan
Swarup, Advs.

versus

THE REGISTRAR, THE OFFICE OF THE REGISTRAR OF
CO-OPERATIVE SOCIETIES AND ORS Respondents

Through: Mr Anuj Aggarwal, ASC, GNCTD
and Ms Deboshree Mukherjee, Adv for R-1
Mr Sushil Dutt Salwan, Mr Himan Kaushik, Adv
for Respondent No.2/DDA
Mr Mohit Kumar, Adv for R-3/Society

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **25.07.2017**

1. In the course of arguments, we have repeatedly requested the learned counsel for the petitioner to point out any document which can demonstrate that the petitioner had been inducted as a member of the respondent No.3/Society in the year 1969 or even thereafter or in the alternate, show us the share certificate issued in favour of the petitioner so as to satisfy us that he was actually a regularly inducted wait-listed member of the Society. No such document has been produced or pointed out from the records. Instead, learned counsel for the petitioner states that he may be permitted to withdraw the present

petition.

2. Ideally, the request made ought to be granted only after putting the petitioner to terms, having regard to the fact that this case has been lingering for the past four years and was taken up on at least 23 dates. The records reveals that a number of adjournments have been sought by learned counsel for the petitioner. Finally, on the last date, it was clarified that no request for adjournment shall be entertained on the next date of hearing. However, having regard to the fact that the petitioner was 90 years old when he had filed the present petition and he has expired in the year 2016, whereafter his legal heirs were brought on record, we are refraining from imposing costs on the petitioners for wasting judicial time.

3. At this stage, Mr Salwan, learned counsel for the respondent No.2/DDA, states that vide letter dated 17.01.2013 addressed by the DDA to the Secretary of the respondent No.3/Society, it was clarified that under Clause (VIII) of the Agreement executed between the Principal Lessor and the Society, the unallotted plots bearing No.1 to 7, were to be resumed back for further disposal by the Lessor.

4. It has been enquired from learned counsel as to whether any steps for resumption have been taken by the DDA. He states that he has no clear instructions.

5. The respondent No.2/DDA is directed to ensure that if they have not taken any the follow up action, pursuant to the letter dated 17.01.2013 addressed to the respondent No.3/Society, the same is taken in a time-bound manner, preferably within three months from today.

6. The petition is dismissed as withdrawn along with the pending applications.

HIMA KOHLI, J

DEEPA SHARMA, J

JULY 25, 2017

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