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

+ W.P.(C) 1862/2017

SHARANJIT SINGH

..... Petitioner

Through Mr. Anil Amrit & Mr. Gaurav Arora,
Advocates.

versus

RAJ NAGAR COOPERATIVE HOUSE & ORS. Respondents

Through Mr. Arjun Pant, Advocate for DDA.

Mr. Peeyoosh Kalra, ASC for GNCTD-respondent
No. 2.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

03.03.2017

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Having heard learned counsel for the petitioner, we are not inclined to interfere with the impugned order dated 28th December, 2016 noticing the fact that it is an order of remand. This order also refers to the contention that late Balbir Singh, the father of the present petitioner, had inherited an immovable property at Moti Nagar and, therefore, had incurred disqualification as per Rule 25 of the Delhi Cooperative Societies Rules, 1973. This contention may have been raised for the first time, but it has to be adjudicated and decided. Violation or disqualification under the said Rule, can even lead to cancellation of the lease.

Learned counsel, during the course of hearing, accepted that there is a

complaint before the Registrar Cooperative Societies with regard to disqualification on inheritance of the property by late Balbir Singh. If that is so, there was a good reason for the Tribunal to remand the matter for fresh consideration. Part or piecemeal adjudication may not be advisable and proper.

In exercise of discretionary jurisdiction under Articles 226 and 227 of the Constitution of India, we do not see any reason to interfere with the order of remand.

We clarify that we have not expressed any opinion on merits.

Learned counsel for the petitioner submits that this is a matter of allotment of plot and has remained pending for several decades as the father of the petitioner had become a member of the cooperative society in 1965. It is open to the petitioner to ask for expeditious disposal and we would hope and trust that this factor will be taken into consideration.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MARCH 03, 2017
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