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

+ W.P.(C) 1064/2019

THE KURMANCHAL CO-OPERATIVE GROUP HOUSING
SOCIETY LTD. Petitioner

Through: Mr. Rajat Aneja with Mr. Akshit
Kapur and Ms. Nidhi, Advs.

versus

THE REGISTRAR CO-OPERATIVE SOCIETIES AND ANR.

..... Respondent

Through: Mr. Sameer Vashisht, ASC , GNCTD
for R-1.
Mr. Pawan Mathur, Adv. for DDA.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE I. S. MEHTA

ORDER

01.02.2019

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C.M. No. 4845/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 1064/2019 & C.M. No. 4846/2019

The petitioner has preferred the present writ petition to seek a direction to the Registrar of co-operative Societies (RCS) to consider and recommend the name of the petitioner society to respondent No.2-Delhi Development Authority (DDA) for allotment of plot of land to the petitioner

society for construction of flats for its members.

The petitioner's earlier allotment was cancelled since there was irregularity in the said allotment. The petitioner's grievance is that the RCS has not taken any steps to make the recommendation to the DDA for allotment of land in respect of co-operative societies for the last about 15 years, unless so directed by this Court.

The petitioner raised queries under the Right to Information Act and the petitioner has disclosed that it stands at serial no. 1548. Societies up to serial no. 1465 in the seniority list have been recommended by the RCS to the DDA for allotment of land. There is still a gap of 83 societies, who are senior to the petitioner society and whose cases have not been so recommended.

Admittedly, the DDA is not making any allotment of land presumably because it has not been vested with land which could be allotted to co-operative societies. The petitioner had earlier as well preferred W.P. (C.) No. 2746/2018, which was withdrawn on 21.03.2018 with liberty to avail of statutory remedies in accordance with law.

Mr. Aneja submits that the RCS should complete the process of verification of the petitioner society so that, at least, the case of the societies is recommended to the DDA for allotment of land, and DDA may allot land as to when it is in a position to do so. We do not find merit in this submission of Mr. Aneja.

Admittedly, there are about 83 societies which are higher on the seniority list than the petitioner, whose cases have not been recommended to the DDA as yet. It is also evident that DDA is not undertaking allotment of land to the co-operative societies. The undertaking of process of

verification, at this stage, may be a complete futile and paper exercise which would entail consumption of public time and money. With passage of time, the composition of the society keeps changing and it may turn to be a futile exercise to be undertaken at this stage.

In our view, the petitioner should wait for further development and only if there is any forward movement in the matter of allotment of land to societies, who are senior to the petitioner and whose cases have already been recommended to the DDA, the petitioner may have a cause to claim the relief as sought in the petition.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

I. S. MEHTA, J

FEBRUARY 01, 2019

N.Khanna