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

+ **W.P.(C) 5814/2020**

DAULAT RAM

.....Petitioner

Through: Mr. Amardeep Khatri, Advocate.

versus

**REGISTRAR OF COOPERATIVE
SOCIETIES & ANR.**

....Respondents

Through: Mr. Gautam Narayan, ASC GNCTD
with Ms. Dacchita Shahi and Mr. Adithya Nair,
Advocates for R-1.

Mr. Ankur Arora and Ms. Srishti Sharma
Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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31.08.2020

HEARD THROUGH VIDEO CONFERENCING.

CM APPL. 21038/2020 (for exemption)

Allowed, subject to all just exceptions.

W.P.(C) 5814/2020 & CM APPL. 21037/2020 (for stay)

1. The present petition has been filed by the petitioner praying *inter alia* that the election of the Managing Committee of the respondent No.2/Society be stayed and the respondent No.1/RCS be directed to take over possession of flat No.F-302 HIG, which is purportedly lying vacant, for it to be allotted to him. Further, a retired Judge of the High Court or the officer of CBI be directed to conduct an investigation into the issue of allotment of flats in the respondent No.2/Society.

2. This is the third round of litigation initiated by the petitioner. Prior hereto, the petitioner had filed W.P.(C) 4996/2017, praying *inter alia* for issuing directions to the respondent No.1/RCS to allot him a flat in the respondent No.2/Society after appointing an Enquiry Officer to investigate into the allegations of forgery and fabrication of documents levelled against respondents No. 4 to 7. Vide order dated 30.05.2017, the said petition was disposed of with directions issued to the RCS to consider and decide the representations dated 18.02.2017 and 02.03.2017 addressed by the petitioner within a period of three months under written intimation to him. Further, liberty was granted to the petitioner that if he is aggrieved with the order that may be passed, he would be entitled to seek legal recourse against the same.

3. Thereafter, the petitioner had filed a Contempt petition registered as CCP No.721/2017, stating *inter alia* that the respondent No.1/RCS had not complied with the order dated 30.05.2017, passed in the captioned writ petition. After hearing learned counsel for the parties, the learned Single Judge had opined that the directions contained in order dated 30.05.2017, had been duly complied with and the petitioner's representation including the request of change of Administrator and appointment of Special Auditor was disposed of by the Administrator of the Society in terms of the Status Report dated 18.05.2019. This included the report relating to the petitioner's claim for allotment of the flat. Observing that if the petitioner had any grievance regarding the action taken by the Society and/or the RCS, which is beyond the terms of the order dated 30.05.2017, he was at liberty to take such proceedings, as may be available to him in law, the contempt petition was disposed of.

4. Admittedly, the petitioner did not take any legal recourse against the Status Report dated 18.05.2019, prepared by the Administrator of the Society. Now, after waiting for over one year, the present petition has been filed and under the garb of making a prayer that the respondent No.2/Society be restrained from

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conducting the election of the Managing Committee of the respondent No.2/Society by roping in 122 members, who have been illegally added to the list. As a matter of fact, the petitioner seeks to rake up the old issue regarding allotment of the flat, which is impermissible.

5. Mr. Ankur Arora, appointed as the Administrator of the respondent No.2/Society informs this court that the relief at prayer (A) is infructuous as he has already written to the RCS, making a request for appointment of a Returning Officer for conducting the elections of the Managing Committee of the Society on 02.01.2020, but no response has been received from the office of the RCS so far.

6. Mr. Gautam Narayan, learned ASC appearing for the respondent No.1/RCS states on instructions that a Returning Officer shall be appointed within two weeks for conducting the election of the Management Committee of the respondent No.2/Society, under due intimation to the Administrator.

7. We have been observing that that the office of the RCS has not been responding to representations/grievances of members of several Societies, in fact, even to grievance raised by the Administrators of societies. The office of the RCS is gripped with lethargy, which is most unacceptable in public dealing. In another matter listed today before this Bench registered as **W.P.(C) 5794/2020** entitled Usha Grace Antony V/S Registrar Cooperative Societies & Anr., the records have revealed that on a Show-Cause notice issued by the RCS to the Management Committee of the Society therein on 22.10.2019, orders reserved on 30.10.2019, have not been pronounced till date. This is a telling comment on the manner in which the office of RCS is functioning. In the said matter, Mr.Tripathi, learned counsel for the Delhi Government had submitted that there is paucity of staff in the office of the RCS, due to which timely action is not being taken. If that is the case, then we would certainly like to be apprised as to whether the

RCS has pointed out this fact to the concerned Department for deputing more staff and if not, then the reasons therefor. We have also observed that there are frequent transfers of officers in the office of the RCS resulting in lack of continuity. Invariably the Department seeks time on the ground that the new officer will have to go through the records. In our opinion, the entire office of the RCS needs to be overhauled and systems put in place to ensure least interface with public.

8. Issue notice on the aforesaid aspects to the RCS.

9. Mr. Gautam Narayan, learned ASC accepts notice and states that he shall obtain necessary instructions and inform the court as to what steps have been taken to approach the Competent Authorities, for asking more staff to man the office of the RCS. While filing an affidavit, the RCS shall indicate as to what is the strength of its office, how many vacancies are there and if the strength is required to be increased, what steps have been taken in that direction till now. A proposal shall be given as to the manner in which grievances of the public can be settled on-line, thereby preventing avoidable public interface and setting deadlines for the action to be taken. The said affidavit shall be filed within three weeks.

10. The writ petition is disposed of with the aforesaid order while keeping alive the issue raised above.

11. List on 23.09.2020.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

AUGUST 31, 2020

kk/rkb