

**IN THE HIGH COURT OF DELHI AT NEW DELHI***Judgment Delivered On: 24.05.2022***W.P.(C) 7101/2021****SMT JAYA ASRANI & ORS.**

..... Petitioners

versus

REGISTRAR OF COOPERATIVE SOCIETIES & ORS.

..... Respondents

Advocates who appeared in this case:

For the petitioners : Mr. Moni Cinmoy and Mr. Abhinav Akash,
Advocates.

For the respondents : Mr. Satyakam, Additional Standing Counsel with
Ms. Krishnashree Devee, Advocate for R-1 and Mr.
Rahul, Assistant Section Officer.
Ms. Shobhana Takiar, Standing Counsel for
DDA/R-2.

CORAM:**HON'BLE MR. JUSTICE SIDDHARTH MRIDUL****HON'BLE MR. JUSTICE GAURANG KANTH****J U D G M E N T****SIDDHARTH MRIDUL, J. (OPEN COURT)****CM APPL.24803/2022 (Directions)**

The present application under Section 151 of the Code of Civil Procedure, 1908, has been instituted on behalf of the petitioners, praying as follows :-

“(a) *allow the present application.*

(b) *direct the respondent no. 1/Registrar Co-operative Societies to immediately forward the names of the petitioners to the respondent no. 2/DDA for conducting the*



draw of lots and consequent allotment of the dwelling unit to the petitioners.

- (c) *any other order(s) or direction(s) as this Hon'ble Court may deem fit and proper under the facts and circumstances of the present case may kindly be passed in favour of the petitioners/applicants and against the respondents.*

Prayed accordingly."

A perusal of the relief prayed for in the present application reflects that it is akin to the final relief prayed for in the subject writ petition.

In view of the foregoing, with the consent of the learned counsel appearing on behalf of the parties, the date of hearing of the writ petition is advanced; and the same is being taken up for hearing finally today itself.

The application is disposed of accordingly.

W.P.(C) 7101/2021 and CM APPL.22440/2021 (Directions)

1. The present writ petition under Article 226 of the Constitution of India and under the Delhi Cooperative Societies Act/Rules, has been instituted on behalf of 06 petitioners, praying as follows :-

- “(i) *allow the afore-titled petition.*
- (ii) *issue a writ of mandamus thereby directing the respondent no. 1/Registrar Co-operative- Societies to forward the names of the petitioners to the respondent no. 2/Delhi Development Authority for conducting the draw of lots and the respondent no. 3/society be directed to hand-over the possession of the respective flats to the petitioners, after the allotment*



of the flats ^{NEUTRAL CITATION NO: 2022/DHC/003054} by the respondent no. 2, all in a time bound manner.

- (iii) any other further order(s) or direction(s) as this Hon'ble Court may deem fit and proper under the facts and circumstances of the present case may kindly be passed in favour of the petitioners and against the respondents.

Prayed accordingly."

Having heard learned counsel appearing on behalf of the parties and perused the material on the record, including the affidavits filed on behalf of the Registrar of Co-operative Societies, it is axiomatic that insofar as petitioner Nos.1, 3, 4, 5 and 6 are concerned, all the requisite formalities, in accordance with law, have been complied with; and therefore, there is no further impediment *qua* the forwarding of their names by the Registrar of Co-operative Societies to the Delhi Development Authority for conducting the draw of lots.

Directed accordingly.

Insofar as Sh. Dheeraj Chhabra, petitioner No.2, is concerned, it is evident that certain formalities, as elaborated by the Registrar of Co-operative Societies *vide* their communication dated 12.04.2022 addressed to the President/Secretary, Shabad CGHS Ltd., Plot No.18, Sector-12, Dwarka, New Delhi – 110075, are in the process of being complied with.

Considering that Sh. Dheeraj Chhabra, petitioner No.2, became a member of the subject Society as far back on 10.05.2017, we are of the considered view that the Registrar of Co-operative Societies must forward his name to the Delhi Development Authority for conducting



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the draw of lots, subject, however, to the completion of all the necessary requirements, in accordance with the Act and the Rules.

It is made clear that in the event, the Registrar of Co-operative Societies requires any further information from the subject Society in relation to Sh. Dheeraj Chhabra, petitioner No.2, the same shall be communicated to the Society within a period of 02 weeks from today.

Needless to state that once the draw of lots is conducted in relation to the petitioners by the Delhi Development Authority, the subject Society shall handover the possession of the respective flats to the petitioners, as expeditiously as possible and preferably within a period of 04 weeks from the date of conduct of such draw of lots.

No further directions are called for.

With the above directions, the writ petition is allowed and disposed of accordingly.

Pending application being CM APPL.22440/2021 is also disposed of accordingly.

The date already fixed in the petition, i.e., 28.07.2022, stands cancelled.

**SIDDHARTH MRIDUL
(JUDGE)**

**GAURANG KANTH
(JUDGE)**

MAY 24, 2022/'AA'

[Click here to check corrigendum, if any](#)