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

+ **W.P.(C) 595/2024**

SHIV PUJAN

..... Petitioner

Through: **Mr. Jitendra Kumar Singh and Ms. Anjali Kumari, Advocates**

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: **Mr. Anuj Aggarwal, ASC for GNCTD with Ms. Arshya Singh and Mr. Aakash Dahiya, Advocates for R-1, R-3 & R-4**
Mr. Arun Birbal, Mr. Varun Gupta and Mr. Sanjay Singh, Advocates

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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16.01.2024

CM APPL. 2681/2024 (For Exemption)

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

W.P.(C) 595/2024

1. Present writ petition has been filed seeking directions to the Respondents to remove the illegal and unauthorized constructions in the residential flats of the Prabha Cooperative Group Housing Society Ltd. (the "Society"). The Petitioner further prays for issuance of directions to dissolve the current management committee and for appointment of an independent



administrator to conduct enquiry with respect to illegal and malafide actions of the management committee including manipulation of the structural audit report.

2. Learned counsel for the Petitioner states that certain office bearers of the Society have carried out illegal and unauthorized construction in their respective flats, which is in violation of building bye-laws such as changing the structure of the flats and subsequently covering more area than the allotted area. He further states that the newly elected members of management committee of the Society i.e. Respondent Nos.5 to 7 have used funds belonging to the Society for carrying out aforesaid construction/renovation work in their respective flats. He also states that despite several complaints and representations in this regard, Respondent Nos. 2 & 3 have failed to take appropriate action.

3. A perusal of the paper book reveals that pursuant to the Petitioner's complaint with the Registrar of Co-operative Societies regarding irregularities committed by the management Committee of the Society, a show cause notice dated 15th December, 2023 has been issued under Section 61 of the Delhi Cooperative Society Act, 2003 inviting all concerned persons to appear before the Special Registrar Cooperatives Societies. This Court is informed that the next date of hearing in the said proceeding is 23rd January, 2024 at 04:00 PM.

4. This Court also finds that the subsequent to the Petitioner's complaint with regard to unauthorised construction, DDA after conducting an inspection has issued notice dated 26th September, 2023.

5. Keeping in view the aforesaid facts, this Court is not inclined to interfere at this stage; however, both DDA and the Registrar of the



Cooperative Society are directed to conclude the proceedings in accordance with law as expeditiously as possible. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 16, 2024/rhc