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

+ W.P.(C) 2856/2024 & CM APPL. 11764/2024, CM APPL.
11765/2024

SMT SHEELA RAWAT

..... Petitioner

Through: Mr. Shiv C. Garg, Mr. Imran Khan
and Mr. Mihir, Advs.

versus

THE REGISTRAR COOPERATIVE SOCIETY AND ORS.

..... Respondent

Through: Mr. Udit Malik, ASC, GNCTD with
Mr. Vishal Chanda, Advocate.
Mr R K Dhawan, Ms Nisha Dhawan,
Mr. V K Teng, Ms Shivani Taneja
and Ms Anwasha Singh, Advocates
for DDA.
Mr. Rohit Kumar Modi, Advocate for
R-3.
Mr. S.K. Kaushik, Advocate for R-4.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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27.02.2024

1. Present writ petition has been filed by the Petitioner seeking a direction to the Respondents not to supersede the membership of the Petitioner and to restrain the Respondent No. 1 & 3 from handing over the possession of the flat to Respondent No. 4.



2. Learned Counsel for the Petitioner states that the Petitioner is a member of the Sant Tulsi Dass Cooperative Group Housing Society Ltd having Membership No. 316. He states the Respondent No. 1 has cleared the file of Respondent No. 4 (Hemant Aggarwal) for allotment having Membership No. 355. He states that Respondents No. 1 & 2 are acting in an arbitrary manner and have overlooked the seniority of the Petitioner while allotting the flat. He states that the seniority and priority of the petitioner has been superseded without any rhyme or reason.

3. Upon a perusal of the paper book, this Court finds that the petitioner's earlier writ petition being W.P.(C) No. 836/2011 was disposed of by this Court specifically recording that there has been gross delay and laches on the part of the petitioner in agitating her claims. It was, however, directed that if the petitioner is entitled to a flat and a flat is available, the matter may be examined at the end of the RCS. Consequently, the petitioner's writ petition was directed to be treated as a 'mercy' petition and she was virtually directed to be placed at the 'bottom of the ladder' due to her conduct.

4. Learned counsel for the respondents have also brought to the notice of this Court, the order dated 10th October, 2012 passed by the RCS wherein it was specifically recorded that complaints had been filed by some of the members, including the petitioner, as they had not paid the demands raised against them by the cooperative society.

5. Consequently, this Court is of the view that no ground for stay of handing over of possession of flat to respondent No.4 is made out. However, as the petitioner has made a representation dated 16th January, 2024 to the respondents, this Court disposes of the present writ petition by directing the RCS to decide the said representation in accordance with law



as expeditiously as possible after taking a response from the concerned cooperative society. With the aforesaid direction, the present writ petition stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 27, 2024

N.Khanna