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

+ **W.P.(C) 5591/2024**

R LALITHA & ANR.

..... Petitioners

Through: Mr. Navaniti Prasad Singh, Senior Advocate, Mr. Abhishek Baid, Advocate and Mr. Mohit Kumar Bafna, Advocates

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Ms. Hetu Arora Sethi, ASC, GNCTD, (RCS)

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Date of Decision: 28th May, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ: (ORAL)

1. Present writ petition has been filed under Articles 226 and 227 of the Constitution, inter alia, seeking a direction to the Respondents to transfer the membership of Late Sh. C.V. Subramanian (husband of Petitioner No. 1 and father of Petitioner No. 2) in Respondent No. 3 – EIL Employees Co-operative Group Housing Society ('Society') in favour of the Petitioners in accordance with the Letters of Administration dated 16th August, 2023 granted by the ADJ-02, Dwarka Courts, New Delhi ('competent Court') in petition bearing PC No. 88/2022. In addition, the Petitioners also seek a



direction to Respondent No. 3 Society to allow the Petitioners to gain access of Flat No. 124, 2nd Floor, Anand Kunj, Vikaspuri, New Delhi-110018 ('subject Flat').

2. Learned senior counsel for the Petitioners states that during the pendency of this petition, the Respondent No. 3 Society has granted unrestricted access of the subject Flat to the Petitioners on 26th May, 2024 and the Petitioners are in actual physical possession of the said Flat. He states that the Petitioners have also served the Secretary of Respondent No.3 Society with this petition in terms of orders dated 23rd April, 2024 and 24th April, 2024 and the Secretary has apprised the Petitioners that the Respondent No.3 Society will abide by the directions issued by this Court.

2.1. He states that Petitioners are the Class-I Legal Heirs of Late Sh. C.V. Subramanian. He states that on 16th June, 2022, the Petitioners have been issued the surviving member certificate¹ by the Revenue Department, GNCTD. He states that on 20th June, 2022, Ms. Nirmala Ramnath, who is the daughter of Late Sh. C.V. Subramanian executed a registered relinquishment deed in favour of the Petitioners. He states that therefore, the Petitioners are the only legal heirs of Late Sh. C.V. Subramanian who are entitled to inherit the subject Flat and the membership.

2.2. He states that the Petitioners on 08th July, 2022 sent a letter to Delhi Development Authority ('DDA') for mutation of the subject Flat in their favour. He states that DDA had asked the Petitioners to furnish a No Objection Certificate ('NOC') from Respondent No. 3 Society for processing the mutation.

¹ Annexure P-4



2.3. He states that Petitioners have, as per the request of Respondent No. 3 Society, obtained Letters of Administration from the competent Court on 16th August, 2023 and have communicated the same to Respondent No. 3 with a request to issue an NOC so as to enable the mutation of subject flat in their favour as well as the initiation of the freehold/conversion process with the DDA.

2.4. He states that however, the Petitioners were aggrieved by the letter dated 12th October, 2023 received from Respondent No. 3 Society which records the names of the Petitioners as 'Holders of Letter of Administration in the name of late C.V. Subramanian'. He states that this recording is unknown to law. He states that Respondent No. 3 has failed to transfer the membership in the name of the Petitioners. He states Respondent No. 3 had issued a letter dated 08th December, 2023 to the Petitioners stating that they have no objection to DDA transferring the ownership of subject Flat in favour of the Petitioners or processing the formalities of the conversion of the said Flat to freehold. He states that however, the Respondent No. 3 has failed to complete the process of transfer of membership in favour of the Petitioners and rectify the anomaly in the letter dated 12th October, 2023.

3. In reply, learned standing counsel for Respondent Nos. 1 and 2 states that the said Respondents have no objection to the prayers sought in the present petition.

4. We have heard the learned counsel for the parties and perused the record.

5. At the outset, we may note that the prayer (iii) in this writ petition seeking direction to Respondent No. 3 Society to handover possession and



grant unrestricted access of the subject Flat to the Petitioners stands satisfied as the Petitioners have been permitted access w.e.f. 26th May, 2024.

6. Further, in view of the Letters of Administration dated 16th August, 2023 granted by the competent Court and registered relinquishment deed dated 20th June, 2022 executed by Ms. Nirmala Ramnath in favour of the Petitioners, there is no dispute that Petitioner Nos. 1 and 2 alone are entitled to inherit the subject Flat and the membership of Late Sh. C.V. Subramanian. Accordingly, the Respondent No. 2, the concerned SDM and Respondent No. 3 Society are directed to ensure that all formalities necessary for transferring the membership of Late Sh. C.V. Subramanian in favour of Petitioners are carried out expeditiously and not later than four weeks.

7. The Respondent No. 3 Society is directed to ensure and facilitate the transfer of ownership of the subject Flat in favour of the Petitioners in its own records as well as the records of the DDA expeditiously and not later than four weeks.

8. With the aforesaid directions, the present petition is allowed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 28, 2024/msh/aa