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

+ **W.P.(C) 7957/2019 & CM APPL. 13672/2024**

DR. SANJAY CHAMOLI DECEASED THROUGH LR....Petitioner

Through: **Mr. Ganesh A. Khemka, Mr.
Shreenath A. Khemka, Advocates.**

versus

REGISTRAR COOPERATIVE SOCIETIES & ORS.....Respondents

Through: **Mr. Rishikesh Kumar (ASC-
GNCTD) with Ms. Sheenu Priya, Mr.
Atik Gill, Mr. Sudhir Kumar Shukla,
& Mr. Sudhir, Advocates.
Mr. Rohit Kumar Modi, Advocate
for R-2 Society.
Mr. Keshav Sehgal, Mr. Shivam
Gaur, Mr. Aryan Kumar and Mr.
Kshitij Joshi, Advocates for R3/DDA.**

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

27.09.2024

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1. The present writ petition has been filed seeking the following prayers:-

“(i) issue a writ, order or direction in the nature of Mandamus directing the Respondents No.1 & 3 to update the name of, Petitioner No.1 as member of Respondent No.2 Society and also that the Flat No. B1-102 is allotted to him in the, Respondent No.2 Society, in their respective records, so that the Petitioner No.1 can get the said flat free hold and further can transfer the share, interest and occupancy right of the said flat in the name of Petitioner No.2; and

(ii) issue any other appropriate writ, order or direction as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case in the interest of justice.”



2. Learned counsel for the petitioner states that during the pendency of the present writ petition, the respondent co-operative society has issued the following letter dated 27nd July, 2024 to the petitioner. The said letter is reproduced hereunder:-

July 27, 2024

*Mrs. Mamta Sharma Chamoli
B1-102, Sunny Valley CGHS Limited
Plot 27, Sector 12, Dwarka
New Delhi 110078*

We hereby certify:

- 1. That Flat No. B1-102 is occupied by Late Shri Sanjay Chamoli and/or his family since its allotment.*
- 2. That Late Shri Sanjay Chamoli was member of the Society vide Share certificate No. 477 dated 27.03.2024 issued by the then Managing Committee, as per records available with the society.*
- 3. That Allotment Letter and Possession Letter were issued by the then Managing Committee to Late Shri Sanjay Chamoli as per copies available in the possession of the present Managing Committee.*
- 4. That Smt. Mamta Sharma Chamoli w/o the deceased Shri Sanjay Chamoli has surrendered the Original Share Certificate issued to Late Shri Sanjay Chamoli requesting for transferring the ownership of the said flat in her favour.*
- 5. That Smt. Mamta Sharma Chamoli has submitted the Death Certificate of Shri Sanjay Chamoli and the copy of duly executed Will by Late Shri Sanjay Chamoli conferring the complete ownership right of the said Flat No. B1-102 to his wife Mrs Mamta Sharma Chamoli.*
- 6. That there are No outstanding DUES against the said Flat as on date. However all the Govt. dues, if any, will be payable by the owner of the flat as and when demanded by the Statutory Authorities.*

This certificate is issued on the request of Smt. Mamta Sharma Chamoli.

Thanking You.

3. He prays that this Court may issue similar directions as were issued by a learned Co-ordinate Bench of this Court in ***Surender Kumar Aggarwal***



vs. Registrar Co-operative Society and others, W.P.(C) 6883/2024 dated 14th August, 2015.

4. Consequently, the present writ petition is disposed of with a direction to the respondent no. 1 to issue a no objection certificate/no dues certificate or any other letter in such format as would satisfy the DDA for conversion of the flat from leasehold to freehold within a period of two weeks.

5. In case any further documents are required by the petitioner for the purpose of conversion to freehold, the same shall be furnished within two weeks from his request for the same. It shall be the responsibility of the respondent co-operative society to ensure compliance with this order.

6. DDA is directed to process the application as expeditiously as possible.

7. With the aforesaid directions, the petition and application are disposed of.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 27, 2024/yrj