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

+ W.P.(C) 12376/2024 & CM APPL. 51477/2024, CM APPL.
51478/2024, CM APPL. 51479/2024, CM APPL. 51480/2024
RESIDENTS DEVELOPMENT AND WELFARE GROUP

.....Petitioner

Through: Mr. Abhinav S. Raghuvanshi, Ms.
Shweta and Ms. Rukhsar Ansari,
Advocates.

versus

REGISTRAR OF SOCIETIES & ORS.

.....Respondents

Through: Ms. Avni Singh, Advocate for R-1.
Mr. Tushar Sannu, Standing Counsel
with Mr. Mandviraj Singh, Advocate
for MCD.
Mr. Anuj Chaturvedi and Ms.
Harshita Maheshwari, Advocates for
R-3/ DDA.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

04.09.2024

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1. The Petitioner, Residents Development & Welfare Group, a society representing the residents of DDA Site No.-I, New Rajendra Nagar, Central Delhi-110060,¹ alleges that another Resident Welfare Association of the same locality -Respondent No. 2, a society registered under the Societies Registration Act, 1860,² is colluding with local land mafias and certain government officials. This alleged collusion is purportedly facilitating illegal

¹ "locality"



construction and encroachment on government land for the development of various buildings in the locality. It is additionally alleged that the office bearers of Respondent No. 2 are engaged in the mismanagement and misappropriation of funds collected from residents under the monthly maintenance charges, using them for purposes other than the welfare of the locality's residents. In this regard, the Petitioner through letter dated 7th August, 2023 lodged a complaint with the Land Management Department of Delhi Development Authority³ (Respondent No.3), SHO, P.S Rajinder Nagar (Respondent No.5). Thereafter, the Petitioner also filed a complaint dated 23rd August, 2024 addressed to the Commissioner of Police, the Commissioner, MCD, highlighting their grievances.

2. Furthermore, it is alleged that Respondent No. 2 has amended the rules and regulations governing the election of the Management Committee, in a manner inconsistent with the society's aims and objectives, and without prior notification to the Registrar of Societies (Respondent No. 1). In this regard, the Petitioner *vide* dated 26th December, 2022 lodged a complaint with the Registrar of Societies/Respondent No.1. However, no action was taken by the concerned authorities.

3. In this background, Petitioner seeks following prayers:

- “(a) *Pass appropriate writ in the nature of mandamus, directing Respondent No.1 to cancel / withdraw registration of Respondent No. 2 / RWA in view of the fact that the Respondent No. 2 / RWA is running and functioning in complete breach of provisions of the Societies Registration Act, 1860; and/or*
- (b) *Pass an appropriate order or direction to Respondent No. 3 / DDA, Respondent No. 4 / MCD & Respondent No. 5 / Delhi Police, to stop and curb the illegal construction and encroachment being done*

² “Societies Registration Act”

³ “DDA”



- in the said locality in complete contravention of MPD in terms of Office Memorandum dated 23.05.2018; and/or*
- (c) Pass an appropriate order or direction for immediate suspension of the Governing body of Respondent No. 2 / RWA and seize the power of its office bearers to discharge their duty as office bearers of Respondent No. 2 / RWA; and/or*
 - (d) Issue necessary direction to Respondent No. 5/ Police to take appropriate action against the office bearers of Respondent No. 2 / RWA and against other such members of society who in active connivance with the private builders/ land mafia allowed the illegal construction in the said locality & encroached upon the public land and who have indulged into financial irregularities into the funds collected in name of maintenance charges from the residents; and/or*
 - (e) Issue appropriate direction to Respondent No. 3 / DDA & Respondent No. 4 / MCD, for taking action in accordance with the Office Memorandum Dated 25.04.2018 (Annexure-P/14) and Office Memorandum Dated 23.05.2018 (Annexure-P/15) as issued by the Min. of Housing & Urban Affairs;”*

4. The aforementioned prayers (a) and (c) are aimed at Respondent No. 1 – the Registrar of Societies – requesting a direction to them to revoke the registration of Respondent No. 2 – the Resident Welfare Association, on the ground that it is not operating in accordance with the provisions of the Societies Registration Act. The Court finds that the Registrar of Societies lacks the jurisdiction to cancel/withdraw such registration.⁴ Consequently, this request falls outside the scope of the Act and is therefore deemed misconceived and denied. The Petitioner shall be free to take recourse to other appropriate remedies in accordance with law.

5. As regards the prayer for directions to suspend the Governing Body of Respondent No. 2, this issue cannot be examined in the present proceedings under article 226 of the Constitution of India, 1950. This is a dispute between Petitioner and the Governing body of Respondent No. 2, for which



Petitioner has to take recourse to proceedings before a civil court.

6. As regards Petitioner's allegations of illegal construction, which forms the basis for other prayers, in the opinion of the Court, in terms of the directions issued in by the Division Bench in *Devender vs. Govt. of NCT of Delhi and Ors.*⁵ and in *RWA Sunlight Colony v. GNCTD & Ors.*,⁶ the Petitioner's grievance must be urged before the Special Task Force.⁷

7. In light of the above, the present petition is disposed of with a direction that Petitioner shall be permitted to make a representation to the STF, highlighting their grievances relating to unauthorised construction. The same shall be considered and acted upon by the STF, in accordance with law.

8. Disposed of, along with pending applications.

SANJEEV NARULA, J

SEPTEMBER 4, 2024

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⁴ W.P.(C) 10069/2024

⁵ W.P.(C) 1807/2018

⁶ W.P.(C) 11873/2023

⁷ "STF"