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

+ **W.P.(C) 8862/2018**

SALIM AHMED

..... Petitioner

Through: Mr.Aditya Singla with Mr.Harssu
Bhatia, Advocates.

versus

**TALAGANG CO-OPERATIVE GROUP HOUSINGH SOCIETY
AND ANR.**

..... Respondents

Through: Mr.Sandeep Kumar, Advocate for R-
1.
Mr.Parth Goyal, Advocate for R-
2/RCS.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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15.04.2024

C.M.No.45206/2022

1. Present application has been filed under Order XXII Rule 3 read with 151, CPC on behalf of the legal representatives of the petitioner – late Salim Ahmed.
2. Learned counsel for the respondent- Cooperative Society states that as no allotment of flat has been made in favour of late Salim Ahmed till date, Sections 28 and 29 of Delhi Cooperative Societies Act would be attracted.



3. Learned counsel for the applicant is in agreement with the same and states that in the event the present application is allowed for the purpose of the present writ petition, the applicant undertakes to file an application under Rule 93 of the Delhi Cooperative Societies Rules, 2007 (in short 'Rules 2007').

4. Keeping in view the aforesaid statement/undertaking, which is accepted by this Court, present application is allowed for the purpose of the present writ petition.

5. Accordingly, the application stands disposed of.

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6. Today, learned counsel for the petitioner states that the petitioner is willing to accept the allotment of category-D flat, which has been offered by the respondent-Cooperative Society to the other similarly situated applicants.

7. Learned counsel for the respondent-Cooperative Society has no objection to the same, subject to the respondent Cooperative Society and the Registrar Cooperative Society allowing the application filed by the petitioner under Rule 93 of Rules 2007.

8. Accordingly, with the consent of parties, the present writ petition is disposed of with a direction to the respondent Cooperative Society to consider the petitioner's application filed under Rule 93 of Rules 2007 and if the same is in order to recommend the same to the Registrar Cooperative Society with a further request to allot Category-D flat to the petitioner. In the event, the respondent Cooperative Society recommends the Rule 93 application to the Registrar Cooperative Society, the same shall be disposed of as expeditiously as possible preferably within three months.



9. With the above directions, the present writ petition along with pending application stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 15, 2024
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