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

Date of Decision: 25th March, 2025

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W.P.(C) 6768/2021

AMIT RATHEE & ANR.

.....Petitioners

Through: Mr. Anil Hooda, Advocate with
Petitioner-Kamla Rathee in person.

versus

REGISTRAR CO-OPERATIVE SOCIETIES & ORS.

.....Respondents

Through: Mr. Anubhav Gupta, Advocate for
R/GNCTD.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioners - Sh. Amit Rathee and Smt. Kamla Rathee have filed the present petition under Article 226 of the Constitution of India seeking, *inter alia*, issuance of the membership certificate by the Respondent No. 2 - Railway Line Staff Cooperative Group Housing Society Ltd. (hereinafter "*Housing Society*"). The Petitioners also seek consequent allotment of a flat in the Housing Society situated at Plot No. 11, Sector-19B, Dwarka, New Delhi-110075.
3. The case of the Petitioners is that they had applied for membership of



the Housing Society way back in the year 2004 and by the year 2013, the entire amount which was to be deposited for allotment of the concerned flat *i.e.*, Rs.28,97,000/- had been duly deposited.

4. The Petitioners, thereafter, repeatedly met the representative of the Housing Society as also the officials of the Registrar Co-operative Societies (hereinafter “RCS”) for allotment of the flat, however, the same was not allotted. It is stated that sometime in 2018, for the first time a letter was received by the Petitioners from the RCS whereby the Petitioners were directed to produce original residence proof, prior to three years from enrolment with the Housing Society, for considering the case for their membership. The Petitioners at the relevant time are stated to have been residing in Nazafgarh. Accordingly, in respect of the said letter of the RCS, the Petitioners then approached the Food Supply Officer, Najafgarh for obtaining a duplicate copy of the Ration Card. The copy of the ration card was already furnished to the Housing Society. However, the Food Supply Officer, Nazafgarh stated that no record was available of the year 1997 in the Circle Office. Thus, the Petitioners are unable to produce the Ration Card for perusal of the Housing Society. Hence, this petition seeking allotment of the flat has been preferred by the Petitioners.

5. In the affidavit filed by the RCS, the primary reason why the membership has not been processed is because the residence proof of the Petitioners prior to three years from the enrolment with the Housing Society has not been produced in terms of Rule 19(1)(vi) of the Delhi Cooperative Societies Rules, 2007.

6. The Court has considered the matter. The Housing Society itself has not been appearing in this matter despite service of notice as noted in order



dated 26th July, 2022.

7. Considering the stand of the RCS, the only question is whether the identity of the Petitioners is verifiable. Today, Mrs. Kamla Rathee - Petitioner No. 2 is present in Court. The Court has queried her. She submits that she and her son used to live with her brother-in-law's family in Najafgarh at the relevant point in time. Their names were duly reflected in the family Ration Card. However, the original Ration Card is not available with her as the same would be with her brother-in-law. In addition, she submits that at the time when she was staying in Najafgarh, she used to work with the Department of Education in the Government of Haryana. She has produced her Aadhar card copy as identification. Ld. Counsel also identifies Petitioner no.2.

8. After querying Petitioner No. 2, the Court is convinced that the identity of the Petitioner No. 2 is clearly verifiable and there is no reason why the allotment ought to be held back for the sole reason of non-availability of the Ration Card.

9. It is clear, from the Food and Supply Office's documents placed on record, that the Ration Card can no longer be produced by the Petitioners. Under such circumstances, the copy of the Ration Card which is already on record, shall be taken as the proof of residence.

10. Accordingly, the RCS shall now proceed and allot the flat in favour of the Petitioners within a period of one month from today. If a recommendation is to be sent to the DDA, the same shall be done immediately and DDA shall allot the flat in favour of the Petitioner within one month after receiving the recommendation from the RCS.

11. The petition is allowed and disposed of in above terms. Applications, if any, also stand disposed of.



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12. The Aadhar Card of the Petitioner No. 2 has been handed over in Court today and a copy of the same is retained on record.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MARCH 25, 2025
v/msh