



\$~40

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

+ **W.P.(C) 148/2025**

ROHIT RAINA

.....Petitioner

Through: Mr. Ashok Bhan, Sr. Advocate with
Mr. Subash Bhat, Mr. Abhishek
Sharma, Ms. Parvati Sharma, Mr.
Shashank Kaushik, Mr. Arsh Kaul and
Mr. Anupam Raina, Advs.

versus

**REGISTRAR COOPERATIVE SOCIETIES
& ORS.**

.....Respondents

Through: Mr. Mohd. Shuaib Khan, Adv. for R1.
Mr. Shashi Pratap Singh,
Ms. Aishwarya Bhatia & Ms. Muskaan
Garg, Advs. for R-3/DDA.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

%

09.01.2025

1. The instant writ petition under Article 226 and 227 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs:

“A. Issue a writ of mandamus and or Certiorari or any other writ order or direction directing Respondent No. 1 to forward the file of the Petitioner to the Respondent No. 3, to carry out the draw of lots and allotment of the flat in his favour in the Home Living CGHS Ltd., Plot No. 14, Sector-9, Dwarka, New Delhi-110077; AND

B. Direct the Respondents Nos. 1 & 3 to consider the case of the Petitioner de-hors the requirement of being a resident of the NCT of Delhi for a period of three years prior to his application for the enrollment in the



Respondent No. 2 (Society) and submitting the affidavit at the time of enrolment and submit the recommendation of the Petitioner's allotment to the Committee constituted under Rule 90 of the DCS rules and to forward the case of the Petitioner to the Respondent No. 3 for allotment; AND

C. Issue a writ of mandamus or any other writ directing Respondent No. 3 to carry out the draw of lots for allotment of the flat to the Petitioner in a time bound manner;

D. Direct Respondent No. 2 to handover the possession of the flat allotted to the Petitioner after the draw of lots;

E. Any other or further orders as this Hon'ble Court may deem fit and proper in the facts of the present matter.”

2. After some arguments, learned senior counsel appearing on behalf of the petitioners, on instructions, prayed to treat respective writ petitions as applications or representations before respondent No. 1 and respondent No. 1 may be directed to decide the said applications or representations expeditiously in accordance with law after giving opportunity of hearing to the respective petitioners, in the time as prescribed by this Court.

3. Learned counsel appearing on behalf of respondent No. 1 vehemently opposed the writ petitions on merit but has no objection to the innocuous prayer made by the learned counsel for the petitioners.

4. Heard both the sides and perused the material placed on record.

5. Since the instant writ petition was not pressed on merit at this stage and only an innocuous prayer was made by the learned counsel for petitioner, which is not opposed by respondent No. 1, we are inclined to allow the instant innocuous prayer as made. The petitioner is directed to represent its case along with copy of the instant writ petition before respondent No. 1 within



two weeks, after receiving the said writ petition along with copy of order of this Court. The respondent No. 1 is directed to consider the instant writ petition as detailed representation and decide the said representation after giving the opportunity of hearing to the petitioner and pass a detailed and reasoned order expeditiously, preferably within eight weeks, in accordance with law.

6. With the aforesaid directions, the instant writ petition is disposed of along with pending applications, if any.

CHANDRA DHARI SINGH, J.

ANOOP KUMAR MENDIRATTA, J.

JANUARY 9, 2025/R

[Click here to check corrigendum, if any](#)