



\$~43

*

IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 02nd September, 2026******Uploaded on: 05th September, 2026***

#

CNR No. DLHC010127722026

+

W.P.(C) 4149/2026**MANDEEP KAUR KHALSA****.....Petitioner****Through: Mr. Ashwini Kr. Singh and Ms. Shruti Singh, Advocates.****versus****REGISTRAR OF CO- OPERATIVE SOCIETIES
AND ORS.****.....Respondents****Through: Ms. Harshita Nathrani, Adv. for Mr. Sameer Vashisht, Standing Counsel (Civil) GNCTD for RCS.
Ms. Mrinalini Sen, Standing Counsel with Mr. Utkarsh Chandra, Advocate for DDA. (M) 8917347515.
Mr. Sarthak Pathak, Advocate for R3. (M) 8800579171****CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE VIKAS MAHAJAN****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Mandeep Kaur Khalsa under Article 226 of the Constitution of India, *inter alia*, seeking directions to Respondent No. 1-Registrar Co-operative Societies (*hereinafter*, 'RCS') to issue the certificate of regularization to the Petitioner for Flat No. G-33, Tara Apartment, Alaknanda, Delhi.



3. The Petitioner is also seeking directions to the Delhi Development Authority (*hereinafter*, 'DDA') to mutate and convert the Flat No. G-33 into freehold.
4. The case of the Petitioner is that she is a *bona fide* purchaser and allottee of Flat No. G-33, (*hereinafter*, 'the Flat') in Tara Co-operative Group Housing Society Ltd., (*hereinafter*, 'the Society') Alaknanda, New Delhi.
5. The background of the present case is that, the original allottee of the flat was one, Mr. A.C. Sen, who resigned on 14th April, 1978. Subsequently, this flat was allotted to Brig. S.K. Puri, from whom the Petitioner purchased the flat.
6. The documents executed between Brig. S.K. Puri and the Petitioner, which includes the Agreement to Sell and Purchase have been placed on record.
7. At the relevant point in time, Brig. S.K. Puri had also handed over possession of the flat to the Petitioner. The Petitioner has thereafter remained in peaceful possession of the said flat, since 2004. She has also deposited the conversion charges for converting the flat from leasehold to freehold, to the DDA. In this regard, reliance is placed upon the payment slip dated 2nd April, 2013 *vide challan* no. 10297613.
8. The case of the Petitioner is that, having already paid all the dues, including maintenance charges, electricity charges, water charges, ground rent, etc., both the flat and the membership in the Society deserved to be transferred in her name. However, the same has not taken place, till date.
9. A representation was made by the Petitioner on 19th February, 2026 to the RCS for grant of membership for regularization of the flat. However, no action was taken.



10. Hence, the present petition has been filed seeking issuance of certificate of regularization in favour of the Petitioner for the flat and for conversion of the flat from leasehold to freehold.

11. Notice was issued in this petition on 1st April, 2026. Pursuant thereto, all the three Respondents, namely, RCS, Society and the DDA have filed their respective counter-affidavits.

12. The Society's counter-affidavit has been sworn by Sh. Shashi Singh, President of the Society, in which it is stated as under:

"[...] 3. That as per the records maintained by Respondent No. 3, the original allottee of Flat No. G-33, Tara Apartments, Alaknanda, New Delhi-110019 was Shri A. C. Sen. who resigned on 14.04.1978. Subsequently, the said flat was allotted to Lt. Col. S. K. Puri, whose name appeared on the waiting list, and his membership was duly approved by the Managing Committee in its meeting held on 17.08.1978. The Petitioner is the lawful owner of the said flat no. G-33 by virtue of subsequent transfer and has been in possession thereof. as Annexure P-3/1.

4. That it is verified from the records of Respondent No.3 that the Petitioner has deposited an amount of Rs. 2,08, 100/- with Respondent No.2 (Delhi Development Authority) vide Challan No. 10297613 towards conversion charges for converting the flat from leasehold to freehold. A copy of the payment slip deposited on 02.04.2013 vide Challan No.10297613 is annexed herewith and marked as Annexure P-3/2.

5. That as per the records of Tara Co-operative Group Housing Society and the information provided by the Petitioner, Ms. Mandeep Kaur Khalsa, owner of Flat No. G-33, the said flat has not been mortgaged with any Government authority or financial institution. The Petitioner has also paid all ground rent and cleared water and electricity charges up to date.



6. That the Petitioner has paid all the dues up till 2025, she has also paid the ground rent for the year 2025-2026 vide Chall an No. 01654 dated 22.09.2025, paid to the Respondent No.2. in respect of flat no. G-33. A copy of the letter dated 25.01.2026 regarding No Due Certificate issued by the Respondent No.3, is annexed herewith and marked as Annexure P-3/3.

7. That Respondent No.3 is aware the Petitioner had written letter dated 19.02.2026 to the Respondent No. 1 for grant of membership/ regularization certificate, narrating therein that she purchased Flat No. G-33, Tara Apartment, Alaknanda, Delhi, on 07.01.2004. However, so far no action has been taken on her application dated 19.02.2026. A copy of the letter dated 19.02.2026 is annexed herewith and marked as Annexure P-3/4.

8. That the present affidavit is being filed by Respondent No.3 to place the true and correct factual position on record and without prejudice to its rights and contentions in law.”

13. A perusal of the above affidavit filed by the Society would show that the membership of Brig. S.K. Puri was approved by the Managing Committee of the Society in its meeting held on 17th August, 1978 itself.

14. The RCS has, however, taken a position that the transfer of membership in favour of Brig. S.K. Puri was not communicated to the RCS and there was no compliance done in terms of Rule 24 of the Delhi Co-Operative Societies Rules, 1973 (*hereinafter, DCS Rules*). The stand of the RCS is as under:

“[...] 4. That it is most respectfully submitted that Tara CGHS Ltd., Tara Apartments, Alaknanda, New Delhi-110019, is registered with the Office of the Registrar, Co-operative Societies under Registration No. 520/GH.

5. That as per the records available with Respondent



No. 1, Flat No. G-33 Tara Apartments, Alaknanda, New Delhi-110019 was originally allotted to Shri A.C. Sen, who resigned on 14.04.1978. Subsequently, the flat was allotted to Lt. Col. S.K. Puri, whose name was on the waiting list, and the membership was approved by the Managing Committee in its meeting held on 17.08.1978. The petitioner purchased the Flat No.33, Tara Apartment on 07.01.2004.

6. That the records further indicate that the said original member subsequently resigned from the membership of the society. The Managing Committee of the society accepted her resignation and approved the refund of her dues.

7. That upon resignation of the original member, any subsequent admission of a new member was required to be undertaken strictly in accordance with the then prevailing Delhi Co-operative Societies Act, 1972 and Delhi Co-operative Societies Rules, 1973, particularly Rule 24 which governs conditions for admission to membership.

Rule 24 of the DCS Rules, 1973 is reproduced below:

"24. Conditions to be compiled with for admission to membership:-

1. No person shall be admitted as member of a co-operative society unless-

(i) he has applied in writing in the form laid down by the co-operative society or in the form specified by the Registrar, if any, for membership along with a declaration on oath that he is not-a member of any other co-operative society having similar objects;

(ii) his application is approved by the committee of the co-operative society in pursuance of the powers conferred on it in that behalf and subject to such resolution as the general body may in pursuance of the powers conferred on it in that behalf from time to time pass, and in the case of nominal, associate, or



sympathiser member by an officer of the society authorised in that behalf by the committee.

(iii) he has fulfilled all other conditions laid down in the Act, the Rules and the Bye-laws;

(iv) in case of a firm, company or body corporate, society registered under the societies Registration Act, 1860, a public trust registered under any law for the time being in force relating to registration of public trust or a local authority, the application for membership is accompanied by a resolution authorising it to apply for such membership, and the sanction of the Lt. Governor has been accorded.

(v) in case of a Cooperative Housing Society, he has been a resident of the National Capital Territory of Delhi-for a minimum period of three years at the time of applying for a membership in such society.

2. In case of vacancy in a housing society including group housing society where layout and building plans have been approved by the competent authority, the same shall be filled by the committee by notifying it in leading daily newspaper of Delhi in Hindi and English. In case the number of applications are more than the notified vacancies the membership shall be finalised through draw of lot in the presence of authorised representative of the Registrar."

xxx

xxx

xxx

9. That in the absence of any such communication or approval, the RCS office has no record establishing that Lt. Col. S.K. Puri, was ever validly admitted as a member of the society in accordance with the Act, Rules, and Bye-laws.

10. That the Petitioner's claim for regularisation of membership or issuance of a Membership Clearance Certificate is not supported by any statutory documentation or records available with Respondent No. 1.



11. That no material has been placed on record to demonstrate:

- a. lawful admission of Lt. Col. S.K. Puri, as a member,
- b. compliance with Rule 24 of the DCS Rules, 1973,
- c. approval of the Managing Committee, or
- d. mandatory intimation to/approval of the Registrar.

12. In the absence of proof of existing, valid membership in favour of the Petitioner's predecessor, the Petitioner cannot derive any membership rights or seek mutation on the basis of nomination or succession.

13. It is submitted that mutation or conversion of the flat, as sought against the DDA, is consequential in nature and cannot be undertaken unless the foundational requirement of valid membership stands established in accordance with law.”

15. Insofar as the DDA is concerned, the DDA’s position is that the records of the DDA reflect the original allottee as Sh. A.C. Sen and not Brig. S.K. Puri and, therefore, the conversion of the flat cannot be processed. The stand of the DDA is set out below:

“[...] 3. That, in the present case as per the records of the society, flat no. G- 33 TARA CGHS LTD., ALAKNANDA, NEW DELHI- 110019 was allotted to Mr. A.C. Sen (hereinafter referred as "**Original Allottee**") in the draw of lots held on 13.04.1977.

4. That, an offline conversion application dated 18.03.2013 was received from the petitioner for conversion of flat no. G- 33, Tara CGHS LTD., ALAKNANDA, NEW DELHI- 110019 from leasehold to freehold. However, on scrutiny of the documents submitted by the petitioner, it was observed that the flat



had been sold by Brig. S.K. Puri instead of Original Allottee i.e. Mr. A.C. Sen as per records available.

5. That, the conversion application could not be processed in the absence of membership clearance in r/o Brig. S.K. Puri from Registrar of Co-operative Societies, Government of National Capital Territory of Delhi (hereinafter referred as "GNCTD").

6. That DDA has facilitated an online IDLI portal for processing of conversion applications from leasehold to freehold since 2020.

7. That, as per order dated **02.01.2026** issued by the Ministry of Housing and Urban Affairs and subsequent thereto order dated **19.01.2026** issued by **DDA**, adoption of revised circle rates has been undertaken and receipt of fresh applications for freehold conversion has been put on hold w.e.f. 02.01.2026. Further, the process of conversion from leasehold to freehold has been put on hold till further orders. Consequently, the IDLI portal is presently non-operational and the conversion application can only be processed once the portal is reactivated and subject to completion of codal formalities. (A copy of the order dated 02.01.2026 and 19.01.2026 has been annexed herewith as **Annexure-A1** and **Annexure-A2** respectively). ”

16. A conjoint reading of the affidavits filed by the Society, RCS and DDA would show that the original membership of Sh. A.C. Sen is not in dispute. The Society had also approved the membership of Brig. S.K. Puri way back in 1978. However, there appears to have been a gap, inasmuch as the Society may not have forwarded the application of Brig. S.K. Puri to the RCS for recognition of his membership, though the Society had approved his membership.

17. The Petitioner is a *bona fide* subsequent purchaser from Brig. S.K. Puri,



and has been in possession of the flat since 2004. More than 22 years have since lapsed.

18. Insofar as Rule 24 of the DCS Rules is concerned, the same is extracted below:

24. Conditions to be compiled with for admission to membership:-

1. No person shall be admitted as member of a co-operative society unless-

(i) he has applied in writing in the form laid down by the co-operative society or in the form specified by the Registrar, if any, for membership along with a declaration on oath that he is not-a member of any other co-operative society having similar objects;

(ii) his application is approved by the committee of the co-operative society in pursuance of the powers conferred on it in that behalf and subject to such resolution as the general body may in pursuance of the powers conferred on it in that behalf from time to time pass, and in the case of nominal, associate, or sympathiser member by an officer of the society authorised in that behalf by the committee.

(iii) he has fulfilled all other conditions laid down in the Act, the Rules and the Bye-laws;

(iv) in case of a firm, company or body corporate, society registered under the societies Registration Act, 1860, a public trust registered under any law for the time being in force relating to registration of public trust or a local authority, the application for membership is accompanied by a resolution authorising it to apply for such membership, and the sanction of the Lt. Governor has been accorded.

(v) in case of a Cooperative Housing Society, he has been a resident of the National Capital Territory of Delhi-for a minimum period of three years at the time



of applying for a membership in such society.

19. In terms of Rule 24(1)(i) and (ii) of the DCS Rules, the application for membership has to be made in writing and the same has to be approved by the Society. Both these steps have already been duly carried out. In fact the Society has approved the membership of Brig. S.K.Puri.

20. However, the subsequent step of the Society having not forwarded the application to the RCS may have been a lapse on the part of the Society, for which neither Brig. S.K. Puri nor the Petitioner can be held responsible or blameworthy.

21. The overall position of the Society is that the Petitioner has cleared all the dues and the No Dues Certificate (*hereinafter, 'NOC'*) has also been issued by the Society on 25th January, 2026. The said NOC reads as under:

“This is to certify that:

1. The original allottee of Flat No. G-33, Tara Apartments, Alaknanda, New Delhi-19 was Shri A. C. Sen who was subsequently resigned. Due to this resignation the flat was allotted to Lt. Col. S. K. Puri whose name was on the waiting list. This membership was approved by Managing Committee as per resolution dated Aug.17, 1978.

2. Presently Smt. Mandeep Kaur Khalsa is in possession of Flat No. G-33

3. Plinth area of Flat No. G-33 is 104.4 Sq. Mtrs.

4. Society has no objection to conversion of Flat No. G-33 from Leasehold to Freehold.

5. There are no current outstanding against Flat No. G-33.

6. There is no mortgage against Tara Apartments land.

7. Ground Rent paid for the year 2025-26 as per Challan No.01654 dt. 22.09.2025 to DDA in respect of



Flat No. G-33.”

22. Under these circumstances, the Petitioner, who has validly purchased the flat and has been in possession since 2004, cannot be deprived of regularization of the flat and membership of the Society, especially, since the Society has also clearly taken a position that the Petitioner is entitled to regularization.

23. Accordingly, the following directions are issued:

- (i) The name of the Petitioner be duly recorded/regularized in the records of the Society as the owner of Flat No. G-33, in the Society. The Society shall forward the name of the Petitioner to the RCS within one week from this order i.e., by **10th September 2026**.
- (ii) The RCS shall thereafter send the recommendation to the DDA within a period of one month i.e., by **15th October 2026**.
- (iii) Thereafter, the DDA shall issue a letter of regularization in favour of the Petitioner by **10th December, 2026**.
- (iv) Upon the Interactive Disposal of Land Information (*hereinafter*, ‘IDLI’) portal of the DDA being operational, the Petitioner shall file an application for conversion of the flat from leasehold to freehold on the portal. However, the said application shall be treated as an application dated 2nd April, 2013, as the amount of Rs.2,08,100/- towards conversion charges has already been deposited by the Petitioner.
- (v) Upon the IDLI portal being operationalised, and the Petitioner filing a formal application, the conversion of the flat from leasehold to freehold, shall be effected within a period of three months, subject to compliance of the requisite formalities.

24. At this stage, Ms. Mrinalini Sen, Id. Standing Counsel for the DDA



submits that the formalities as per the date of the application would have to be complied with.

25. In the opinion of this Court, the same would be inequitable, as the application of the Petitioner had been filed in 2013, however, for whatever reason, the same has not been processed by the DDA and, for no fault of the Petitioner. Accordingly, the application shall be treated as an application dated 2nd April, 2013.

26. The petition is disposed of in the above terms. The pending applications, if any, are also disposed of.

27. List for compliance on 14th December, 2026.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

SEPTEMBER 2, 2026/aj/sm