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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 24th March, 2025

+ **W.P.(C) 2407/2025**

SMT. PRATIBHA SINGHPetitioner
Through: Mr. Arun Srivastava, Mr. Ashwini Kr.
Singh and Ms. Shuruti Singh,
Advocates.

versus

REGISTRAR OF COOPERATIVE SOCIETIES RCS & ORS.
.....Respondents
Through: Ms. Urvi Mohan, Advocate for R-1.
Ms. Harsheen M. Palli, Advocate for
R-2/DDA
Ms. Jaya Pahwa and Ms. Ria Jain,
Advocates for R-3.

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 present petition has been filed by the Petitioner – Smt. Pratibha Singh under Article 226 of the Constitution of India seeking directions to Respondent No.1-Registrar Cooperative Society ('RCS') to grant membership clearance certificate in her favour as also directing the Respondent No.2/Delhi Development Authority ('DDA') to accord free hold of the flat No. Q-33 and to grant mutation of the said flat belonging to the Petitioner.



3. The Petitioner, who is a senior citizen aged 83 years, is still knocking the doors of this Court, after a lapse of so many years, in order to enable herself to get the apartment which was owned by her late husband converted from lease hold to free hold.

4. The flat is bearing No. Q-33 Tara CGHS Ltd., Tara Apartments Alaknanda, New Delhi-19. The said flat Q-33 was initially allotted to one Mr. R.K. Bahl. His membership was terminated and subsequently, he had surrendered the flat to Mr. Hari Kishore Singh – the (late) husband of the Petitioner. Thereafter, the said flat and the membership was transferred in the name of Mr. Hari Kishore Singh. All the relevant documents including the share certificate reflect the name of Mr. Hari Kishore Singh, who is said to have passed away on 28th August, 2013. The Petitioner herein is the wife of Mr. Hari Kishore Singh, whose membership had already been approved. With respect to the consequent membership of the Petitioner, upon her husband's demise, the society's stand reads as under :-

“5. That Mr. R.K. Bahal was the original member of Tara CGHS and was allotted Flat No. Q-33. However, his membership was terminated on 15.05.1977 and resultantly, he surrendered the Flat. Thereafter, Late Mr. Hari Kishore Singh, father of the Petitioner, was allotted the Flat through mutual exchange, and membership was transferred to his name. This information was duly communicated to Respondent No.1 and Respondent No.2 during that period and it has been again informed vide Letter 14.10.2024. Upon the demise of Mr. Hari Kishore Singh on 28.08.2013, Respondent No.3 approved the membership of the Petitioner and transferred the membership in her name after the said transfer got approved during the management meeting held on 21.03.2015. The same was informed to Respondent No.1 and Respondent No.2 via Letter



dated 07.05.2015 and again through letter 13.05.2024 (Annexure-1). A True Copy of the Letter dated 07.05.2015 and 13.05.2024 are annexed herewith as Annexure-1 (Colly).

6. That the Petitioner has, in fact, admitted in the Petition that Respondent No.3, through its Letter dated 07.05.2015, has approved her membership and transferred the share certificate in her name. The Petitioner has further acknowledged that Respondent No.3, via the same Letter, informed Respondent No.2 about the transfer of membership for Flat No. Q-33 in the name of the Petitioner after the said transfer got approved in its meeting of management committee held on 21.03.2015. In the said Letter, Respondent No.3 specifically requested Respondent No.2 to transfer Flat No. Q-33 in the name of the Petitioner.

7. That Respondent No.3 had received a Letter dated 09.10.2014 from Respondent No.1, seeking certain details regarding the clearance of the membership certificate. Consequently, Respondent No.3 duly and promptly responded via its Letter dated 14.10.2024, providing all requisite details in response to the queries raised in the letter dated 09.10.2024.

True copies of the Letter dated 09.10.2014 and the reply dated 14.10.2024 are annexed herewith as Annexure-2 and Annexure- respectively.”

5. A perusal of the above extraction clearly shows that, the Respondent No.3/society via the letter dated 7th May, 2015 had approved the Petitioner's membership and transferred the share certificate in her name. The said transfer is also stated to have been communicated to the RCS. The RCS, however, refuses to acknowledge the existence of the Petitioner as a member on the ground that no records exist in its office with respect to the flat bearing no. Q-33. It is the stand of the RCS that no records have been submitted by the Society itself. The RCS vide letter dated 13th May, 2024 is



stated to have called upon the society to provide them with further documents.

6. A perusal of the letters placed by the Society on record would show that the updated status of the members was sought way back *vide* letter dated 09th October, 2024. Thus, the final documents that are sought by the RCS are as under :-

- “1. *Updated status of these members/persons.*
2. *Updated status of membership details/ documents related to these persons/resident in tabular form.*
3. *Details of litigation, if any.*
4. *Proper recommendation in these cases referencing the provisions of DCS Act 2003 and DCS Rules 2007”*

7. In response thereto, the society has replied on 14th October, 2024. Along with the said reply, the detailed set of documents, which were required have also been annexed including the list of members, the resolution *etc.*, However, the RCS has not taken any action till date.

8. Considering the stand of the society, it is clear that the society has approved the membership of the Petitioner and the Society has no objection to the Petitioner’s membership being approved. The Court is satisfied that no further documents would be required in this regard. Considering the age of the Petitioner, the RCS shall recognise the transfer of membership and issue a membership clearance certificate in favour of the Petitioner. It is directed that the record of this writ petition shall be maintained in the RCS as its own record for the issuance of the said certificate. The same shall be issued within two weeks.

9. The RCS shall also send a recommendation to the DDA to allot the flat Q-33 to the Petitioner and to mutate it in her favour in her name as well.



Any charges for conversion shall be paid by the Petitioner and upon formalities being completed, the DDA shall also process the conversion of the property from lease hold to free hold. The DDA is given one month from the date of receipt of the communication from the RCS to comply with the above direction.

10. The RCS/Society/DDA shall keep Id. Counsel for the Petitioner informed about the process being conducted on Mobile No. 9350563720, so that if there is any further clarification that is required, the same can be provided.

11. In view of the above, the present petition is disposed of. All pending application(s) stand disposed of.

12. List for reporting compliance on 19th May, 2025.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

MARCH 24, 2025/nd/Ar.