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

Date of Decision: 20th November, 2026
Uploaded On: 23rd November, 2026

\# **CNR No. DLHC010252292026**

\+ **W.P.(C) 7912/2026**

SMT. SUSHMA .....Petitioner

Through: Mr. Ashwani Kumar with Mr. Puneet Sharma, Advocates

versus

REGISTRAR OF COOPERATIVE SOCIETIES & ORS. .....Respondents

Through: Mr. Shashi Pratap Singh and Ms. Shagun Sabharwal, Advocates for RCS
Ms. Sapna Chauhan, Advocate for DDA

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (ORAL)

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to implement the order dated 19th July, 2013 passed by the Financial Commissioner in ***Case No. 144/2012*** titled ***'Smt. Sushma v. RCS and Anr***'.

3. *Vide* order dated 19th July, 2013, the Financial Commissioner directed as under:

"10. In the backdrop of above, I have no choice but to set

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aside the said impugned order and direct the RCS to pass appropriate fresh order for immediate implementation of the directions given by the Hon'ble High Court on 15.1.2009 in the said writ petition no. 3529/1989, in a time bound manner."

4. The above order directed immediate implementation of the order passed by the Co-ordinate Bench of this Court on 15th January, 2009 in ***W.P.(C) 3529/1989*** titled ***'Sushma v. Mianwali District Cooperative House Building Society Limited & Ors.'*** The relevant portion of the order dated 15th January, 2009 is set out below:

"...Our conclusion, therefore, is that the Petitioner was validly inducted as a member of the Respondent-Society on the basis of the application made by her on 28th August, 1981. Consequently, the cessation of her membership from the Respondent-Society by its letter dated 10th November, 1987 on the basis of the report of the Enquiry Officer is not justified.

The natural consequences of quashing of the letter dated 10th November, 1987 will follow and the name of the Petitioner may be shown in the draw of lots at the appropriate stage depending on her seniority and eligibility.

The letter dated 10th November, 1987 is quashed and the writ petition is allowed . No costs."

5. In terms of the above order, the ground on which the membership of the Petitioner was ceased, was rejected and it was directed that the name of the Petitioner be shown in the draw of lots.

6. However, the case of the Petitioner is that despite making representations, the RCS is not clearing the name of the Petitioner for the draw

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of lots to be held by the Delhi development Authority *(hereinafter, 'DDA')*.

7. On 29th May, 2026, notice was issued in the present petition and ld. Counsel for the Registrar of Cooperative Societies *(hereinafter, 'RCS')* informed the Court that the matter had been proceeded further and the order had been reserved and once it is passed, it would be placed on record. Accordingly, the Court directed the RCS to pass orders for implementation of the directions given in order dated 15th January, 2009.

8. Thereafter, on 21st August, 2026, the Court was informed that the RCS had subsequently passed an order on 18th August, 2026. The said order is set out below:

> ***"CONCLUSION***
> *In view of the foregoing discussion, I am of the considered opinion that the objections raised by the respondent Society do not furnish any lawful basis for denying the petitioner the benefit of the judgment dated 15.01.2009 passed by the Hon'ble High Court of Delhi and the order dated 19.07.2013 passed by the Ld. Financial Commissioner.*
>
> ***The finding of the Hon'ble High Court that the petitioner was validly inducted as a member of the respondent Society and that cessation of her membership was unjustified remains binding.*** *The subsequent order dated 13.02.2012 passed by the RCS, which sought to take a contrary view, already stands set aside by the Hon'ble Financial Commissioner.*
>
> ***Accordingly, the petitioner continues to be recognized as a valid member of the Mianwali District Cooperative House Building Society Ltd. and her membership cannot be treated as ceased or disqualified on the basis of the objections raised by the respondent Society in the present proceedings.***

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The respondent Society and this office are bound to give effect to the final judicial directions and cannot reopen or nullify the issues already adjudicated. The petitioner's case is therefore required to be processed in accordance with the judgment dated 15.01.2009, including consideration of her name in the draw of lots at the appropriate stage, subject to her seniority and eligibility as directed by the Hon'ble High Court.

Therefore, in compliance with the judgment dated 15.01.2009 passed by the Hon'ble High Court of Delhi in W.P.(C) No. 3529/1989 and the order dated 19.07.2013 passed by the Hon'ble Financial Commissioner in Revision Petition No. 144/2012, ***it is hereby ordered that Smt. Sushma shall continue to be recognized as a valid member of the Mianwali District Cooperative House Building Society Ltd. The objections raised by the respondent Society seeking cessation or disqualification of the petitioner's membership on the grounds of alleged financial dependence, source of funds or alleged benami membership are hereby rejected.*** *The order dated 13.02.2012 passed by the RCS, having already been set aside by the Hon'ble Financial Commissioner vide order dated 19.07.2013, shall not constitute any impediment to the Implementation of the judgment dated 15.01.2009.*

The respondent Society shall not reopen or raise objections on issues which already stand finally adjudicated by the Hon'ble High Court and the Ld. Financial Commissioner, except on the basis of any subsequent order of a competent court or any legally sustainable ground arising independently after the aforesaid judgments. The Society shall comply with this order and submit a compliance report to this office within 30 days from the date of receipt of this order.

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> *Accordingly, the proceedings initiated vide Notice dated 16.03.2020 are hereby disposed of in favour of Smt. Sushma, with a direction to the respondent Society and all concerned to ensure due and effective implementation of the judgment dated 15.01.2009 passed by the Hon'ble High Court of Delhi and the order dated 19.07.2013 passed by the Ld. Financial Commissioner. The Society shall take all consequential steps strictly in accordance with the aforesaid judicial directions and applicable law.*
> *Ordered accordingly."*

9. In terms of the above order, the RCS had confirmed that the judgment dated 15th January, 2009 passed by this Court needs to be implemented and also reaffirmed the order dated 19th July, 2013 of the Financial Commissioner.

10. However, on 21st August, 2026, while considering the aforesaid order dated 18th August, 2026 passed by the RCS, the Court had noticed that the Mianwali District Cooperative House Building Society ltd. *(hereinafter, 'the Society')* is not appearing in the matter. Accordingly, it was directed that the Society be represented by the office bearers and its stand be placed on record, on the next date.

11. On 30th October, 2026, the Court was considering an application on behalf of the Petitioner seeking issuance of letter of allotment in respect of Plot in Category C of the Society.

12. On the said date, the Society had put in appearance and the Petitioner had informed the Court that the Society had issued a letter dated 15th September, 2026, wherein the Managing Committee had decided to forward the name of the Petitioner to RCS, for further recommendation to the DDA. The Court had then *vide* order dated 30th October, 2026 directed as under:

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"3. The present application has been filed by the Petitioner under Section 151 of the Code of Civil procedure, 1908, inter alia, seeking directions to the Registrar of Cooperative Societies, (hereinafter, 'RCS') and Delhi Development Authority (hereinafter, 'DDA') for issuing the letter of allotment in respect of Plot in category C of Mianwali District CGHS, (hereinafter, 'Society') to the Petitioner.

4. The Petitioner relies upon the letter dated 15th September, 2026 issued by the Society, wherein the Managing Committee of the Society in its 'Minutes of Meeting' dated 30th August, 2026, has decided to request the RCS to forward the name of the Petitioner to the DDA, for draw of lots, out of six unallotted vacant plots in the Society.

5. The letter dated 15th September, 2026 is set out below:

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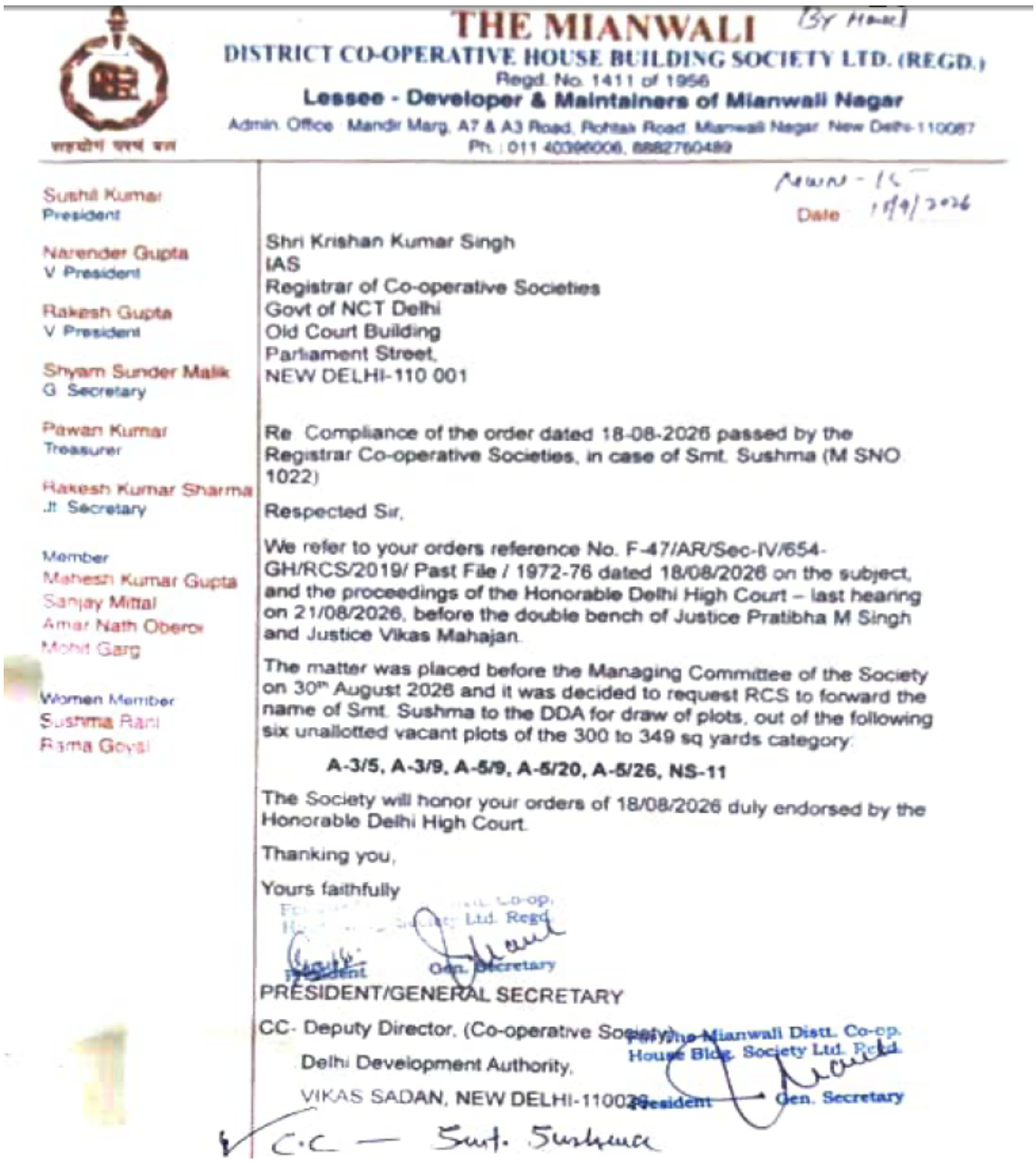

THE MIANWALI

By Hand

DISTRICT CO-OPERATIVE HOUSE BUILDING SOCIETY LTD. (REGD.)

Regd. No. 1411 of 1956

Lessee - Developer & Maintainers of Mianwali Nagar

Admin. Office : Mandir Marg, A7 & A3 Road, Rohtak Road, Mianwali Nagar, New Delhi-110087

Ph. : 011 40396006, 8882760489

सहयोगं परमं बलं

Sushil Kumar
President

Narender Gupta
V. President

Rakesh Gupta
V. President

Shyam Sunder Malik
G. Secretary

Pawan Kumar
Treasurer

Rakesh Kumar Sharma
Jt. Secretary

Member
Mahesh Kumar Gupta
Sanjay Mittal
Amar Nath Oberoi
Mohit Garg

Women Member
Sushma Rani
Rama Goyal

MWN - 15
Date 15/9/2026

Shri Krishan Kumar Singh
IAS
Registrar of Co-operative Societies
Govt of NCT Delhi
Old Court Building
Parliament Street,
NEW DELHI-110 001

Re Compliance of the order dated 18-08-2026 passed by the Registrar Co-operative Societies, in case of Smt. Sushma (M SNO 1022)

Respected Sir,

We refer to your orders reference No. F-47/AR/Sec-IV/654-GH/RCS/2019/ Past File / 1972-76 dated 18/08/2026 on the subject, and the proceedings of the Honorable Delhi High Court – last hearing on 21/08/2026, before the double bench of Justice Pratibha M Singh and Justice Vikas Mahajan.

The matter was placed before the Managing Committee of the Society on 30th August 2026 and it was decided to request RCS to forward the name of Smt. Sushma to the DDA for draw of plots, out of the following six unallotted vacant plots of the 300 to 349 sq yards category:

A-3/5, A-3/9, A-5/9, A-5/20, A-5/26, NS-11

The Society will honor your orders of 18/08/2026 duly endorsed by the Honorable Delhi High Court.

Thanking you,

Yours faithfully

For The Mianwali Distt. Co-op. House Bldg. Society Ltd. Regd.

President Gen. Secretary

PRESIDENT/GENERAL SECRETARY

CC- Deputy Director, (Co-operative Society)
Delhi Development Authority,
VIKAS SADAN, NEW DELHI-110023

For The Mianwali Distt. Co-op. House Bldg. Society Ltd. Regd.

President Gen. Secretary

C.C — Smt. Sushma

6. Ld. Counsel for the Petitioner also relies upon the letter dated 29th April, 2016 by which the RCS has withdrawn its earlier letter dated 19th January, 1987, suspending allotments of plots in the Society.

7. Thus, the case of the Petitioner is that only a letter needs to be issued by the RCS to the DDA for conducting the draw of lots. Hence, the present application.

*8. **<u>The present petition is listed for hearing on 20th</u>***

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> ***November, 2026. However, since the Society has already issued a letter dated 15th September, 2026, requesting the RCS to forward the name of the Petitioner to the DDA, for conducting a draw of lots for allotment in favour of the Petitioner at the earliest, let status reports be filed by the RCS and the DDA by the next date of hearing.***
>
> *9. At this stage, Ms. Shashi Pratap Singh, ld Counsel appearing for the RCS has appeared and submits that a letter dated 15th October, 2026, has been issued to the Petitioner, calling upon the Petitioner and the Society to furnish the requisite documents.*
>
> *10. **Heard. Considering that most of the formalities have already been completed, let the Petitioner and the office bearers of the Society appear before the office of the RCS on 12th November, 2026, at 2:30 PM.***
>
> *11. The Petitioner and the Society shall produce all the records and documents as sought by the RCS. The RCS shall expeditiously examine the same and forward its recommendations for allotment to the DDA."*

13. In terms of the aforesaid order, this Court had directed the Petitioner and the office bearers of the Society to appear before the office of the RCS, since most of the formalities had already been completed.

14. Today, the Court is informed that the Petitioner had appeared on 12th November, 2026 before the RCS. However, certain documents were required, accordingly the matter is now fixed for **25th November, 2026 at 12:30pm.**

15. As per the submission of ld. Counsel for the Society, it now appears that the Society does not have certain parts of the original record, as the present Managing Committee may not have received the same from the erstwhile Managing Committee, including the No-Dues Certificate and the original membership records.

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16. Be that as it may, the case of the Petitioner has been examined on two previous occasions, first, by this Court, *vide* order dated 15th January, 2009, passed in ***W.P.(C) No. 3529/1989***, and thereafter, by the Financial Commissioner, *vide* order dated 19th July, 2013.

17. Thus, repeated verification of the Petitioner is not required. In effect, only the orders of the High Court and the Financial Commissioner need to be implemented at this juncture.

18. At this stage, ld. Counsel for the Petitioner has relied upon the decision of this Court in ***W.P.(C) 6811/2013*** *titled* ***' Kanta Devi v. Registrar Cooperative Societies and Ors'***. The relevant portion of the said decision is set out below:

> *"....We cannot appreciate the stubborn attitude displayed by the officers in the office of the Registrar of Co-operative Societies. When they have already placed the case of Mr. K.B. Sharma before the Rule 90 Committee in more or less identical circumstances, there is no reason to discriminate against the petitioner.*
>
> ***We, therefore, direct the Registrar of Co-operative Societies to proceed further in the matter, without the non production of the original records by the respondent No.2 Society being made as stumbling block****."*

19. In terms thereof, the RCS was directed to proceed in the matter without the production of original documents.

20. Ld. Counsel for the Society submits that the Society has no objection to the RCS recommending the Petitioner's name to the DDA for regularisation.

21. Accordingly, let the RCS take appropriate steps, and recommend the name of the Petitioner to the DDA, after hearing the Society on 25th November

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2026. If the original documents are not available, the RCS may proceed on the basis of photocopies itself. The RCS shall make its recommendation by by **24th December 2026.**

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

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 20, 2026
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