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

Date of decision: 4th November, 2026
Uploaded on: 6th November, 2026

\# **CNR No. DLHC010535742026**

\+ **W.P.(C) 16442/2026 and CM APPL. 77237-38/2026**

PREM NAGAR .....Petitioner

Through: Mr. Vishwendra Verma, Adv. (M:9871704611)

versus

REGISTRAR, CO-OPERATIVE SOCIETIES AND ORS .....Respondents

Through: Mr. Shashi Pratap Singh, Ms. Shagun Sabharwal, Advocates for RCS.
Ms. Shobhana Takiar, Standing Counsel for DDA with Mr. Shivam Takiar, Mr. Prateek Dhir, Mr. Kuljeet Singh, Advs. for DDA. (M: 9810962950)
Dr. Geetanjali Sharma, Adv. (CGSC) & Mr. Arnav Mittal, Adv. (GP) for R-10. (M: 8588916612)

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL.77238/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 16442/2026 and CM APPL. 77237/2026

3. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, challenging the construction of flats currently underway in the Jhang Co-operative Group Housing Society,

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Sector-13, Rohini (hereinafter '*the Society*').

4. The case of the Petitioner is that he is a member of the Society and a resident of Flat No.21-A of the said Society.

5. Mr. Verma, ld. Counsel appearing for the Petitioner has placed reliance on the order of the ld. Single Judge of this Court dated 23rd February, 2022 passed in the execution petition being ***EX.P. 223/2002*** titled '***PT. Munshi Ram v. Jhang Coop. Group Housing STY'***. The said order reads as under:

> *"**EX.(OS) 677/2019 (u/S.151CPC)***
> *1. This application has been filed on behalf of the 44 members of the Judgment Debtor Society seeking permission of the Court to carry out construction of the unconstructed flats of the Judgment Debtor Society at, their own expense. The applicants are members who have not been allotted flats till date by the Judgement Debtor Society.*
>
> *2. Counsel appearing on behalf of the Judgment Debtor Society does not oppose the said application.*
>
> *3. Accordingly, the application is disposed of with the, following directions:*
> *(i) a separate escrow account shall be opened by the Judgment Debtor Society, only in respect of contributions received from the aforesaid members; and,*
> *(ii) in the said escrow account, the applicants shall make their contributions and the funds from the said escrow account shall be used only for the purposes of carrying out construction of 44 flats in respect of the aforesaid applicants."*

6. In terms of the above order, the submission of ld. Counsel for the Petitioner is that a total of 44 flats had to be constructed by the Society and money in respect of 44 flats had been received. However, only 12 flats have been constructed - those too are illegal constructions in favour of unauthorised persons.

7. Mr. Shashi Pratap Singh, ld. Counsel has appeared for the Registrar of

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Cooperative Societies *(hereinafter, 'RCS')* and submits that complaints were received by the RCS and summons have been issued under Section 61 of the Delhi Cooperative Societies, Act, 2003 on 30th October, 2026. The hearing before the Deputy Registrar, RCS has been fixed for **05th November, 2026** at **3:00 PM**.

8. Heard. Since the RCS has already taken cognizance of the entire issue, this Court is not inclined to interfere at this stage.

9. Mr. Verma, ld. Counsel for the Petitioner submits that further construction be stopped, as the same is causing enormous prejudice to the Petitioner, who is also residing in the next building, which is part of the said Society.

10. The decision as to whether the construction ought to be stopped or not, would be taken before the concerned Deputy Registrar, RCS on **5th November, 2026** at **3:00 PM** after hearing all the concerned parties.

11. If any directions are to be issued by the Deputy Registrar, RCS, the S.H.O. of the concerned area shall assist in duly implementing the same.

12. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

13. Needless to add, this Court has not considered the merits of the matter. All rights and contentions are left open.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 4, 2026/*dk/sm*

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