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

*Date of Decision: 29<sup>th</sup> May, 2026*

*Uploaded on : 1<sup>st</sup> June, 2026*

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**W.P.(C) 7907/2026**

USHA SHARMA

.....Petitioner

Through: Mr. Faiyaz Hasan and Mr. Balraj  
Tanwar, Advocates.

versus

GOVERNMENT OF NCT OF DELHI THROUGH THE  
REGISTRAR COOPERATIVE SOCIETIES AND ORS.

.....Respondents

Through: Mr. Shashi Pratap Singh, Ms. Shagun  
Sabharwal, Ms. Anamika Tyagi and  
Ms. Laqshyaa Saluja, Advocates for  
R-1.

Mr. Neerav Anand, Advocate for R-3.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE MADHU JAIN**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The Petitioner - Mrs. Usha Sharma, who is claiming to be holding Membership No. 49 in the Society - Mayur Bagh Cooperative Group Housing Society Limited, has filed the present writ petition seeking, *inter alia*, regularisation of the self-draw of lots in respect of her flat.
3. According to the Petitioner, she was issued a share certificate on 16<sup>th</sup> June, 1987. Subsequently, the draw of lots was conducted and the possession letter was also issued on 11<sup>th</sup> September, 1994. The Petitioner is stated to be in possession of flat No. 39 in the Society. According to the Petitioner, the



clearance and no objection certificate is also stated to have been issued sometime in October, 1999, however, the subject flat has not been regularised in favour of the Petitioner.

4. It is stated that certain objections were raised by the DDA in the General Body meeting on 12th March, 2025. The objections appear to be relating to the self-draw of lots.

5. The Court has heard Id. Counsel for the Petitioner and Id. Counsel for the RCS.

6. It is submitted by Id. Counsel for the Petitioner that for several years the regularisation has not been carried out and even though it was self-draw of lots, the same deserves to be regularised.

7. Id. Counsel for the RCS submits that the Petitioner has not made any representation to the RCS.

8. This Court has already held that in similar matters, including in ***W.P.(C) 12218/2021*** titled ***Sh. Rajeev Saxena and Ors. v. Registrar of Co-operative Societies and Ors.*** wherein *vide* judgement dated 16<sup>th</sup> May, 2025 it was held that where self-draw of lots was held prior to 2010, in view of the decision of the then Lt. Governor dated 20<sup>th</sup> September, 2011, the respective flats deserve to be regularised. Relevant portions of the said judgment in ***Rajeev Saxena (supra)*** is extracted below:-

*“5. On 31<sup>st</sup> March, 2005, the Housing Society informed the RCS of the self draw of lots and an approval of the same was sought. It is seen that since 2005 continuously, the RCS raised queries after queries, however, the approval was not given. In the meantime, there were various others societies who had also conducted the draw of flats by themselves without the approval of the RCS. Thereafter, on 20th September,*



2011 Mr. Tejendra Khanna, the then Hon'ble Lieutenant Governor, Delhi (hereinafter "the LG") had taken a decision qua approval of the said self conducted draw of lots, in the following terms:

" I have perused the file.

*The notification to regularize the draw of lots of 26 societies and proposal for withdrawal of proceedings for supersession u./s 37 of the DCS Act are approved. **The permission to invite other societies which might have conducted self-draw before 2010 to give them opportunity for regularization is also given.***

*I do not favour debarment of office bearers u/s 77(2) of DCS Act since the draws were held with the consent of all members and the outcomes were accepted unanimously. Evidently, no irregularity other than procedural, was involved.*

*Regarding the imposition of charges in money terms on the members, the recommendation of the Mathur Committee on this issue, as already approved, should be followed.*

*Khanna*  
(Tejendra Khanna)  
Lt. Governor, Delhi  
20.9.2011

[...]

13. The Court has heard the ld. Counsels for the parties. The clear picture that emerges from the facts submitted and the documents placed on record is that the Petitioners have been deprived of the legitimate entitlement to their property rights over the last two



*decades. The mistake, if any, could have only been of the Housing Society and the RCS and not of the Petitioners. Initially, there were some pending dues due to which the Petitioners were not permitted to participate in the draw of lots. Thereafter, having cleared the said dues, the Petitioners' names were forwarded to the RCS by the Housing Society, however, no action has been taken on the same by the RCS. This has led to considerable harassment of the Petitioners. A perusal of the note dated 20th September, 2011, of the then Hon'ble Lieutenant Governor, Delhi, would clearly show that opportunity of regularization in such cases ought to be granted, if there is no irregularity in the allotment.*

*14. The Housing Society's affidavit is clear to the effect that the Petitioners are valid allottees in the society. The Housing Society initially requested RCS to do the draw of lots in respect of the Petitioners, however, since there was no action taken by the RCS, the Housing Society conducted the draw of lots only for the concerned members. A substantial numbers of members have been allotted their respective flats after the draw of lots which was conducted by the RCS. This Court of the opinion that the Housing Society obviously did not have any ill-motive in conducting the self draw of lots. The RCS ought to have taken a pragmatic view of the matter rather than repeatedly insisting on technicalities.*

*15. After having perused the noting of the Hon'ble Lieutenant Governor, Delhi, this Court is of the view that the RCS ought to have extended the benefit of the same to the Petitioners. The RCS having failed to extend the same, ought not to compel the Petitioners to run from pillar to post for allotment of their flats.*

*16. Under these circumstances, this Court exercising jurisdiction under Article 226 of the*



*Constitution of India, hereby regularises the self draw of lots conducted by the Housing Society in favour of the Petitioners.”*

9. In view of the above position, let the Petitioner’s case be considered by RCS for regularisation. The RCS shall verify the documents of the Petitioner and the genuinity of the draw of lots as also the other documents. After hearing the Petitioner and the Society, the RCS shall take a decision on regularisation within a period of two months.

10. The Petitioner and the Society shall appear before the RCS on **8<sup>th</sup> June, 2026 at 11.30am.**

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

**PRATHIBA M. SINGH  
JUDGE**

**MADHU JAIN  
JUDGE**

**MAY 29, 2026/MR/msh**