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

Date of Decision: 29th October, 2025

+ **W.P.(C) 12218/2021 & CM APPL. 52124/2025**

SH. RAJEEV SAXENA & ORS.

.....Petitioners

Through: Mr. Pankaj Vivek & Mr. Tarun
Kumar, Advs.

versus

**REGISTRAR OF CO-OPERATIVE
SOCIETIES & ORS.**

.....Respondents

Through: Ms. Avni Singh, Adv.
Ms. Mrinalini Sen, Standing Counsel
with Mr. Gaganmeet Singh
Sachdeva, Mr. Harshpreet Singh
Chadha, Advs. for DDA.

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 application has been filed by the Respondent No. 1- Registrar of Co-operative Societies (hereinafter, 'RCS') under Section 151 of the Code of Civil Procedure, 1908, inter alia, seeking clarification of the decision dated 16th May, 2025 passed by this Court. Vide the said decision, this Court directed as under:

“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.



17. The RCS shall now forward the names of the Petitioners within a period of two weeks to the DDA, so that the DDA can then execute the respective lease deeds in favour of the Petitioners. The said process shall be completed within a period of two months from now i.e., by 15 July, 2025.

18. If the RCS or DDA is found to be delaying in this matter any further, exemplary costs would be liable to be imposed upon them to the tune of Rs. 5,00,000/- after 15 July, 2025.”

3. The present application was filed on behalf of the RCS, stating that the Petitioners do not satisfy the eligibility condition for membership as they have been unable to produce the residence proof in Delhi for three years prior to the date of application for membership and some other conditions are also not satisfied.

4. On the last date of hearing, the Court considered the said application filed by the RCS and the following directions were issued on 22nd August, 2025:

“4. Ld. Counsel for the Respondent No.1 has placed on record that the Petitioners do not satisfy the eligibility condition for membership as they have been unable to produce the residence proof in Delhi for three years prior to the date of application for membership and some other conditions are also not satisfied.

5. Accordingly, let each of the Petitioners file separate affidavits giving the details as under:

- i) Since when are they living in Delhi and with whom;*
- ii) Whether they are employed and if so, since when and with which organisation;*
- iii) Whichever is the earliest residence proof, the same shall be attached with the affidavit;*
- iv) Details of any family members including parents and children who may be studying in Delhi;*



v) Details of any premises where they have been residing since inception in Delhi.

6. Insofar as the Petitioner No.3 – Mr. Anup Banerjee is concerned, his membership has been approved by the RCS.

7. Ms. Sen, Id. Counsel for the Delhi Development Authority (hereinafter, 'DDA') submits that the procedure for Petitioner No. 3 would be that the said member has to pay the regularisation charges, upon which a confirmation letter shall be issued by the DDA to the Petitioner No. 3.

8. Three Petitioners are present today in Court. Mr. Banerjee is not present. Id. counsel has joined online. Let the charges be communicated to Petitioner No. 3 i.e., Mr. Banerjee who may then deposit the same with the DDA and the confirmation letter be issued. If there is any submission to be made on behalf of Mr. Banerjee, the same may be made on the next date of hearing.

9. All the Petitioners shall also deal in the affidavit with the chart which is placed at page no. 22 of the present application in respect of the discrepancies and respond to the same as well.

10. The said affidavit shall be filed by the Petitioners within a period of four weeks from today.”

5. The present petition related to five Petitioners –

- Sh. Rajeev Saxena,
- Mrs. Suparna Guha,
- Mr. Anup Banerjee,
- Mrs. Shashi Mehani and
- Mrs. Mita Datta,

who are all members of the DJA Cooperative Group Housing Society Ltd.,
at Plot No. 1 A, Sector - 13, Dwarka, Phase-1, New Delhi - 110078



(hereinafter 'the Housing Society').

6. The memberships of the Petitioners were registered some time between 1996 to 2002. They were compelled to approach this Court vide the present petition as the allotments were not finalised and regularised in their favour due to various reasons.

7. Vide a detailed judgment dated 16th May 2025, this Court had considered the entire matter, including the pleadings filed by the Petitioner, the RCS, the Housing Society and the DDA.

8. After considering the pleadings and hearing the submissions, the Court had noted that the draw of lots, through which the Petitioners were allotted their respective flats, was not regularised, despite the fact that the Petitioners have been living in their respective flats in the Housing Society for more than 25 years. Despite the fact that the allotment of various flats has already taken place, the same has not been regularised. Accordingly, the Court, vide judgment dated 16th May, 2025, had directed as under:

"12. The Housing Society's counsel has submitted that the five Petitioners have been allotted the following flats.:

<i>S. No.</i>	<i>Petitioner's Name</i>	<i>Flat Number</i>
<i>1.</i>	<i>MR. RAJEEV SAXENA</i>	<i>FLAT NO. C-301</i>
<i>2.</i>	<i>MRS. SUPARNA GUHA</i>	<i>FLAT NO. D-429</i>
<i>3.</i>	<i>MR. ANUP BANERJEE</i>	<i>FLAT NO. C-317</i>
<i>4.</i>	<i>MRS. SHASHI MEHANI</i>	<i>FLAT NO. A-108</i>
<i>5.</i>	<i>MRS. MITA DATTA</i>	<i>FLAT NO. D.404</i>

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.

17. The RCS shall now forward the names of the Petitioners within a period of two weeks to the DDA, so that the DDA can then execute the respective lease deeds in favour of the Petitioners. The said process shall be completed within a period of two months from now i.e., by 15th July, 2025.

18. If the RCS or DDA is found to be delaying in this matter any further, exemplary costs would be liable to be imposed upon them to the tune of Rs. 5,00,000/- after 15th July, 2025.

19. The petition is disposed of in these terms. Pending application(s), if any, also stand disposed of.”

9. As per the above directions, this Court had regularised the self-draw of lots conducted by the Housing Society in favour of the Petitioners and had directed the RCS to forward the names of the Petitioners to the DDA within a period of two weeks so that the lease deeds would be executed. Time was fixed for execution of these deeds by 15th July 2025. The Court had also observed that any delay would attract costs on the RCS and the DDA.

10. Thereafter, the present application was filed by the RCS and the same was considered by the Court. The directions, as already stated above, were issued on 22nd August, 2025 directing each of the Respondents to file affidavits to satisfy the Court that they were genuine residents of Delhi at the time when the membership of the Society was granted to them or to the original owners.

11. Pursuant thereto, affidavits have been filed by the Petitioner Nos.1, 2, 4 & 5. Insofar as the Petitioner No.3 is concerned, the RCS has already approved his membership.



12. With respect to the remaining Petitioners, the Court has gone through the various documents which have been placed on record along with the respective affidavits of Petitioner Nos.1, 2, 4 & 5. A summary of the status of each of the Petitioners is set out below:

Affidavit on behalf of Petitioner No. 1-

13. An affidavit dated 19th September, 2025, has been filed on behalf of Mr. Rajeev Saxena- Petitioner No.1, in compliance with the order of this Court dated 22nd August, 2025. As per the said affidavit, the facts relating to the residential status of the said Petitioner are as under:

- i. The Petitioner had moved to Delhi from Saharanpur (U.P.) in December 1982, upon being selected for appointment as an Inspector in the Posts and Telegraphs (P&T) Department, Government of India, New Delhi.
- ii. Pursuant to the selection, he resided with his sister at their government-allotted accommodation, bearing Flat No.42/460, DESU Colony, Janakpuri, Delhi.
- iii. Thereafter, he joined the Airport Communication Station (ACS), Delhi Airport, New Delhi, on 11th June, 1983 and continued to reside at his sister's government-allotted accommodation at Flat No. 42/460, DESU Colony, Janakpuri, Delhi. He was then absorbed into the regular service of the National Airports Authority with effect from 2nd October, 1989.
- iv. During his stay at Flat No. 42/460, DESU Colony, Janakpuri, New Delhi, he obtained a motorcycle driving Licence issued by the Department of Transport, NCT of Delhi, valid up to 16th September, 1992. He also opened a joint savings bank



- account with his mother in State Bank of India, B-1, Janakpuri, New Delhi on 7th February, 1993.
- v. In April, 1993, Petitioner moved to a flat purchased by his mother, at A-122, Khasra No. 548, Village Nawada, Colony Rama Park, New Delhi and was posted at Safdarjung Airport, New Delhi during the period 1992-1997. The sale agreement, as well as the registered will with respect to the said residence has been placed on record by the Petitioner.
 - vi. The Petitioner has also placed on record the voter card issued to him, showing his address as A-122, Khasra No. 548, Village Nawada, Colony Rama Park, New Delhi.
 - vii. On 29th January, 1997, the Petitioner was granted membership of DJA Cooperative Group Housing Society Ltd. and the Managing Committee. The resolution of the Managing Committee of DJA Co-operative Group Housing Society Ltd. was passed on 4th January, 1997.
 - viii. By order dated 3rd July, 1997, the Petitioner was transferred from RCDU, Safdarjung Airport, New Delhi to IGI Airport, Palam, New Delhi, where he served from July, 1997 to March, 1999.
 - ix. Being employed in a transferable Government service, the Petitioner was transferred from Delhi Airport to Pune Airport, Maharashtra in 1999. Thereafter, in 2003, he was transferred from Pune, Maharashtra to Bhuj, Gujarat, and subsequently in 2004, he was transferred back from Bhuj to Delhi. During the said period, his family continued to reside at A-122, Khasra No. 548, Village Nawada, Colony Rama Park, New Delhi.



- x. The Petitioner was allotted Flat No. 301, DJA Apartments, Sector-13, Dwarka, New Delhi-110078 in the self-draw. On 29th March, 2005, the Managing Committee issued a Possession Letter infavour of Petitioner.
- xi. Thereafter he shifted to the said flat in April 2005 and since then, has been residing there till date. A copy of the Possession Letter, Aadhaar Card, Passport, Driving Licence and the current bill of Indraprastha Gas Limited connection, all showing Petitioner's present address, is annexed in the affidavit filed by the Petitioner.

It is thus clear from the above affidavit that the Petitioner no.1 has been in Government service since the early 1980s and apart from a break of five years, he has been a resident in Delhi since 1982.

Affidavit on behalf of Petitioner No. 2-

14. An affidavit dated 19th September, 2025, has been filed on behalf of Ms. Suparna Guha- Petitioner No. 2, in compliance with the order of this Court dated 22nd August, 2025. As per the said affidavit, the facts relating to the residential status of the said Petitioner are as under:

- i. The Petitioner was born on 29th June, 1968 at Holy Family Hospital, Jamia Nagar, Okhla, New Delhi - 110025. At the said time, her parents were residing at Government allotted accommodation bearing No. G-101, Sarojini Nagar, Delhi.
- ii. The Petitioner completed her schooling in the year 1985 from V.N.B.S.S. School, Sarojini Nagar, Delhi, during which period she was residing with her parents in Government allotted accommodation situated at House No.1059, R.K. Puram, Sector-3, New Delhi.



- iii. Further, she pursued her B.Com. (Hons.) & Master Degree in the year 1988 and 1990 respectively, from Atma Ram Sanatan Dharma College, South Campus, University of Delhi, while residing with her parents at the aforesaid address
- iv. The Petitioner was married in the year 1990 to Mr. Sandipan Guha and thereafter started residing with her in-laws at Government allotted accommodation of her father-in-law, situated at Quarter No.848, R.K. Puram, New Delhi.
- v. During the period from 1992 to 1994, Petitioner was employed with M/s Iyer & Sons Pvt. Ltd., having its office at F-20, Connaught Place, New Delhi. During the said period, she was residing with her husband at rented accommodation having address DDA Flat No. 938, Hastal, Vikas Puri, New Delhi. A copy of the Canara Bank Passbook in Petitioner's name, showing the aforesaid address, is annexed with the affidavit.
- vi. The Petitioner's first daughter was born on 20th May, 1994 at Mother & Child Hospital, Safdarjung Development Area, New Delhi. During the said period, Petitioner was residing with her husband at DDA Flat No. 938, Hastal, Vikas Puri, New Delhi. In the year 1995 also, she continued to reside at the aforesaid address. A copy of the Birth Certificate of Petitioner's daughter is annexed with the affidavit.
- vii. In 1997, the Petitioner, alongwith her husband and daughter, started residing in rented House No.028 Vikas Puri New Delhi. A copy of the Indian Oil Gas Connection for the said address, issued in the name of Petitioner's husband is annexed with the



affidavit.

- viii. The Petitioner became a member of the DJA Co-operative Group Housing Society Ltd. on 20th August, 1999. At that time, the Petitioner along with her family was residing in rented accommodation at DG-11/100C, Vikas Puri, New Delhi.
- ix. In the year 2002, the Petitioner, along with her family, shifted in the rented accommodation i.e. 239-B, DG-2, Vikaspuri, New Delhi. In the same year, her husband, Mr. Sandipan Guha, obtained a Life Insurance Policy with commencement of policy dated on 28th January, 2002, reflecting the aforesaid address.
- x. In the year 2004, the Petitioner, along with her family, shifted in the rented accommodation i.e. C-28, Mothers Apartment, Sector-S, Dwarka, New Delhi. In the same year, she obtained a Life Insurance Policy bearing Policy with commencement of policy dated on 28th August, 2004, reflecting the aforesaid address.
- xi. Petitioner was allotted Flat No. 429-D, DJA Apartments, Sector-13, Dwarka, New Delhi-110078 in the self draw, where she has been residing ever since. She was issued a Driving License by the Department of NCT of Delhi on 15th October, 2008, which is valid up to 20th March, 2030 and bears the above stated address.

From the above facts it is clear that the Petitioner no.2 was born in Delhi, educated in Delhi, married in Delhi and continues to live in Delhi till date.

Affidavit on behalf of Petitioner No. 4:

15. An affidavit dated 19th September, 2025, has been filed on behalf of Ms. Shashi Mehani- Petitioner No. 4, in compliance with the order of this



Court dated 22nd August, 2025. As per the said affidavit, the facts relating to the residential status of the said Petitioner are as under:

- i. Petitioner's father Late Sh. Balwant Rai Pruthi had been residing in Delhi for a considerable period of time as a tenant at the premises No.C-52, First Floor, South Extension, Part-I, New Delhi- 110048.
- ii. Petitioner was born in Delhi on 25th February, 1962, and was brought up in Delhi itself. She resided with her parents until her marriage and completed her schooling as well as her college education in Delhi.
- iii. The Petitioner got married to Shri Satish Kumar Mehani on 14th January, 1986 and, subsequent to her marriage, she shifted to her in-law's residence at F-25, South Extension, Part-I, New Delhi- 110049. The said address is reflected in the Birth Certificate of Petitioner's daughter birth certificate and in Petitioner's passport.
- iv. Petitioner's father was a member of the DA. Co-operative Group Housing Society Ltd., Delhi. The Proceedings Register of the said society records the details of a meeting of the Managing Committee, wherein the Secretary placed 21 applications for enrolment of membership, which included the name of Petitioner's father. A copy of the said Minutes of Proceedings is annexed with the affidavit.
- v. The Petitioner's father made a payment of Rs.1,50,000/- towards the membership of the DJA Co-operative Group Housing Society Ltd. Upon his enrolment as a member and subsequent disbursement of the said amount, the DJA



- Cooperative Group Housing Society Ltd. issued a Receipt dated 13th December, 1996 acknowledging the aforesaid payment. A copy of the said receipt is also annexed with the affidavit.
- vi. Petitioner's father was issued the Share Certificate bearing Serial No. 133 in his name by the DJA Cooperative Group Housing Society Ltd. on 28th November, 1996. A copy of the aforesaid Share Certificate is also annexed with the affidavit.
- vi. Due to his deteriorating health, the Petitioner's father transferred his share in the DJA Cooperative Housing Society in Petitioner's name. Accordingly, a Memorandum of Transfer of Shares was duly issued by DJA Cooperative Group Housing Society Ltd. on 06th November, 2003. Thus, the Petitioner was enrolled as member of the Society in place of her father. A copy of the said Memorandum of Transfer of Shares is also annexed with the affidavit.
- vii. Petitioner was allotted a Flat No. 108-4, DJA Apartments, Sector-13, Dwarka, New Delhi-110078 in the self draw held on 30th March, 2005 and the Managing Committee of the DJA Co-operative Group Housing Society Ltd. issued a Possession Letter in favour of the Petitioner. A copy of the aforesaid Possession Letter is annexed with the affidavit as well.

From the above facts, it is clear that the Petitioner's parents were residents of Delhi. She was born in Delhi, educated in Delhi, married in Delhi and continues to live in Delhi. During his lifetime, due to ill-health the Petitioner's father had transferred the allotment in the name of the



Petitioner.

Affidavit on behalf of Petitioner No. 5-

16. An affidavit dated 19th September, 2025, has been filed on behalf of Ms. Mita Datta- Petitioner No. 5, in compliance with the order of this Court dated 22nd August, 2025. As per the said affidavit, the facts relating to the residential status of the said Petitioner are as under:

- i. The Petitioner has been staying in Delhi, since 1984. Her second child i.e. Mayuri Datta, was born on 23rd January, 1986 at Safdarjung Hospital, New Delhi. A copy of the Birth Certificate reflecting the then rented accommodation of the Petitioner at 191-4, Gautam Nagar, New Delhi, is annexed with the affidavit.
- ii. Petitioner's husband, Shri A.B. Datta, was employed in Delhi with M/s Tata Chemicals Ltd. from the year 1984 until the year 2012. He then passed away in the year 2015. The Petitioner was duly appointed as Junior Scientific Assistant (JSA)-II in the Institute of Nuclear Medicine & Allied Sciences, Lucknow Road, Delhi-110054, in the year 1991. A copy of the Recruitment Letter dated 25th June, 1991, having address as 2813, Ashok Nagar, Behind Tilak Nagar Police Station, New Delhi, is annexed with the affidavit.
- iii. That in the year 1992, the Petitioner, along with her family, started staying in Government Quarter No. 394, Sector-IV, Timarpur, Delhi-110054. Copy of her Family Ration Card along with other documents, all reflecting the aforesaid address are annexed with the affidavit.
- iv. Petitioner is the member of the D.J.A. Co-operative Group



- Housing Society Limited New Delhi. The Share Certificate bearing Serial No. 223 dated 10th February, 1998 was issued to the Petitioner by the said Society. A copy of the aforesaid Share Certificate is annexed with the affidavit.
- v. In the year 2002-2003, the Petitioner, along with her family, started staying in Government Quarter No. 1024, M.S. Type-2, Timarpur, Delhi-110054. The said address has also been reflected in the Allotment Letter and Possession Letter pertaining to her flat in the D.J.A. Co-operative Group Housing Society, dated on 29th March 2005. Copies of the Allotment Letter and Possession Letter are also annexed with the affidavit.
- vi. The Petitioner resided at Government Quarter No. 1024, M.S. Type-2, Timarpur, Delhi-110054, till the year April 2005, and after that, she shifted to Flat No. D-404, DJA Apartments, Plot No. 14, Sector-13, Dwarka, South West, Delhi - 110078, and since then, she has been residing there permanently with her family. Copy of her Aadhaar Card, Passport and other documents containing the said address is annexed with the affidavit.

From the affidavit of the Petitioner no.5 it is clear that she is a resident of Delhi for more than 40 years. Her husband was working in a renowned company and she herself has been working in a reputed Government Department. She has resided in Government quarters, the details of which are clearly spelt out.

17. After a perusal of the affidavits and the documents filed by the Petitioners, along with the status recorded hereinabove, there remains no doubt in the mind of the Court that each of the Petitioners were genuine



residents of Delhi for a period of three years. The said Petitioners were either born in Delhi, or were educated in Delhi or have had Government employment in Delhi.

18. In the case of Petitioner No.4, the father of the Petitioner was the original owner of the flat and had transferred it to Petitioner No.4 during his lifetime. A technical objection is being raised by the RCS, stating that a transfer during the lifetime of the owner was not permissible. However, upon a query put by this Court, Ms. Avni Singh candidly admits that after the death of the father, the flat could have been transferred in favour of the daughter.

19. Under these overall circumstances, this Court is of the view that any doubt that the RCS may have raised in their status report which forms a part of this application are no longer tenable.

20. Since all the five Petitioners are *bona fide* residents of Delhi, they are entitled to retain their memberships in the Housing Society and also get lease deeds executed in their favour.

21. Accordingly, it is directed that the RCS shall send the names of all the Petitioner *i.e.* Petitioner Nos.1, 2, 4 & 5 to the DDA for execution of the lease deeds by 15th November 2025.

22. The DDA shall, thereafter, communicate the regularisation charges to the four Petitioners by 1st December 2025. The Petitioners shall then deposit the regularisation charges by 15th December 2025 and the lease deeds shall be executed by 31st December 2025.

23. List on 16th January 2026 for compliance.



2025:DHC:9602-DB



24. The next date of hearing i.e., 3rd November 2025 stands cancelled.

**PRATHIBA M. SINGH
JUDGE**

**RAJNEESH KUMAR GUPTA
JUDGE**

OCTOBER 29, 2025
kk/ss