



2026:DHC:4502-DB



\$~95

* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 19th May, 2026**Uploaded on: 20th May, 2026*+ **W.P.(C) 19351/2025 & CM APPL. 33945/2026**

SMT NIRMALA DEVI

.....Petitioner

Through: Mr. Aadil Singh Boparai, Ms.
Prakruthi Jain & Mr. Chirag Dahiya,
Advts.

versus

REGISTRAR OF CO OPERATIVE SOCIETIES & ORS.

.....Respondents

Through: Ms. Urvi Mohan, Adv. for GNCTD.
Mr. Kapil Yadav, Mr. Ashish
Sehrawat & Ms. Shweta Goswami,
Advts. for R-2.Ms. Namrata Mukim Panel Counsel
DDA with Ms. Sakshi Saxena and Ms.
Niharika Singh, Advts. for R-3.Mr. Gaganmeet Singh, Mr. Harshpreet
Singh and Mr. Hridyesh Khanna,
Advts. for DDA.**CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE MADHU JAIN****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. Mrs. Nirmala Devi, wife of Mr. Hem Raj Bansal who is a member of Jatav Co-operative Group Housing Society Ltd. (hereinafter, 'Society') has filed the present writ petition seeking regularisation of the allotment of flat no. E-209, Second floor, in the Society also known as Venus Apartments Zone H/4-5, Rani Bagh, Opp. Sainik Vihar, Pitampura, Delhi-110034 in her favour.
3. The Petitioner is a 77 year old senior citizen. A draw of lots was



conducted on 14th June, 1998 by the Society and the share certificate was issued in favour of one Mr. Shiv Raj Singh Kardam. He had taken possession of flat no. E-209 which was given to him. *Vide* Power of Attorney dated 4th August, 2003 executed in favour of the Petitioner by Mr. Kardam, the Petitioner was permitted to manage the flat and various other covenants were included in the said Power of Attorney, including that of sale.

4. According to the Petitioner the Society issued a '*No Objection Certificate*' to the Petitioner to apply before the Delhi Development Authority (hereinafter, '*DDA*') for transfer of the flat from leasehold to freehold, however, since the allotment of the flat in favour of the Petitioner itself was not yet forthcoming, various representations dated 12th June, 2018 and 17th November, 2025 were written by the Petitioner seeking allotment.

5. The Registrar Cooperative Societies (hereinafter, '*RCS*') is stated to have not replied to the representations, but finally on 27th April, 2026, the letter has been received from the RCS that the flat cannot be allotted to the Petitioner as the draw of lots was a self draw without approval of the RCS.

6. Ld. Counsel for the Petitioner relies upon the decision of this Court in *W.P.(C) 12218/2021* titled '*Rajeev Saxena & Ors. v. Registrar of Cooperative Societies & Ors.*' dated 16th May, 2025 as also *REV. PET. 457/2025 in W.P. (C) 7853/2024* titled '*Smt. Janak Kumari Gandhi & Ors. v. Registrar of Cooperative Societies & Ors.*' The submission on behalf of the Petitioner is that the Petitioner's membership is not in doubt and the '*No Objection Certificate*' has also been issued by the Society. Moreover, the self draw of lots has been regularised by a decision taken by the then Lieutenant Governor dated 20th September, 2011.



7. Heard. In *Rajiv Saxena (Supra)*, this Court had observed as under:

“5. On 31st 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

xxxx

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."

8. In view of the precedent which has been extracted above and in view of fact that the Society has no objection if the allotment is made in favour of the Petitioner, let the Petitioner and the Society appear before the RCS **on 4th June, 2026 at 11.30am.**

9. The RCS shall within a period of two months take a decision for allotment bearing in mind the decision referred above. The RCS shall verify the documents produced by the Petitioner and the Society and proceed with the allotment of the Petitioner's flat. If there are any deficiencies in the documents or fees etc., the Petitioner and the Society shall cure the same.

10. The allotment process shall be completed within a period of two months. The recommendation shall be sent by the RCS to the DDA within the said period of two months. Thereafter, the Petitioner is free to apply to the DDA for conversion of leasehold to freehold. If such an application is made,



2026:DHC:4502-DB



the DDA, after completion of necessary formalities, shall also process the conversion application.

11. The Petitioner is granted liberty to move an application if the needful is not done by any of the Respondents and the DDA.

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

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MAY 19, 2026
dj/ck