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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12466/2022 & CM APPL. 37497/2022, CM APPL. 45733/2023**

SADHNA SINGH

.....Petitioner

Through: Mr. Abhay Singh, Ms. Vindhya Singh
& Mr. Prakash Gautam, Advs.

versus

THE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Abhinav Sharma, Advocate for R-1/GNCTD
Mr. Mahendra Singh with Mr. Mohnish Singh, Adv. for R-3.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **17.02.2026**

1. This hearing has been done through hybrid mode.
2. The challenge in this case, *inter alia*, is to the order dated 20th March, 2017 passed by the Special Registrar, Cooperative Societies, Delhi (hereinafter “RCS”) and which has been upheld by the Financial Commissioner *vide* order dated 1st July, 2022. The said order of the Financial Commissioner has also been challenged.
3. The Petitioner is aggrieved by the fact that, in effect, while going into the disqualification of Respondent No.3 - Mr. Jaipal Singh Kushwaha, who was earlier married to the Petitioner, the RCS has declared that the Petitioner could not have been a joint member of the Respondent No. 2 - Nav Nirman CGHS (hereinafter “Society”). This was clearly beyond the mandate of the order dated 20th January, 2012 passed in **W.P.(C) 7343/2011** titled ***Jaipal Singh Kushwaha Through Attorney Smt. Javitri Devi v. The Govt. of NCT of Delhi and Ors.*** The relevant portion of the said order reads as under:



“The controversy is in a short compass as to whether the petitioner was residing for a continuous period of three years prior to his membership with respondent No.3-Society. An adverse finding has been arrived at against the petitioner as the petitioner did not appear before the RCS. The adverse finding is based on the admission of the petitioner made in WP (C) No.3309/1988 that he was an NRI and was residing in Sweden at the time of acquiring the membership.

The petitioner has filed through his attorney (sister) two affidavits before us placing on record the passports and other material documents to show as and when he was in India and that he was not in breach of Rule 24 (1) (v) of the Delhi Co-operative Societies Rules, 1973 (hereinafter referred to as the ‘said Rules’). An allegation has also been made against the petitioner that he was not in India on the date the affidavit was affirmed which was filed with the Society. . In our considered view, the documents which the petitioner now seeks to place before us would have to be examined by the competent authority as it would not be appropriate to take a call on the veracity of these documents in the present proceedings under Article 226 of the Constitution of India. The RCS should look into all these documents to come to a conclusion whether the petitioner fulfilled all the requirements or was he in breach of Rule 24(1)(v) of the said Rules.

Undoubtedly, there have been delays and inaction on the part of the petitioner which has brought this position to a pass and, thus, the petitioner has to blame himself for the position he finds himself in. However, we cannot lose sight of the fact that a residential flat in Delhi is an extremely valuable right where accommodations are extremely expensive and the allotment of the



*petitioner is sought to be cancelled. **We are, thus, of the view that the petitioner should be given an opportunity to produce all the relevant material before the RCS, so that the RCS can have a re-look into the matter.***

We accordingly set aside the impugned orders referred to aforesaid with the direction for the RCS to look into the matter afresh.[...]”

4. However, in order to give a quietus to this issue, it is important that the stand of the RCS and the Society is placed on record.
5. Accordingly, both the RCS and Society shall produce the original records relating to flat no. B-43, Ankur Apartments, Plot No.7, I.P. Extension, Delhi-110092.
6. The Society shall be served through the RCS office itself and if there is no appearance on behalf of the Society, an adverse inference would be liable to be drawn as both the RCS and the Society have failed to file any counter affidavits in this matter.
7. The original files relating to this case be produced on the next date of hearing.
8. All Id. Counsels are requested to physically appear on the next date to argue this matter.
9. List on 27th April, 2026.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

FEBRUARY 17, 2026

Rahul/msh