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

+ **W.P.(C) 11548/2024 & CM APPL. 47877/2024**

GOPI CHAND BHATIA AND ORS

.....Petitioners

Through: Mr. Debesh Panda, Mr. Pratyush Miglani, Mr. Komal Kaushal, Ms. Anaunta Shankar, Advs.
Mr. Mukesh Bhardwaj on behalf of Colonel MP Wadhwa and Sh. Hira Lal, newly added parties.

versus

REGISTRAR OF DELHI COOPERATIVE SOCIETIES AND ORS

.....Respondents

Through: Ms. Urvi Mohan with Ms. Vaishali Gupta, Advs. for RCS
Ms. Meenakshi Sharma, Section Officer & Mr. Sameer Shandilya, Sr. Asstt. for RCS
Mr. Arjun Mahajan, SC for DDA and Mr. Apoor Upmanyu, Adv.
Mr. D.S. Kundu, Adv. for Administrator with Mr. V.K. Rastogi, Administrator-in-person
Ms. Reetu Mongia, Adv.

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+ **W.P.(C) 12639/2025 & CM APPL. 51502/2025**

SWADESH KUMAR

.....Petitioner

Through: Mr. Debesh Panda, Mr. Pratyush Miglani, Mr. Komal Kaushal, Ms. Anaunta Shankar, Advs.
Mr. Mukesh Bhardwaj on behalf of Colonel MP Wadhwa and Sh. Hira Lal, newly added parties.

versus



REGISTRAR DELHI COOPERATIVE SOCIETIES & ORS.

.....Respondents

Through: Ms. Urvi Mohan with Ms. Vaishali Gupta, Advs. for RCS.
Mr. Sameer Vashisht, Standing Counsel, GNCTD
Ms. Meenakshi Sharma, Section Officer & Mr. Sameer Shandilya, Sr. Asstt. for RCS
Mr. Arjun Mahajan, Adv. for DDA
Mr. D.S. Kundu, Adv. for Administrator with Mr. V.K. Rastogi, Administrator-in-person
Ms. Reetu Mongia, Adv.

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W.P.(C) 495/2026 & CM APPL. 2395/2026
ANUP MULLICK

.....Petitioner

Through: Mr. Debesh Panda, Mr. Pratyush Miglani, Mr. Komal Kaushal, Ms. Anaunta Shankar, Advs.
Mr. Mukesh Bhardwaj on behalf of Colonel MP Wadhwa and Sh. Hira Lal, newly added parties.

versus

REGISTRAR DELHI COOPERATIVE SOCIETIES GNCTD & ORS.

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Through: Ms. Urvi Mohan with Ms. Vaishali Gupta, Advs. for RCS
Ms. Meenakshi Sharma, Section Officer & Mr. Sameer Shandilya, Sr. Asstt. for RCS
Mr. Arjun Mahajan, Adv. for DDA
Mr. D.S. Kundu, Adv. for Administrator with Mr. V.K. Rastogi, Administrator-in-person
Ms. Reetu Mongia, Adv.

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W.P.(C) 504/2026 & CM APPL. 2412/2026

RAJAT GROVER

.....Petitioner

Through: Mr. Debesh Panda, Mr. Pratyush Miglani, Mr. Komal Kaushal, Ms. Anaunta Shankar, Advs.
Mr. Mukesh Bhardwaj on behalf of Colonel MP Wadhwa and Sh. Hira Lal, newly added parties.

versus

REGISTRAR DELHI COOPERATIVE SOCIETIES GNCTD & ORS.

.....Respondents

Through: Ms. Urvi Mohan with Ms. Vaishali Gupta, Advs. for RCS
Ms. Meenakshi Sharma, Section Officer & Mr. Sameer Shandilya, Sr. Asstt. for RCS.
Mr. Arjun Mahajan, Adv. for DDA
Mr. D.S. Kundu, Adv. for Administrator with Mr. V.K. Rastogi, Administrator-in-person
Ms. Reetu Mongia, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **09.02.2026**

1. This hearing has been done through hybrid mode.
2. At the outset, it is submitted by ld. Counsel for the Petitioners that Mr. Yogesh Kharbanda, who is arrayed as Petitioner no. 3 in **W.P.(C) 11548/2024** does not wish to pursue the writ petition.
3. Accordingly, ld. Counsel for the Petitioner seeks deletion of Petitioner no. 3.
4. Let the memo of parties reflect the same.
5. These are four connected writ petitions filed by the Petitioners under



Articles 226 and 227 of the Constitution of India, raising various issues in respect of the Society i.e., *Dera Ismail Khan Cooperative House Building Society Ltd (hereinafter, 'the Society')*.

6. On the previous date of hearing in **W.P(C) 495/2026** and **W.P(C) 504/2026** i.e, 14th January, 2026 considering the various submissions made by the Id. Counsels for the parties, the Court had directed as under:

“5. In order to comprehensively adjudicate this matter, the following directions are issued:

(i) An advance copy of the present petitions be served upon the Society/Respondent No.3;

(ii) An advance copy of the present petitions be also served upon the Administrator-cum-Returning Officer i.e., Respondent No.2, who shall appear in the matter on the next date of hearing;

(iii) Complainants who had filed complaints which had resulted in irregularities against the Society/Respondent No.3 are also not impleaded in the present matter. Let the Respondent No.2 serve a copy of the present petitions upon all the complainants including:

- *Mr. Col. Mohinder Pratap Wadhwa (Address:H. No. 2/32. Sarva Priya Vihar, New Delhi-110016);*
- *Mr .Hira Lai (Address: H. No. C-214, Nehru Vihar, Delhi- 110054).”*

7. In terms of the above, the Court had directed that the concerned Administrator-cum-returning officer (*hereinafter, 'the Administrator'*) of the Society be served with the present petitions. The Court had also directed that all writ petitions relating to the Society be placed before the Court.

8. Pursuant thereto, two writ petitions have been placed before the Court. Additionally, files of 20 other writ petitions ranging from 1983 till 2025 have all been placed before the Court.



9. Broadly, the following issues are to be considered by the Court:
- (i) **Availability of land with the Society:** Extent of land available with the Society *i.e.*, occupied and vacant land ;
 - (ii) **Membership of 'left-out' members:** There are certain so-called 'left-out' members of the Society. There are varying numbers of 'left-out' members which are canvassed before the Court. The maximum 'left-out' members are stated to be 120 in number. The manner in which the 'left-out' members have to be heard and their claim to the membership of the Society has to be considered by the Court.
 - (iii) **Opportunity to file objections before RCS:** Opportunity has to be provided for the 'left-out' members to file their objections/submissions before the Registrar of Co-operative Societies (*hereinafter*, 'RCS') and the RCS would have to decide the same.
 - (iv) **Eligible Members:** In respect of those members, who are found eligible, the manner of allotment of plot has to be decided.
 - (v) **Land with the Trust:** It is stated that a certain portion of land of the Society which was allotted for a school, *i.e.*, approximately 7 acres is stated to be in the unauthorised occupation of a certain *Baba*, who is occupying the land on behalf of a trust called Swami Amar Dev Educational Trust (*hereinafter*, 'the trust'), which was created in 1986.
10. In so far as issue no. (i) and (v) are concerned, the Administrator appointed by the RCS, in coordination with two other officials of the RCS and at least two officials of the Delhi Development Authority (*hereinafter*,



‘DDA’), shall inspect the entire land available with the Society and submit a report indicating the extent of land occupied by the members, the portion occupied by the trust and the capacity under which such occupation is held. The said report shall be filed by the Administrator.

11. In so far as issue no. (ii), (iii) (iv) are concerned, there is a Local Commissioner’s Report of 1983 (*hereinafter, ‘the 1983 LC Report’*) which has been filed in **W.P(C) 1777/1983**. The same is also annexed in **W.P(C)14528/2023**. A perusal of the 1983 LC report shows that two local Commissioners were appointed by the Court to prepare the membership list. Insofar as the 1983 LC report is concerned, the following directions are issued:

- (i) The members who have been validly held to be members in the 1983 LC report, need not be re-examined by the RCS.
- (ii) Insofar as the other members who are not part of the list are concerned, they shall appear before the RCS. The Administrator shall also appear along with all the requisite documents before the RCS. Any erstwhile member of the Managing Committee of the Society, who may be aware of the facts are also permitted to appear before the RCS.
- (iii) The RCS shall review the list and also examine persons who are staking claim as members. This shall include all the members in respect of whom various judgements have been passed by this Court, including the judgement in ***Panchshila Co-operative House Building Society v. Govt. of NCT Delhi 2009 SCC Online Del 2919***.
- (iv) Ms. Reetu Mongia, Id. Counsel, whose father is stated to have been engaged on behalf of the ‘left-out’ members previously, is permitted to appear before the RCS and handover any records and make



submissions before the RCS.

(v) The complainants shall also be permitted to be heard by the RCS.

12. It is made clear that, insofar as the 'left-out' members are concerned, the 1983 LC report shall be taken as the basis for examination by the RCS. The complete list of 120 'left-out' members and their exact status after verification shall be placed before the Court by the RCS.

13. Insofar as the Administrator is concerned, the following directions are issued:

(i) All the erstwhile members of the Managing Committee of the Society, or any other members including 'left-out' members, who have any relevant records, shall furnish the same to the Administrator.

(ii) The concerned official of the RCS shall ensure that certain space is allocated to the Administrator for an office and that an electricity connection, along with other basic facilities, is provided thereto. The Administrator shall make efforts to collect all the relevant records from the members as also previous office bearers of the Managing Committee and also assist the RCS in the process of deciding the membership issues.

(iii) Any member of the erstwhile Managing Committee of the Society, who is in possession of the records and fails to cooperate with the Administrator shall be liable to face stringent action by this Court.

(iv) The Delhi Development Authority shall cooperate with the Administrator and file a proper sketch before this Court, depicting the entire land of the Society, as also various areas which are occupied by the School or by the Trust.

(v) The Trust i.e., Respondent no.7, if it wishes to appear, is permitted to file an affidavit and appear before this Court.



14. In **W.P.(C) 12639/2025, W.P.(C) 495/2026, W.P.(C) 504/2026**, the challenge is in respect of the letter dated 15th September, 2023 issued by the concerned Administrator-cum-Returning Officer and order dated 2nd December, 2025 issued by the RCS whereby membership of the Petitioners has been cancelled.

15. Petitioners in **W.P.(C) 12639/2025, W.P.(C) 495/2026, W.P.(C) 504/2026** are permitted to file their objections, in respect of impugned letter and impugned order and place their requisite documents and other claims for membership before the RCS. The RCS shall decide the objections of these members, in accordance with law.

16. Additionally, if the RCS is in possession of any documents relevant to the present writ petitions, including files pertaining to any member available in the office of the RCS, the same shall be made open for inspection to the Petitioners in **W.P.(C) 12639/2025, W.P.(C) 495/2026, W.P.(C) 504/2026**. Copies thereof, if required, shall be supplied by the office of the RCS, in accordance with law.

17. Since, Petitioners **W.P.(C) 12639/2025, W.P.(C) 495/2026, W.P.(C) 504/2026** would be part of the list of 120 'left-out' members of the Society, separate writ petitions are not being entertained. **W.P.(C) 11548/2024** shall be considered as the main writ petition, which shall decide all the issues pertaining to the membership, the plot and land of the Society.

18. The Petitioners in **W.P.(C) 12639/2025, W.P.(C) 495/2026, W.P.(C) 504/2026** and any other members/ left-out members are permitted to carry out the aforesaid inspection activity on 16th and 17th February, 2026 in the RCS office at 11:00 AM. Thereafter, the hearings relating to membership issues shall be held on 26th and 27th February, 2026 before the RCS.



19. In order to run the office of the Society, each member who is in occupation of the plot in the Society's land shall deposit a sum of Rs. 10,000/- in the Bank account of the Society. The bank account details of the Society are as under:

- **Account No. - 42470100000118**
- **Bank and Branch: Bank of Baroda, Gujralwala Town, Delhi - 110009**

20. The aforesaid bank account shall be operated only by the Administrator and no one else. The amounts deposited shall be used for daily expenses, maintenance of Society etc., Proper accounts shall be maintained by the Administrator.

21. **W.P.(C) 12639/2025, W.P.(C) 495/2026 and W.P.(C) 504/2026** are disposed of in the above terms. Pending applications, if any, are also disposed of.

22. List **W.P.(C) 11548/2024** on 6th April, 2026

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

FEBRUARY 9, 2026/ys/sm