

\$~4

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

+ W.P. (C) 5794/2020

USHA GRACE ANTONY

..... Appellant

Through: Mr. Rajeshwar Gupta,
Advocate

versus

REGISTRAR COOPERATIVE SOCIETIES & ANR. Respondents

Through: Mr. Santosh Tripathi, ASC for
R-1.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

%

31.08.2020

HEARD THROUGH VIDEOCONFERENCING

C.M. APPL. 20960/2020 (exemption)

Allowed, subject to exceptions.

W.P. (C) 5794/2020 & C.M. APPL. 20959/2020 (Stay)

1 The present petition has been filed by the petitioner praying *inter alia* for issuance of a writ of mandamus to the respondent No.1/RCS to appoint an Administrator in respect of the respondent No.2/J.P. Cooperative Group Housing Society to manage the day-to-day affairs of the Society and to conduct the elections of the new Managing Committee of the Society.

2. Mr. Gupta, learned counsel for the petitioner states that the tenure of the current Managing Committee of the respondent No. 2/Society had expired on 15.07.2020, but elections could not be conducted due to the

COVID-19 pandemic and vide order dated 25.06.2020, the respondent No.1/RCS had extended the period for conducting elections to 15.10.2020. Hence the present petition.

3 Mr. Tripathi, learned counsel for the respondent No.1/RCS states on instructions that the Society has already appointed a Returning Officer (RO) and if the petitioner has a grievance in this regard, it is for her to raise the same before the respondent No.1/RCS but as per record, she has not made any such representation till date.

4 Mr. Gupta, learned counsel for the petitioner states that the petitioner was unaware of the name of the RO appointed by the Managing Committee of the respondent No.2/Society to conduct the elections though she is aware of the notice dated 20.06.2020, issued by the Managing Committee of respondent No. 2/Society, informing the members at large that the election process could not take place due to social restrictions on account of the COVID-19 pandemic and despite letters written to the office of the respondent No.1/RCS, requesting that an independent RO be appointed, no response had been received.

5. In view of the fact that a RO has already been appointed by respondent No.2/Society, for conducting the elections of the Managing Committee of the Society and if the petitioner has a grievance with regard to the named Officer, it is for her to seek her remedies before the respondent No.1/RCS. We decline to entertain the present petition for the relief as prayed for.

6. In the event, the petitioner does approach the respondent No.1/RCS with a grievance within five working days from today then, the respondent No.1/RCS shall examine the said representation and pass a speaking order

within ten days therefrom with a copy marked to the petitioner as also the present Managing Committee of the respondent No.2/Society.

7. The petition is dismissed alongwith the pending application.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

AUGUST 31, 2020

A/rkb