



Indian Law Society & ILS Law College, Pune

MOOT PROPOSITION

REMEMBERING S. P. SATHE:

20TH NATIONAL MOOT COURT COMPETITION, 2026

22nd – 24th January 2026

Law College Road (Chiplunkar Road) Erandwane, Pune, Maharashtra – 411004

Phone No. 020 2565 6775

ITEM NO. 501

COURT NO. 1

SECTION X

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

SMW (c) NO. 3/2025

**IN Re: Housing Discrimination in Co-operative Housing
Society**

Date: 30th September 2025. These petitions were called on
for hearing today.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE DIKSHA KAUSHIK

HON'BLE MR. JUSTICE HIMANSHU SURANA

For Petitioner(s)

SMW

BY COURT'S MOTION

Mr. L.M. Sharma, AOR

Ms. Muskan Bandopadhyay, Adv.

Mr. Mohammed Ahmad, Adv.

UPON hearing the counsel, the Court made the following

O R D E R

1. We are in deep pain today. The situation after 75 years has still not changed. The events before us are very telling and disturbing. Mr. L.M. Sharma, Ld. Advocate, has brought to our notice a piece of news item dated 29th September 2025 carried by a premier, newspaper, "*The Bharat Times*". The headline of the item reads as under:-

*"DISCRIMINATION IN INDIA'S HOUSING LANDSCAPE: HOW
MANHANDLING OF ELITE LAWYER COUPLE SIGNFIES A LARGER
ISSUE"*

2. The item states that Mr. Ehsaan Qureshi, a prominent LGBTQIA+ rights activist and Senior Advocate of Bombay High Court recently bought a 4- BHK flat in a prominent area of Worli. The Housing Society is dominated by followers of "X" religion. When he and his partner, Mr. Sukhbir Singh tried to shift their furniture and other household articles, the members of the society refused to transfer the said flat and disallowed them to shift their furniture and household articles citing that the bye-laws of the society and the recent resolution do not allow such sell and transfer of the society. The article further states that confrontation took a violent form when Mr. Qureshi and his partner were beaten up and in the ensuing scuffle, Mr. Qureshi and his partner suffered injuries and had to be hospitalised. The Local police intervened in time but refused to register the FIR. We direct the Director General of Police, Maharashtra to conduct an investigation by appointing an officer not below the rank of Deputy Commissioner of Police and submit the status report to us on the next date of hearing.

3. We are appalled by the situation. There is another editorial dated 22nd March 2025 by the newspaper, "The Nationalist" which states that exclusion and denial of admission in urban co-operative housing societies by certain communities citing eating habits, language and cultural differences are discriminatory. The discrimination is often carried out by adopting a specific bye-law of the

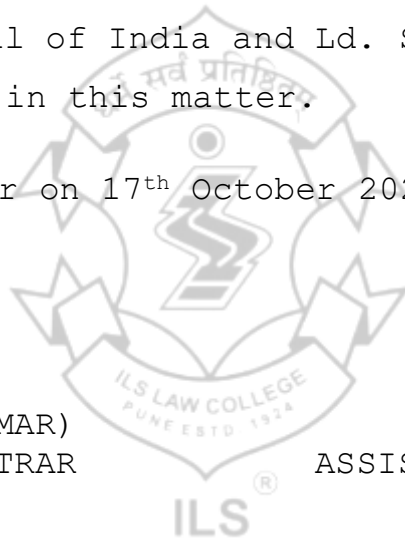
society or informal agreement amongst the members of the society. The editorial states the such bye-laws *prima facie* appear non-discriminatory but deeply affect the religious and sexual minorities, the Scheduled Castes and Scheduled Tribes.

4. We are taking *Suo-motu* cognisance of the news article dated 29th September 2025. We appoint Mr. L.M. Sharma as the *Amicus Curiae* in this *Suo-Motu* Petition and request him to file a detailed petition in this regard. Mr. Sharma states that he shall file a detailed petition within two weeks. Registry to register the Petition. We request the Ld. Attorney General of India and Ld. Solicitor General of India to assist us in this matter.

5. List the matter on 17th October 2025.

(PRASHANT KUMAR)
DEPUTY REGISTRAR

(MEENA ROY)
ASSISTANT REGISTRAR



ITEM NO. 4

COURT NO. 1

SECTION X

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

SMW (c) NO. 3/2025

IN Re: Housing Discrimination in Co-operative Housing
Society

FOR ADMISSION:

IA NO. 4371/2025- FOR INTERVENTION

Date: 17th October 2025. These matters were called on for
hearing today.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE DIKSHA KAUSHIK

HON'BLE MR. JUSTICE HIMANSHU SURANA

SMW

BY COURT'S MOTION

Mr. L.M. Sharma, Amicus Curie

Ms. Muskan Bandopadhyay, Adv.

Mr. Mohammed Ahmad, Adv

IA:

Dr. Chandresh Patil, Sr. Adv.

Mr. Amol Pai, AOR

Mr. Shyam Chapalgaonkar, Adv.

Respondents:

Mr. G. Ramanathan, Attorney General for
India

Mr. Shyam Vakharia, Solicitor General of
India

Mr. Sarthak Choudhary, Standing Counsel
for UOI.

Mr. Amanpreet Singh Nalwa, AOR

Ms. Jay Karnik, Adv.

Mr. Ajay Padhye, Adv.

UPON hearing the counsel, the Court made the following

O R D E R

1. On the last date of hearing, we had requested Mr. L.M. Sharma to file a detailed petition. Accordingly, Mr. Sharma has filed a detailed petition. The Registry has placed before us the status report filed by the Director General of Police, Maharashtra. As per our last order, Mr. Ravi Ranjan, DCP, Crime Branch -I, has conducted the investigation and has filed an FIR under relevant provisions of law. The further investigation and trial shall take its own recourse and the investigation team shall file its status report every 15 days till the filing of the chargesheet.
2. Today, we have before us, Dr. Chandresh Patil, Ld. Senior Advocate appearing for "*Citizens for Societal Harmony*", and submitted that he has filed an Intervention Application and seeks to address this Court on the impending issue at large. We have heard the Dr. Patil and have perused the Intervention Application. We allow Dr. Patil's Intervention.
3. The Ld. Attorney General of India and Solicitor General of India are present in the Court and oppose the present proceedings including the very maintainability of the proceedings. We shall hear the Ld. Attorney General of India and Ld. Solicitor General of India on the all the issues that they may wish to address us on. But nonetheless, we

deem it fit to issue notice to the Union and all the States and address us on this issue. Mr. Sarthak Chaudhary, the Standing Counsel waives notice on behalf of the Union of India.

4. Registry to issue notice to all the States returnable on 10th November 2025.

(PRASHANT KUMAR)
DEPUTY REGISTRAR

(MEENA ROY)
ASSISTANT REGISTRAR



ITEM NO. 10

COURT NO. 1

SECTION X

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

SMW (c) NO. 3/2025

**IN Re: Housing Discrimination in Co-operative Housing
Society**

Date: 10th November 2025. These matters were called on for hearing today.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE DIKSHA KAUSHIK

HON'BLE MR. JUSTICE HIMANSHU SURANA

SMW

BY COURT'S MOTION

Mr. L.M. Sharma, Amicus Curie

Ms. Muskan Bandopadhyay, Adv.

Mr. Mohammed Ahmad, Adv

IA:

Dr. Chandresh Patil, Sr. Adv.

Mr. Amol Pai, AOR

Mr. Shyam Chapalgaonkar, Adv.

Respondents:

Mr. G. Ramanathan, Attorney General for India

Mr. Shyam Vakharia, Solicitor General of India

Mr. Sarthak Choudhary, Standing Counsel for UOI.

Mr. Amanpreet Singh Nalwa, AOR

Mr. Jay Karnik, Adv.

Mr. Ajay Padhye, Adv.

Mr. Abhishek Raje, Advocate General of Maharashtra

Mr. Shantanu Mahimkar, AOR

Ms. Anushka Pandey, Advocate General of Uttar Pradesh

Ms. Shanvi Tiwari, AOR

Mr. Aman Kripesh, Advocate General of Bihar

Mr. Adarsh Bhardwaj, AOR

Ms. Ishwaree Nair, Advocate General of Kerala,

Ms. C.V. Rajmohan, AOR

Ms. Samraggi Debroy, Advocate General of West Bengal,

Ms. Kirti Bose, AOR

Dr. Piyush Pratik, Advocate General of Odisha

Mr. Sankalp Chaudhary, AOR

Mr. Agastya Srinivasan, Advocate General of Tamil Nadu

Mr. Vignesh Narayan, AOR

Mr. Dev Salgaonkar, Advocate General of Goa

Mr. Francis Fernandeas AOR

Mr. Jethalal C. Gada, Advocate General of Gujarat

Mr. Sunder Vakani, AOR

Mr. Nitish Reddy, Advocate General of Andhra Pradesh,

Mr. Vayu Kalyan, AOR

Mr. Aftab Ahmed, Advocate General of
Telangana,

Mr. Zeeshan Khan, AOR

Mr. Arya Gogoi, Advocate General of
Assam

Mr. Debashish Majumdar, AOR

Mr. Lachman Singh, Advocate General of
Manipur

Mr. Shama Kuki, AOR

Mr. Bindhan Chattopadhyay, Advocate
General of Tripura

Ms. Mamta Mukherjee, AOR

Mr. Thoiba Singh, Advocate General of
Meghalaya

Mr. Nongthombam Lairenjam, AOR

Mr. Lalrohlua Ralte, Advocate General of
Mizoram

Mr. Rohmingthanga Pachau, AOR

Mr. Atem Jamir, Advocate General of
Nagaland

Mr. Toshi Imchen, AOR

Mr. Kago Takam, Advocate General of
Arunachal Pradesh

Ms. Nima Tatin, AOR

Mr. Rishabh Singh Parihar, Advocate
General of Madhya Pradesh

Mr. Sharad Kelkar, AOR

Mr. Vedant Pandey, Advocate General of
Chhattisgarh

Mr. Ram Singh, AOR

Mr. Shivam Singh Rajput, Advocate General of Rajasthan

Mr. Devam Jain, AOR

Mr. Aman Singhvi, Advocate General of Jharkhand

Ms. Radhika Dhavale, AOR

Mr. Lal Singh Chaddha, Advocate General of Punjab

Ms. Kirti Kapoor, AOR

Ms. Simran Singh, Advocate General of Himachal Pradesh

Mr. Kailash Sharma, AOR

Mr. Laxman Singh Bisht, Advocate General of Uttarakhand

Mr. Deepak Negi, AOR

Mr. Sharad Phogat, Advocate General of Haryana

Mr. Neeraj Chaudhary, AOR

Mr. Nagappa Gowda, Advocate General of Karnataka

Mr. Siddappa Pai, AOR

UPON hearing the counsel, the Court made the following

O R D E R

1. We had issued notice to the Union and the States, pursuant to that Ld. Advocate Generals of all the States are present. The Ld. Attorney General of India and Advocate Generals of all the State seek to file detailed written submissions. We request all the Advocate General of States to send their submissions to the Ld. Attorney General of

India and the Ld. Attorney General shall file their written submissions on behalf of the Union and the States.

2. Mr. Sharma and Dr. Patil, bring to our attention to the judgement of this Court, Zoroastrian Cooperative Housing Society Limited vs. District Deputy Registrar Cooperative Societies (Urban).¹ We have to consider whether the said decision requires the reconsideration of this court. The Ld. Attorney General submits that the said judgement does not warrant a revisit of this court.

3. We think that the housing discrimination is just one part of the discrimination that persists in the society that violates the fundamental rights guaranteed under Part III of the Constitution. We request all the parties to address on the issue whether Part III of the Constitution can be applicable horizontally. We request all the parties to file their written submissions and exchange them by 10th December, 2025.

4. This petition shall now be known as "*IN RE: Horizontal applicability of Fundamental Rights.*" Registry to carry out the necessary amendment before the next date of hearing.

5. Given that we have substantial questions to interpret before us, we hereby frame following issues for determination:

a. Whether fundamental rights under Part III can be enforced against anyone other than the State instrumentalities?

¹ (2005) 5 SCC 63

b. Are similar bye-laws of private co-operative housing societies discriminatory against religious and sexual minorities?

6. List the matter on 23rd January 2025.

(PRASHANT KUMAR)
DEPUTY REGISTRAR

(MEENA ROY)
ASSISTANT REGISTRAR



ANNEXURE A

THE BHARAT TIMES

“DISCRIMINATION IN INDIA’S HOUSING LANDSCAPE: HOW MANHANDLING OF ELITE LAWYER COUPLE SIGNFIES A LARGER ISSUE”

Rohan Thomas, Sep 29 2025

Mr. Ehsaan Qureshi, a prominent LGBTQIA+ rights activist and Senior Advocate at the Bombay High Court and his partner Mr. Sukhbir Singh were manhandled and debarred from shifting into their recently bought 4 BHK flat at Worli yesterday. The members of Avalon Gardens Co-operative Housing Society (“CHS”) barged into the lobby of the apartment and threw the personal belongings of the couple as they were trying to transfer it to their newly bought house.

They also engaged in a scuffle with Mr. Qureshi and they are seen actively pushing him out of the lobby in the CCTV footage of the apartment. Mr. Qureshi has suffered injuries and is undergoing treatment currently at Hinduja Hospital. His partner, Mr. Singh also suffered minor injuries while trying to defend his partner in the scuffle. The Worli Police Station however, refused to register the FIR despite repeated visits by Ms. Khushmeena Qureshi, Ehsaan’s mother. The members have defended their actions by taking recourse to the bye-laws of the CHS.

After the incident, a prominent social media handle “**Minority Rights Matter**” posted a thread on “X” (Formerly Twitter) highlighting how the housing discrimination and violence against the elite lawyer couple in Worli is indicative that both elite and non-elite minority communities are treated unequally. One of the tweets read as –

“The treatment of Ehsaan Qureshi and Sukhbir Singh underscores a larger socio-legal problem. Minority communities (whether elite or non-elite) still do not have equal access to public spaces. This displays inherent prejudice. Private societies

cannot have impunity in depriving minorities of their fundamental rights merely by relying on their bye-laws. This is unfair and discriminatory.”

Bharat News International (“BNI”) were the first ones to reach the CHS and interact with the agitated society members. In a short interview given to BNI, Mr. Suryakant Nadkarni the secretary said that society is merely trying to enforce its bye-law which prohibits sale and transfer to individuals who are not pure vegetarian (with respect to eating habits) and married (with respect to familial status). BNI quoted him as saying –

“Avalon Gardens CHS is a society of civilised and self-respecting people. And our bye-laws reflect the spirit behind creation of the society. We have restricted entry to the Qureshi couple in line with our bye-laws which I have cited to you right now. And we have a right to enforce that under law. None of our actions are discriminatory and the online campaign against us is an attempt to defame us. It reflects ignorance of the law as it stands.”

The social media campaign later turned into a solidarity movement with the religious and sexual minority communities in relation to the housing discrimination they face. Several tweets expressed concern with the growing exclusionary practices of such segregation backed by statistical evidence threatens the plural fabric of the nation. Meanwhile, the CHS released a public statement in lieu of the campaign. The excerpt reads as follows –

“An attempt to link the incident that took place on 27th September 2025 with a larger issue of housing discrimination in Mumbai is simply anachronistic. Avalon Gardens CHS is an association of law-abiding citizens committed to protect our legal rights as a society and a private entity. We endorse the constitutional values of autonomy and choice which are available to even juristic persons such as us.

In this light, we desist the social media campaign initiated against us and reiterate that our bye-laws are not discriminatory against religious and sexual minorities. They strike a careful balance between equality and larger public interest of the

*society. Our bye-laws promote a peaceful and well-regulated community as envisaged by the **Maharashtra Co-operative Societies Act, 1962.***”

The urban housing landscape of Mumbai has seen a growing trend of discrimination against religious minorities, sexual minorities and Scheduled Castes and Scheduled Tribes as well. The Ehsaan Qureshi case is merely a statistical addition to the rampant nature of housing discrimination in Mumbai.

In May 2024, two academicians of sociology, Aneesh and Mihika D were not given a flat on rent in an elite locality of Dadar. The private society discontinued the transaction from happening when it realised that the couple belongs to the Scheduled Caste community although they fulfilled the objective criteria of rental transfer. A case under the **Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989** has not yet been registered despite several complaints.

Similarly, even former war heroes are subjected to housing discrimination. Kargil war hero Lt Col. Abid Ali Sayyad is unable to find a house for him and his major disabled daughter in Bandra as brokers told him that the housing societies in which he wanted to live have adopted bye-laws that prevent single parents and persons with disability from purchasing flats.

Non-governmental bodies in Mumbai which work for the cause of fair and unjust housing policies have expressed their concerns about the disparate and disproportionate impact of such bye-laws on religious, linguistic, ethnic and even caste minorities who come to Mumbai to ameliorate their lives, financially and socially. Ms. Snigdha Almedia and Ms. Mimansa Bajaj, co-founders of **“Citizens for Societal Harmony”**, a prominent NGO based in Mahim told us that the distressing conduct of private housing societies harms the inclusive spirit of Mumbai which is built on reasonable accommodation and non-discrimination.

The Ehsaan Qureshi issue clearly demonstrates a sensitive socio-legal issue in Mumbai particularly and various other urban housing landscapes in metropolitan cities at large. The trade-off between dignity and enforcement of bye-laws is what

plagues this issue. Judicially, it is still unsettled and uncertain of how constitutional courts deal with this issue. It remains to be seen if this growing trend of social prejudice has a legal remedy or not.



ANNEXURE B

BYE LAWS OF AVALON GARDENS CO-OPERATIVE HOUSING SOCIETY

(Unity in Diversity)

I. Preliminary

1. Name of the Society shall be AVALON GARDENS CO-OPERATIVE HOUSING SOCIETY-Unity in Diversity)

II. Interpretations

3. Interpretations of the word and terms

(i) “**Act**” means the Maharashtra Co-Operative Societies Act, 1960;

(ii) “**Bye laws**” means Bye laws consistent with the Act and registered under this Act for the time being in force and includes registered amendments of such Bye laws:

(iii) “**Rules**” means the Maharashtra Co-Operative Societies Rules, 1961;

(iv) “**Common areas and facilities**” means the land on which building is located, the basement, yards, gardens, parking areas, elevators, such community and commercial facilities as may have been provided for.

(v) “**Society**” means the AVALON GARDENS CO-OPERATIVE HOUSING SOCIETY-Unity in Diversity;

IV. Object

5. Objects of the Society

a) to manage, maintain and administer the property of the Society;

b) to raise funds for achieving the object of the Society;

c) to do all things, necessary or expedient for the attainment of the object of the Society, specified in these Bye-laws.

VII. Members, Their Eligibility and Conditions for Membership

(i) Eligibility for Membership

No individual shall be admitted as a Member of the Society except the following that is to say-

- a. Individual who is competent to contract under the Indian Contract Act, 1872;

...

...

(ii) Conditions for Membership

Any individual who is eligible to be the Member and who has applied for Membership of the Society in the prescribed form, may be admitted as Member by the Society in the prescribed form, may admitted as Member by the Committee on complying with the following conditions:

...

- a. Applicant has given the undertaking in the prescribed form to the effect that he shall use the flat for the purpose for which it was purchased by him;
- b. Applicant has furnished an undertaking in the prescribed form, if he has no independent source of income;
- c. Applicant has furnished such other undertakings/declarations, in the prescribed forms as are required under any law for the time being in force and such other information as is required under the Bye laws of the Society along with application for Membership;

VIII. Responsibilities and Liabilities of Members

- A) Every member of the Society shall bear his flat/unit in good maintenance.
- B) No member without the permission of the Committee, shall stock or store any kinds of goods or materials or items, storing of which requires permit/sanction of the competent authority under any law relating thereto.
- C) No member shall do or suffer anything to be done in his flat which may cause nuisance, annoyance or inconvenience to any of the Members of the Society or carry on practices which may be repugnant to the general decency or morals of the members of the Society.

- D) It shall be competent for the Committee either *Suo-moto* or on receipt of the Complaint from any Member, to take steps to stop all such practices referred to in the Bye laws of the Society forthwith.

IX. Expulsion of a Member

Grounds on which a member can be expelled or not admitted

- A) A member can be expelled or not admitted, if such a member:
- a. Has furnished any false information or omitted to furnish the material information to the Society;
 - b. Has willfully deceived the Society by giving any false information;
 - c. Has used his flat for immoral purposes or misused it for illegal or prohibited purposes;

...



ANNEXURE C

AYALON GARDENS CO-OPERATIVE HOUSING SOCIETY

(Unity in Diversity)

An Annual General Meeting (“AGM”) was fixed on 3rd August 2025 and as per the Notice dated 25th July 2025 all the members of the Society were requested to attend the same.

In the AGM all the 50 members of the Society were present at 11:00 AM and the meeting was concluded by 12:00 PM. On the basis of discussion, the following Resolution is passed on the Agenda framed in the AGM.

Resolution on Agenda discussed in the Annual General Meeting dated 3rd August 2025:

“The Society members resolve to induct a new member/proposed member to the Society on the fulfilment of the conditions mentioned hereinbelow which are mandatory and in furtherance and compliance of the Bye laws of the Society:

- 1. A member of the Society must be a pure vegetarian;*
- 2. A member of the Society must not store or consume any type of meat or flesh which may cause nuisance to the other members of the Society.*
- 3. A member of the Society shall not be allowed to keep any pet as an animal in the premises of the Society either temporary or permanently during any festival or occasion;*
- 4. A member of the Society shall not be allowed to use public space and common space of the Society for praying;*
- 5. A member of the Society shall not be allowed to wear any headgear or scarf in common spaces of the society which covers his or her face either wholly or in part;*
- 6. No unmarried couple can be inducted as the member of the Society as it being against the Bye laws of the Society;*
- 7. A member of the Society shall not be allowed to sell, transfer or rent the flat to anyone who does not fulfill the conditions stipulated hereinabove, without express prior consent from the Society;*

Any proposed member of the Society shall have to mandatorily submit an undertaking in respect of the above at the time of making an application to be inducted as a member of the Society.”

The abovementioned Resolution is passed with a majority of seventy-five percent, with the dissent of 12 members out of 50. Hence, the above Resolution is passed today.

Signed by Office bearers and members present during the AGM. The AGM was concluded at 12 PM.



ANNEXURE D

Drafters' Note

1. The Participants have to argue either for the *Amicus Curie and Intervenor* on one side and the *Union and States* on the other side.
2. Please read the Moot Proposition and Annexures A, B and C very carefully.
3. Annexures C & D are illustrative and are not under challenge before the Court.
4. The Union and the States see the issue framed by the court as adversarial.
5. The Co-operative Housing Society where the alleged incident took place, is not a party to the present proceedings.
6. The Hon'ble Court has kept all the contentions open for both the sides and participants can bring up any other issues that they may deem fit.

