

COCP No.892 of 2015

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**COCP No.892 of 2015
Date of decision:20.04.2015**

J.S.Cheema

...Petitioner

Versus

Sh. Wazir Singh Goyat and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Surender Singh Dalal, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

This petition has been filed for initiating contempt proceedings against the respondents under Section 12 of the Contempt of Courts Act, 1971 for non-compliance of the order dated 17.07.2012 passed by this Court in CWP No.10687 of 2012.

In brief, the petitioner filed an application under Sections 102/103 of the Haryana Cooperative Societies Act, 1984 (hereinafter referred to as the “Act”) before the Assistant Registrar, Cooperative Societies, Naraingarh against the decision for not mentioning him as a member of the Shivalik Environ Cooperative House Building Society Ltd. (hereinafter referred to as the “society”). The application was allowed on 17.02.2009. The society challenged that order by way of appeal which was dismissed as not maintainable on 23.07.2010. The society then filed revision on 29.07.2010 before the Financial Commissioner and Principal

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Secretary to the Government of Haryana, Cooperation Department, Chandigarh, which was also dismissed on 12.12.2011. The society challenged that order of the revisional authority and that of the Assistant Registrar dated 17.02.2009 by way of CWP No.10687 of 2012, which was also dismissed.

Ultimately, on 27.09.2012, the petitioner was given membership No.500 by the society. He had also alleged to have deposited certain amount with the society and is now aggrieved that the society is asking for proof of genuineness of the documents submitted by him, which is being alleged to be willful disobedience of the order passed by the Court and hence, the present contempt petition has been filed.

As a matter of fact, no order has been passed by the Writ Court in this regard as only the writ petition filed by the society was dismissed but even if the society has made a reference of the decision of the Writ Court in its letter dated 27.09.2012, while allotting membership number to the petitioner, it can always ask the petitioner to prove genuineness and authenticity of the documents submitted by him and for that matter, the provisions of the Contempt of Courts Act, 1971 cannot be invoked.

Thus, the present contempt petition is hereby dismissed being denuded of any merit.

April 20, 2015
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(Rakesh Kumar Jain)
Judge