

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No. 15341 of 2012
Decided on 24.9.2015**

Mohan Lal Arora

--Petitioner

Vs.

Registrar, Cooperative Societies, Haryana and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Gaurav Mohunta, Advocate, for the petitioner

Mr. P.P Chahar, D..A.G, Haryana

Mr. D.D. Gupta, Advocate,for the Society/respondent No.3.

Rakesh Kumar Jain,J: (Oral)

The petitioner was allotted Plot No.131, Sector 53-54, Part I, Phase 1, Saraswati Kunj Cooperative House Building Society Limited, Wazirabad, Gurgaon, measuring 502 sq.yards vide allotment letter No. SKGH/99/5605 dated 01.09.1999. It is alleged that possession was also delivered on 15.2.2000, but later on, it came to the knowledge of the petitioner that conveyance deed of the said plot has been executed in favour of one B.L.Ahuja on 11.9.2003.

The petitioner then approached the Registrar, Cooperative Societies, Haryana making a reference under Section 102 of the Haryana

Cooperative Societies Act, 1984 (for short,'the Act'). The reference was accepted, holding that the membership of the petitioner is genuine and directed the management of the society to clear the list of all such eligible members of the society including the petitioner, and fix their clear seniority in the next four months. It was also held that the petitioner would be considered for allotment of vacant plot as per laws and bye-laws of the society within next six months.

Since the society did not pass any appropriate order in favour of the petitioner, therefore, the present writ petition is filed.

Learned counsel for the petitioner has submitted that he had already paid the entire dues i.e. ₹11,18,260/- long ago which has been adjusted and the petitioner has been found as genuine member of the society. It is further submitted that B.L.Ahuja is not a genuine member but still neither conveyance deed has been executed in favour of the petitioner in respect of plot No.131 nor any alternative plot has been allotted.

Mr.D.D.Gupta, learned counsel appearing on behalf of the society/respondent No.3 has very fairly conceded that the petitioner is a genuine member of the society and has paid the entire dues in respect of plot No.131. It is also admitted by him that B.L.Ahuja is not a genuine member to hold the plot. Even an FIR has also been registered in this regard.

Learned counsel for the petitioner has submitted that allotment and execution of conveyance deed in his favour is being delayed, though the matter pertains to the year 1999 and 16 years have already passed. It is submitted that appropriate direction may be issued to the society to allot the petitioner an alternative plot of similar size on the price which

has already been paid by him.

Keeping in view the facts and circumstances of the case and the agony the petitioner has suffered, the society is directed to allot an alternative plot of the same size i.e. 502 sq. yards, in the society, on the price which has already been paid by the petitioner and conveyance deed be executed in his favour. The entire exercise be completed within a period of three months from the date of passing of the order.

24.9.2015
rr

(Rakesh Kumar Jain)
Judge