

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

(1) CWP No. 4457 of 2014
Date of decision: 28.05.2015

Santokh Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

(2) CWP No. 4580 of 2014
Date of decision: 28.05.2015

Santokh Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. M.S. Kang, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. B.S. Sehra, Advocate
for respondent No.4.

Jitendra Chauhan, J. (Oral)

The above writ petitions bearing Nos. 4457 and 4580 of
2014 under Article 226/227 of the Constitution of India have been

filed for quashing of orders dated 12.10.2009, order dated 31.03.2011 and order dated 11.06.2012 passed by the Assistant Registrar, Co-operative Societies; the Deputy Registrar Co-operative Societies and the Joint Registrar, Co-operative Societies, respectively.

The facts are being taken from CWP No.4457 of 2014. A reference was made to the Arbitrator by the petitioner regarding illegal carving and allotment of plots in the site reserved for school in the Friends Colony. The reference was declined by the Arbitrator-cum-Assistant Registrar, Co-operative Societies. The petitioner herein filed an appeal before the Deputy Registrar, which was also rejected. Thereafter, the present petitioner filed a revision before the Joint Registrar, Co-operative Societies, challenged the above orders which was also rejected. Hence, this writ petition.

In the Civil Writ Petition No.4580 of 2014, the same relief has been sought.

Learned counsel for the petitioner contended that because the order was passed by the Arbitrator-cum-Assistant Registrar without recording any evidence which is bad in law. The learned counsel further contended that the reference cannot be decided without recording the evidence.

On the other hand, learned counsel for respondent No.1 contended that a resolution was passed for constructing the shops

after amending the map and the same was sent to the Assistant Registrar for information.

I have heard the learned counsel for the both the parties and have gone through the case file and record carefully with their able assistance.

The society acts through a resolution passed in the General Body Meeting. The award of the Arbitrator shows that the shops were carved out in a General Body Meeting for the betterment of the society. The agenda was approved unanimously. The proposed map was sent to the office of Registrar on 24.04.1995. Thereafter, the then, Managing Committee allotted 11 shops to various persons. The learned Arbitrator did not find any truth into the allegations made by the present petitioner, and rightly rejected the references, in both the writ petitions. There is no allegation that the previous management committee has acted malafidely and gave undue favour to the private respondents.

In Ashok Kumar Vs. Sita Ram, 2001(1) Apex Court Journal 681, in para No. 10, it has been held as under:-

“The position is too well settled to admit of any controversy that the finding of fact recorded by the final Court of fact should not ordinarily be interfered with by the High Court in exercise of writ jurisdiction, unless the Court is satisfied that the finding is vitiated by manifest error of law or is patently perverse. The High Court

should not interfere with a finding of fact simply because it feels persuaded to take a different view on the material on record.”

In para No. 17 of the above judgment, it has been held as under:-

“The question that remains to be considered is whether the High Court in exercise of writ jurisdiction was justified in setting aside the order of the Appellate Authority. The order passed by the Appellate Authority did not suffer from any serious illegality, nor can it be said to have taken a view of the matter which no reasonable person was likely to take. In that view of the matter there was no justification for the High Court to interfere with the order in exercise of its writ jurisdiction. In a matter like the present case where orders passed by the statutory Authority vested with power to act quasi judicially is challenged before the High Court, the role of the Court is supervisory and corrective. In exercise of such jurisdiction, the High Court is not expected to interfere with the final order passed by the Statutory Authority unless the order suffers from manifest error and if it is allowed to stand it would amount to perpetuation of grave injustice. The Court should bear in mind that it is not acting as yet another Appellate Court in the matter. We are constrained to observe that in the present case the High Court has failed to keep the salutary principles in mind while deciding the case.”

Keeping in view the fact that the three quasi judicial authorities have scrutinized the case, this Court will not interfere in the functions of the society under the exercise of its jurisdiction. Both the writ petitions deserve to be dismissed. Accordingly, both the petitions No. 4457 and 4580 of 2014 are dismissed.

28.05.2015

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(JITENDRA CHAUHAN)
JUDGE