

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

Date of decision:02.03.2015.

A.P.Pandey,IPS(Retd.)

.....Petitioner

v.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Robin Dutt,Advocate for the petitioner.

Jaswant Singh,J.(Oral)

Petitioner is a retired IPS Officer and was inducted as a member of the Punjab Police Personnel Co-operative House Building Society Limited, Mohali (hereinafter referred to as respondent no.6-Society) on 10.4.2005 on submission of membership form. He is stated to have been issued a provisional plot No.04 in provisional Block No.C of 800 square yards.

It is apparent that in a general meeting of the Full House of the respondent no.6-Society a resolution dated 17.11.2007 was passed whereby it was decided that the members who had been inducted after 31.3.2005 shall be liable to pay double the cost of actual cost of land. Pursuant to said resolution dated 17.11.2007 eight members including petitioner was issued letters dated 27.8.2009 and 17.3.2010 raising an additional demand of Rs.6 lacs over and above the due instalments paid towards allotment of the plot. It is a matter of record that the said additional demand of Rs.6 lacs was subsequently reduced to Rs.2 lacs.

Petitioner received a notice dated 29.8.2011 (P-4) issued by respondent no.6-Society demanding the said Rs.2 lacs, as against earlier demand of Rs.6 lacs as additional payment. Petitioner filed an application before the Registrar, Co-operative Societies under Section 55 of the Punjab Co-operative Societies Act,1961 (hereinafter referred to as Cooperative Act) for resolving the dispute. The stand of respondent no.3 was that subsequently it was resolved unanimously in a general meeting that only 1/3rd of the additional price demanded earlier would be charged from the eight members who had acquired membership after the cut off date for acquiring the membership which already expired on 31.3.2005. Respondent no.5 dismissed the application of the petitioner vide order dated 14.4.2012 (P-7). The appeal filed by the petitioner under Section 68 of the Cooperative Act was also dismissed vide impugned order dated 22.2.2013 (P-8) by respondent no.4-Deputy Registrar, Co-operative Society,Rupnagar. The revision filed by the petitioner was dismissed by respondent no.3-Joint Registrar, Co-operative Society, Division Patiala vide order dated 27.6.2014 (P-9). Hence the present petition assailing notice P-4 and orders P-7 to P-9.

After hearing the learned counsel for the petitioner at length this Court finds no ground to interfere either with the impugned notice or impugned orders.

It is not in dispute that the original members of the Society had deposited Rs.750/- per square yard with the Society towards the purchase of land for allotment and construction of houses by its

members which had been purchased by the Society long ago before the eight new members including the petitioner were inducted as members of the Society after the cut off date of 31.3.2005. Therefore, the increased payment of Rs.250/- per square yard towards cost of land and thus an additional demand of Rs.2 lacs from the said eight new members, including petitioner cannot be termed to be arbitrary since the two sets of members form a different class. The said additional payment was result of unanimous resolution of the members of the Society as reflected in the general meeting of the Society held on 17.11.2007 and modified on 24.4.2010. It is also not in dispute that rest of the seven similarly situated members inducted after the cut off date have since deposited the additional amount and it is the petitioner only who is not accepting the decision of the Full House of the Society. In view of the above, this Court finds no ground to interfere with the impugned notice/orders. Hence the present writ petition is dismissed.

02.03.2015.
joshi

(Jaswant Singh)
Judge