

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

CWP No.9881 of 2015

Date of Decision:-18.05.2015

Gurpreet Singh & Anr.

.....Petitioners.

Versus

Joint Registrar, Co-operative Societies, Patiala Divn. & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. K.S. Chahal, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Prayer in the present writ petition is for issuance of Writ in the nature of Certiorari for quashing the Orders dated 23.02.2015 (**P-4**) passed by respondent no.1-Joint Registrar, Co-operative Societies, Patiala Division, Patiala as well as order dated 12.10.2012 (**P-2**) passed by respondent no.2-Deputy Registrar, Co-operative Societies, Sangrur.

In brief, facts of the case are that Arbitration Awards were passed against the petitioners to the tune of Rs.38,53,694.50/- and for execution of these awards, Assistant Registrar Co-operative Societies, Dhuri appointed a Sales Officer under the Punjab Co-operative Societies Act, 1961 who sold the land of the petitioners on 30.03.2012 which was subsequently confirmed on 12.10.2012 by respondent no.2. This order was challenged before the Joint Registrar, Co-operatives Societies, Patiala by way of Revision Petition no.21 of 2013 and this petition has also been

dismissed vide the impugned order dated 23.02.2015 (**P-4**).

Learned Counsel for the petitioners has argued that the Arbitration Awards to the tune of Rs.38,53,694.50/- was passed against the petitioners and for the satisfaction of the said Arbitration Awards, the land of the petitioners has been wrongly sold by way of auction on 30.03.2012 because, the auction was not conducted in the general public and the bidders of the auction were the members of the respondent committee and thus, the entire process of auction is vitiated by fraud.

After hearing learned Counsel for the petitioners and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and the same deserves to be dismissed.

Admittedly, the petitioner - Gurpreet Singh had embezzled a huge amount while he was serving as Secretary of the Society and for recovery of the said amount, Arbitration Cases under Sections 55 & 56 of the Arbitration Act were initiated in which, he was held responsible for this embezzled amount. There is nothing on record that the said award was challenged by the petitioner. Thereafter, the respondent no.2 appointed a Sales Officer, who in compliance of law sold the property of the petitioner on 30.03.2012 and at the time of auction, no suitable bidder came forward and therefore, the respondent-society purchased the said land in auction for Rs.43,75,000/-. Thereafter, the sale was approved as per law and society approached the SDM, Dhuri for sanction of mutation in favour of the society, which was admittedly sanctioned on 22.7.2014 in favour of the society. No illegality or perversity has been pointed out by the learned Counsel for the petitioners. The argument of the petitioner that the property has been bought by the society and therefore smacks of malafide, is without

any merit especially when it is the petitioner society who was the aggrieved party and the decree holder as per the award passed in its favour. Further, no precedent has been cited by the Ld. Counsel to substantiate his argument that a Decree Holder or its members cannot participate in the auction. Thus, it cannot be held that the auction conducted by the respondents was not as per law, merely for the reason that the society had given a bid for the same. Thus, no fault can be found in the orders passed by the Authorities below, which are hereby affirmed.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

May 18, 2015
Vinay