

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

**Civil Writ Petition No. 25740 of 2014(O&M)
Date of Decision: 6.10.2016**

Housefed Banur Allottees Welfare Association

.....Petitioner

Vs.

The Punjab State Federation of Cooperative House Building Societies
Limited (HOUSEFED), Punjab and others

.....Respondents

ii) **Civil Writ Petition No. 448 of 2015 (O&M)**

Centre for Service-Housefed Banur Project

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

iii) **Civil Writ Petition No. 724 of 2015 (O&M)**

Dr. Ashish Sharma and another

.....Petitioners

Vs.

The Punjab State Federation of Cooperative House Building Societies
Limited (HOUSEFED), Punjab and others

.....Respondents

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integrity of this document

iv) **Civil Writ Petition No. 2309 of 2015 (O&M)**

Ruchika

.....Petitioner

Vs.

The Punjab State Federation of Cooperative House Building Societies
Limited (HOUSEFED) and others

.....Respondents

v) **Civil Writ Petition No. 2537 of 2015**

Madhu Jindal

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

vi) **Civil Writ Petition No. 2403 of 2016**

Yash Pal Sharma

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

vii)

Civil Writ Petition No. 6290 of 2016

Vinay Kumar Kapoor

.....Petitioner

Vs.

The Punjab State Federation of Cooperative House Building Societies Limited, (HOUSEFED), Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Kanwaljeet Singh, Sr. Advocate with
Mr. Dhiraj Chawla, Advocate
for the petitioners in CWP Nos. 25740 of 2015 and
CWP No. 448 of 2015.

Mr. B.B. Menon, Advocate
for the petitioners in CWP No. 724 of 2015.

Mr. GPS Bal, Advocate
for the petitioner in CWP No. 2309 of 2015.

Mr. Mohan Lal Singla, Advocate
for the petitioner in CWP No. 2537 of 2015.

Mr. Akash Singla, Advocate
for the petitioner in CWP No. 6290 of 2016.

Mr. Vivek Khatri, Advocate
for the the petitioner in CWP No. 2403 of 2016.

Mr. D.V Sharma, Sr. Advocate with
Ms. Eshjyot Walia, Advocate
for the Federation.

Mr. B.M. Vinayak, DAG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

With the consent of learned counsel for the parties, this batch of seven writ petitions bearing CWP Nos. 25740 of 2014; 448, 724, 2309, 2537 of 2015 and 2403, 6290 of 2016, is being decided vide this common order.

During the course of hearing, a very fair proposal was put by learned senior counsel for the petitioner that let respondent No.2-Federation allow seven persons in all, including office bearers of the Society, Chartered Accountant and Civil Engineer, if any, to inspect the official record, so as to enable the members of the petitioner-Society, to furnish their effective replies to the impugned communication issued by respondent No.2, so that no factual dispute remains pending between the parties, regarding financial liability of members of the petitioner-Society.

Faced with the above, learned senior counsel respondent No.2 also fairly states that the Federation would have no objection in allowing the office bearers of the petitioner-Society to inspect the official record. He further submits that let the office bearers of the petitioner-Society alongwith their Chartered Accountant and Civil Engineer, if any, come on any working day and inspect the record.

In view of the abovesaid fair statement made by learned senior counsel for respondent No.2, the Federation-respondent No.2 is directed to allow abovesaid seven representatives of the petitioner-Society, to inspect the official record. It is agreed between learned senior counsels for the petitioner-Society and respondent No.2-Federation that officer bearers of petitioner-Society shall go to the office of respondent No.2 for inspection of record at 10:00 AM on 14.10.2016.

After inspection of the record, members of petitioner-society shall furnish their effective replies to the impugned communication within a period of three weeks and respondent No.2 shall consider the same. After due consideration of the matter, competent authority shall pass an appropriate order, after granting due opportunity of being heard to the office bearers of the petitioner-Society. However, such an order shall be passed at an early date and in any case within a period of two months from the date of receipt of replies from the members of the petitioner-Society.

On the request made by learned counsel for the petitioners in some of the cases, it is clarified that whosoever petitioner is not a member of the society, he/she shall also be entitled to file effective reply to respondent No.2 in response to the impugned communication and the said reply shall be considered by the competent authority by respondent No.2 and an appropriate order shall be passed, similarly as in the other cases where petitioners are members of the Society.

However, lest there be any misunderstanding or communication gap between the parties, it is clarified that the issue of maintainability of these petitions is not being decided and specifically left open to be decided in appropriate proceedings, as and when necessity arises.

With the abovesaid observations made and directions issued, present batch of seven writ petitions stands disposed of.

All other pending civil miscellaneous applications shall also stand disposed of, accordingly.

6.10.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No

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