

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.11487 of 2012 (O&M)

Date of Decision.15.02.2017

Indersain Aggarwal and others

.....Petitioners

Vs

State of Haryana and others

.....Respondents

Present: Ms. Kshitija Mittal, Advocate for
Mr. Pardeep Solath, Advocate
for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

Mr. Sumeet Goel, Advocate
for CBI.

Mr. Birender Singh Rana, Senior Advocate with
Mr. Gagandeep Rana, Advocate
for respondent Nos.6 to 9.

Mr. Sushil Jain, Advocate
for respondent Nos.11 to 13.

Mr. Gurinderjit Singh, Advocate
for respondent No.14.

Mr. Rajender Chhokar, Advocate
for respondent No.15.

Mr. Rajvir Singh Sihag, Advocate
for respondent No.16.

Mr. Kamal Sehgal, Advocate
for respondent No.17.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioners knocked the door of this Court for seeking
following relief:-

*“Civil writ petition under Articles 226/227 of the Constitution
of India for issuance of an appropriate writ, order or direction,*

or certiorari quashing the order dated 31.12.2009 passed by respondent No.1 and to issue a writ in the nature of mandamus directing the respondent No.18 to conduct enquiry against respondent No.6 to 17 within specified period or by any other independent agency other than State agency as per law and further directions to take appropriate legal action against the responsible persons for recovery of Rs.70 lacs as per law.”

Learned counsel for the petitioner relies upon the FSL report (Annexure P-1), much less, the report of the CBI conducted in pursuance of the order dated 09.12.2014 which is at page 212 onwards. The report of the CBI is based upon the allegation made in the writ petition only.

She further submits that in view of the aforementioned report, no action has been taken against the then Managing Committee of the society. The aforementioned report, ex facie, revealed the misuse of the powers, much less, the defective materials used in the construction. The prayer in the writ petition is being objected by private respondents represented through counsels. Reference to all these reports have been made in paragraph 6 of the written statement filed on behalf of respondent No.1-Special Secretary to Government Haryana, Vigilance to contend that report of vigilance was placed before the committee under the chairmanship of the then Chief Secretary in its meeting held on 25.11.2009 and thereafter, it has been recommended to be consigned. The petitioner has remedy under Section 99 of the Haryana Cooperative Societies Act to bring to the notice of the Registrar for the alleged enquiry.

The aforementioned enquiry, according to the counsel representing the petitioner, has arisen owing to the representation made to

the Chief Minister. I am of the view that all these reports since have been consigned yet the remedy for the petitioner would be to invoke the provisions of Section 99 and not in the manner and mode by coming to this Court.

Resultantly, the writ petition stands disposed of with liberty to the petitioner to approach the Registrar for holding enquiry. In case any application is made, the Registrar shall enter into reference and conduct enquiry as expeditiously as possible and preferably within a period of one year after affording sufficient opportunities of hearing to the parties.

(AMIT RAWAL)
JUDGE

February 15, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No