

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

**CWP No.1770 of 2014
Date of decision:17.01.2017**

Santokh Singh

... Petitioner

Vs.

Special Secretary Cooperation Punjab, Chandigarh
and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Mr. Yatinder Sharma, Addl.A.G.Punjab.

Mr. Lalit Pathak, Advocate
for respondent No.5.

Mr. D.V, Senior Advocate with
Ms. Akshita Chauhan, Advocate
for respondents No.6 to 8.

AMIT RAWAL J. (Oral)

This Court, on 31.01.2014 had issued notice of motion to respondents No.1 to 5.

The petitioner has challenged the orders dated 08.07.2013 (Annexure P-4) passed by respondent No.1 – Special Secretary Cooperation Punjab, Chandigarh and 14.11.2013 (Annexure P-3) passed by respondent No.4 – The Assistant Registrar Cooperative Societies, Ludhiana; with a prayer for issuance of writ or direction for taking further action in pursuant to enquiry report.

Mr. M.S.Kang, learned counsel appearing on behalf of the petitioner submits that on the basis of the complaint of respondent No.9 -Tilak Raj Saini and respondent No.10 – Yash Pal Malik, the Assistant Registrar, Cooperative Societies, Ludhiana initiated the enquiry under Section 50 of the Punjab Co-operative Societies Act, 1961 (hereinafter referred to as “1961 Act”). The aforementioned enquiry dated 26.12.2007 indicated certain members. The aforesaid order was challenged in the year 2013 by the Society and few other persons and the said order has been set aside by the Special Secretary, Cooperation, Punjab, Chandigarh. The petitioner is also a member of the Society and he has also deep interest and pervasive affairs into the Society. Once no action has been taken on the enquiry, *locus standi* of the petitioner cannot be challenged or questioned, therefore, he has full right to challenge the aforementioned order.

Per contra, Mr. D.VSharma, learned Senior Counsel assisted by Ms. Akshita Chauhan, Advocate appearing on behalf of respondents No.6 to 8 and Mr. Lalit Pathak, Advocate for respondent No.5 submit that as per the provisions of sub-section 4 of Section 50, the Registrar after holding enquiry had to communicate the same to the Society. It is only on the basis of the communication, revision petition bearing No.2 of 2013 was preferred before the Special Secretary, Cooperation, Punjab, Chandigarh by imleading the complainants. The complainants were represented. The resolution dated 15.06.2008, passed by 1/3rd majority found, that no action was required to be taken on the basis of enquiry report. The aforementioned factum had been

taken care of by the Special Secretary while accepting the revision petition. They further submit that the petitioner has no *locus standi* as he has never been party to any of the proceedings, therefore, the revision petition was not maintainable.

I have heard learned counsel for the parties, appraised the paper book and of the view that the petitioner has not been able to satisfy the conscious of the Court with regard to *locus standi*. He was not party to any of the proceedings nor had appeared. Moreover, he had never made any complaint at any point of time. The complainants noticed above have been arrayed as respondents No.3 and 4 before the Special Secretary in revision petition. The order of the Society is based upon the appreciation of the facts and it has been found that enquiry report has been placed before the General Body of the Society on 15.06.2008 and after considering the same, the General Body unanimously resolved that no action was required to be taken against the Managing Committee of the Society. There cannot be said any delay in entertaining the revision petition as on receipt of the enquiry report, the same was decided. It has been found that no evidence has come forth that allotment was done as per the market rate. The operative part of the order dated 08.07.2013 reads as under:-

“When the general body approves the procedure and action adopted by the Managing Committee, there remains no scope for any intervention. The Registrar however on his own motion or on an application by a majority of the committee or not less than 1/3rd members consider it fit to hold an enquiry under

Section 50 of the Act which is not the case in the instant petition. Therefore, the revision petition is accepted. The judgment was reserved on 21.5.2013 which is being released now.”

In view of the aforementioned facts, I do not differ with the findings under challenge, much less the case does not fall within the *doctrine akin* to judicial review.

Accordingly, the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

January 17, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No