

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

CWP No.20837 of 2014
Date of decision : 13.01.2017

Nirbhai Singh and others

...Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. J.S. Cooner, Advocate for the petitioners.

Mr. Ravi Partap Singh, AAG, Haryana.

Mr. S.N. Gaur, Advocate for respondent No.4.

AMIT RAWAL, J. (Oral)

The petitioners are aggrieved of the impugned order dated 29.08.2014 (Annexure P-6), on the premise that they had moved application (Annexure P-4) in case No.175 of 2011 titled as Pritam Singh Vs. Assistant Registrar and another for impleading them as respondent Nos.3 to 8 and vide impugned order, almost 64 cases have been decided.

Main thrust of the argument is that Assistant Registrar has passed the orders dated 18.08.2006 and 26.09.2006 which had been set aside in revision petition, filed in the year 2011 without taking into consideration the ground of limitation. He has also drawn the attention of this Court to the written arguments (Annexure P-5) which were also filed, but have not been taken into consideration.

Mr. Gaur, learned counsel appearing on behalf of respondent No.4 submits that petitioner has no locus standi being not party in the aforementioned proceedings. There was no separate order to that effect. Order of amalgamation was not in the knowledge and after acquiring knowledge immediately the revision petition was filed and no prejudice would be caused as the matter has been remanded back.

Mr. Ravi Partap Singh, AAG, Haryana submits that no such objection was taken and, therefore, it cannot be taken for the first time in the proceedings.

I have heard learned counsel for the parties and appraised the paper book.

The written arguments (Annexure P-5) specifically deals with the objection and the limitation, but the impugned order is silent of reasons/explanation of entertaining the revision in 2011 in respect of the orders passed in August and September, 2006 i.e. regarding amalgamation of the Society. The Secretary to the Government was required to go into the aforementioned facts and thereafter decide the revision petition. Order also do not reflect the moving of the application, whereby petitioners have been allowed to be impleaded, much less his presence, thus, order is set aside and does not stand on the touchstone of reasonableness.

Resultantly, impugned order is set aside.

Matter is remitted back to the Principal Secretary to Government of Haryana Cooperation Department, Chandigarh to decide the ROR's referred to in Annexure P-6 afresh by taking all possible pleas by affording opportunities to the parties as expeditiously as possible preferably

within a period of six months from the date of receipt of certified copy of the order.

With the aforementioned observation, writ petition stands disposed of.

13.01.2017

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No