

HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-22816-2015 (O&M)

Date of Decision: January 24, 2017

Kailash Nath Datt

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

- |    |                                                                       |         |
|----|-----------------------------------------------------------------------|---------|
| 1. | To be referred to the Reporters or not?                               | Yes/No  |
| 2. | Whether the judgment should be reported in the Digest?                | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No  |

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Present: Mr.Aashish Chopra, Advocate  
for the petitioner.

Mr.Deepak Balyan,Addl.AG, Haryana.  
Mr.Amar Vivek, Advocate  
for respondent No.4.

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**SURYA KANT, J.**

There is serious controversy as to whether or not the petitioner continues to be the lawful member of respondent No.6- Panchwati Cooperative House Building Society (for brevity, 'the Society'), which has been constituted under the Haryana Cooperative Societies Act, 1984 (for brevity, 'the Act')? While the petitioner asserts that he is one of the founder member of the Society, his claim is countered by the present office bearers of the Society who allege that he was expelled from the Society in the year 2005 and that not even a penny was deposited by him towards membership.

We are, however, not required to dwell upon the above-stated

controversy as the matter is admittedly under consideration before the State Government-cum-Revisional Authority under the Act.

With a view to protect the interest of petitioner in the pending litigation, this Court on 21.10.2015 passed the following order:

“ The petitioner has challenged an LoI granted in favour of respondent No. 6 – the Society for the development of a group housing project in collaboration with the developer.

The project includes the petitioner's plot. The petitioner's membership was terminated by the Society. The petitioner has challenged the same. A stay has been granted by the Principal Secretary, Cooperation, Haryana against the removal. There are other issues which require consideration such as whether such a development can take place in fragmented portions.

In these circumstances, the respondents shall be entitled to continue the process of obtaining the license, but shall not take any steps pursuant thereto or create any third party rights without informing the third party of the pendency of this writ petition and of this order and such third party agreeing to be bound by any orders that may be passed in this writ petition.”

Having heard learned counsel for the parties we are of the view that the above reproduced interim arrangement can be allowed to continue till the revision petition preferred by the petitioner against the order of Registrar, Cooperative Societies is decided by the Revisional Authority.

Ordered accordingly.

The Society shall not create any third party rights in any manner which may cause prejudice to the petitioner. However, owing to the nature of dispute, the Revisional Authority is directed to decide the revision petition at the earliest and preferably within three months from the date of receipt of a certified copy of this order.

Disposed of accordingly.

**( SURYA KANT )  
JUDGE**

**January 24, 2017**  
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**( SUDIP AHLUWALIA )  
JUDGE**

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|---------------------------------------|---------------|
| <b>1. Whether speaking/reasoned ?</b> | <b>Yes/No</b> |
| <b>2. Whether reportable ?</b>        | <b>Yes/No</b> |