

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

**CWP No. 28540 of 2017
Date of Decision: 15.12.2017**

MANMOHAN SINGH

..... Petitioner

V/S.

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. S.S. Dalal, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner, being a member of the Chudiala Cooperative Credit and Service Society Ltd, Chudiala, now amalgamated with Bihta Primary Agriculture Cooperative Society Ltd., Bihta, Distt. Ambala, has challenged the order dated 27.09.2006 passed by the Assistant Registrar, Cooperative Society, Ambala by which Cooperative Credit and Service Societies of Chudiala, Nagla, Sabga and Haldri were compulsorily amalgamated in Bihta Cooperative Credit and Service Society Ltd., Bihta in view of Section 14 of the Haryana Cooperative Societies Act, 1984 (herein after referred to as 'the Act'), by way of a revision filed under Section 115 of the Act before the Additional Chief Secretary, Department of Cooperation, Haryana, which was dismissed vide order dated 11.07.2017, on the ground that the order of amalgamation was passed in the year 2006 and the revision petition has been filed in the year 2015 i.e. after a lapse of 9 years.

Learned counsel for the petitioner has submitted that the revision petition has been filed under Section 115 of the Act in which no limitation is prescribed and has relied upon a decision of this Court rendered in the case of

Sukh Ram Dass and others Vs. District and Sessions Judge, Hoshiarpur and others; 2009 (3) RCR (Civil) 737 in which revision petition was entertained after a lapse of 16 years while exercising the *suo motu* powers, on the ground that no period of limitation is prescribed for filing a revision petition under the Administration of Evacuee Property Act, 1950.

I have heard learned counsel for the petitioner and perused the record. Section 115 of the Act read as under: -

“115. **Revision:** -

The Government may suo-motu or on an application of an aggrieved party, call for and examine the record of any proceedings under this Act and the rules framed there under in which no appeal lies to the Government under section 114 for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and if in any case it shall appear to the Government that any such decision or order should be modified, annulled or revised, the Government may, after giving the persons affected thereby an opportunity of being heard, pass such order thereon as it may deem fit.”

Admittedly, the petitioner has challenged the order dated 27.09.2006 of the Assistant Registrar in a revision, filed in the year 2015, bearing Revision Petition No. 81 of 2015, after a lapse of nine years.

Hon’ble the Supreme Court, in the case of **Loku Ram Vs. State of Haryana and Others;** 2000(1) RCR (Civil)141, while dealing with Section 18 (6) of the Haryana Ceiling on Land Holdings Act, 1972, has held that *suo motu* powers ‘at any time’ has to be exercised within a reasonable time. In that case, the proceedings were initiated after a lapse of 7 years whereas, in the present case, the revision petition was filed after a lapse of 9

years. Therefore, I am of the considered opinion that the Revisional Authority has rightly dismissed the revision petition on the ground that it has been filed after the considerable delay.

Hence, I do not find any merit in the present petition and the same is hereby dismissed, though without any order as to costs.

December 15, 2017

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking / reasoned</i>	:	✓ Yes / No
<i>Whether Reportable</i>	:	Yes / No