

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CWP No.7250 of 2017  
Date of Decision: 11.08.2017

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Raj Kumar Ghai and others

....Petitioners

**Vs.**

The Joint Registrar, Cooperative Societies, Jalandhar and others

....Respondents

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

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Present: Mr.Rajinder Pal Singh Rana, Advocate,  
for the petitioners.

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***RAKESH KUMAR JAIN, J.***

There are four petitioners in this petition. Petitioners No.1 & 2 are the husband and wife whereas, petitioners No.3 & 4 are the son and daughter-in-law of petitioners No.1 & 2. All the petitioners have made the following prayers:-

(a) *Issue a writ in the nature of certiorari quashing the Resolution dated 13.6.2012 (Annexure P-4) of the respondent No.4 and the consequential orders emanating therefrom i.e. –*

*Order dated 5.11.2015 (Annexure P-50) of the respondent No.1 and order dated 29.4.2015 (Annexure P-36) passed by respondent No.2, orders dated 28.2.2014*

*(Annexure P-22) passed by the respondent No.3 in File No.492 A/c No.16/7 UGC and Order dated 5.11.2015 (Annexure P-51) passed by the respondent No.1, order dated 29.4.2015 (Annexure P-37) passed by the respondent No.2, and order dated 16.6.2014 (Annexure P-23) passed by the respondent No.3 in File No.386 A/c. No.184/4 NFS Qua the petitioner No.1;*

*And*

*Order dated 5.11.2015 (Annexure P-52) passed by the respondent No.1, order dated 29.4.2015 (Annexure P-38) passed by the respondent No.2 and order dated 24.2.2014 (Annexure P-24) passed by the respondent No.3 in File No.538 A/c No.106/7UGC*

*And*

*Order dated 5.11.2015 (Annexure P-53) passed by the respondent No.1, order dated 29.4.2015 (Annexure P-39) passed by the respondent No.2, and order dated 16.6.2014 (Annexure P-25) passed by the respondent No.3 in file No.337 A/c No.83/4 NFS Qua the petitioner No.2;*

*And*

*Order dated 5.11.2015 (Annexure P-54) passed by the respondent No.1, Order dated*

*29.4.2015 (Annexure P-40) passed by the respondent No.2, and order dated 24.2.2014 (Annexure P-26) passed by the respondent No.3 in File No. 350 A/c No.109/4 NFS*

*Qua the petitioner No.3*

*And*

*Order dated 5.11.2015 (Annexure P-55) passed by the respondent No.1, Order dated 29.4.2015 (Annexure P-41) passed by the respondent No.2, and order dated 16.6.2014 (Annexure P-27) passed by the respondent No.3 in file No.373 A/c No.154/4 NFS*

*And*

*Order dated 5.11.2015 (Annexure P-56) passed by the respondent No.1, Order dated 29.4.2015 (Annexure P-42) passed by the respondent No.2, and order dated 24.02.2014 (Annexure P-28) passed by the respondent No.3 in file No.326 A/c No.61/4*

*Qua the petitioner No.4*

*And*

*all the consequential proceedings arisen therefrom being malafide, illegal and void ab initio and ultra vires the provisions of Section 55 and 56 of the Punjab*

*Cooperative Societies Act, 1961 and rules framed therein, and a result of erroneous exercise of jurisdiction not vested in the respondents No.3 & 4 under the law;*

*And*

- (b) *Issue a writ in the nature of Mandamus directing the respondent No.4 to initiate proceedings under Section 54 of the Punjab Cooperative Societies Act, 1961 against the respondents No.5 to 13 to recover the entire deficiency in the assets of the respondent No.4 by their willful negligence or fraudulent misappropriation as a result of conspiracy and wrongly reflected in the names of the petitioners by way of (File No.492) A/c No.16/7 UGC and (File No.386) A/c No.184/4 NFS of petitioner No.1, (File No.337) A/c No.83/4 NFS and (File No.538) A/c No.106/7 UGC of petitioner No.2, (File No.350) A/c No.109/4 NFS of petitioner No.3 and (File No.373) A/c No.154/4 NFS and (File No.326) A/c No.61/4 of petitioner No.4.”*

Actually, the petitioners have challenged the resolution dated 13.6.2012 (Annexure P-4). The said resolution was passed by the executive committee of the Hoshiarpur Primary Co-operative Agricultural Development Bank Limited, Hoshiarpur to initiate proceedings under

Sections 55 & 56 of the Punjab State Cooperative Society Act, 1961 against the loanees, who have taken more loans by giving less property as security and against the loanees, who have not properly utilized the loan amount. All the four petitioners were separately proceeded against by the Arbitrator and as many as seven set of orders have been passed because the petitioners have sought to challenge the orders dated 24.02.2014 and 16.06.2014 of the Arbitrator and then orders dated 29.4.2015 and 5.11.2015 of the appellate authority by way of one writ petition.

On 11.5.2017, the following order was passed by this Court: -

*“When the learned counsel for the petitioners raised the argument with regard to initiation of proceedings under Section 55 of the Punjab Cooperative Societies Act on the premise that it should have been under Section 54, this Court called upon him to point out from the written statement regarding the aforementioned objection, much less, the framing of the issue.*

*Learned counsel for the petitioner argued at some length but has not been able to answer the aforementioned query.*

*On going through the Award, it has been found that neither there is any*

*objection in the written statement nor any issue had been framed.*

*At this stage, learned counsel for the petitioners submits he is not fully prepared with the matter and seeks short accommodation. Though this court after having heard the arguments for almost 15 minutes, should not have granted this indulgence but in the interest of litigant, the hearing of the matter is adjourned to 06.07.2017.”*

Learned counsel for the petitioners has been specifically asked as to how the writ petition should be entertained in the year 2017 against the order of 2015 i.e. after a delay of more than 1½ years to which he could not answer. Thus, various orders passed against the petitioners could not be challenged by way of one petition that too after a delay of more than 1½ years without giving any explanation. Thus, I do not find any reason to interfere in this petition and the same is hereby dismissed.

**11.08.2017**

*Vivek*

**(RAKESH KUMAR JAIN)  
JUDGE**

*Whether speaking/reasoned Yes/No*

*Whether reportable Yes/No*