

CWP-27332-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-27332-2017

Date of Decision: 24th September, 2018

Pritam Singh

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. N.D. Achint, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for setting aside the order dated 29.09.2017 (Annexure P-9) passed by the Additional Chief Secretary to Government of Haryana, Cooperation Department, whereby, revision petition preferred by the petitioner against the order dated 26.09.2006 (Annexure P-4) passed by the Assistant Registrar, Cooperative Societies, Kurukshetra, exercising the powers of the Registrar, Cooperative Societies, has been dismissed on the ground of limitation as well as on merits.

It is the contention of the learned counsel for the petitioner that the petitioner is a member of Sunarian Cooperative Credit and Services Society Ltd., Sunarian. In exercise of the powers conferred under Section 14 of the Haryana Cooperative Societies Act, 1984 (hereinafter referred to as '1984 Act'), the Assistant Registrar Cooperative Societies, Kurukshetra, exercising the powers of the Registrar, Cooperative Societies, amalgamated

the three societies i.e. (1) Sunarian Cooperative Credit and Services Society Ltd., Sunarian, (2) The Ram Saran Majra Cooperative Credit and Services Society Ltd. and (3) The Sanghore Cooperative Credit and Services Society Ltd., into 'The Ram Saran Majra Cooperative Society Ltd.'. This order of amalgamation was never acted upon and The Sunarian Cooperative Credit and Services Society Ltd., Sunarian is still operative. He contends that the petitioner being one of the members of the said Society never came to know the passing of the order by the Assistant Registrar Cooperative Societies, Kurukshetra, exercising the powers of the Registrar, Cooperative Societies, dated 26.09.2006 (Annexure P-4), in the light of the fact that the Sunarian Cooperative Credit and Services Society Ltd., Sunarian, continues to exist and operate. Petitioner could challenge the said order only when it came to his knowledge and therefore, filed a revision petition before the Government as per the provisions of Section 115 of the 1984 Act. He further states that on merits also, he has contested the amalgamation. He, therefore, contends that the dismissal of the revision petition by the Additional Chief Secretary to Government of Haryana, Cooperation Department, vide order dated 29.09.2017 (Annexure P-9) cannot sustain and deserves to be set aside including the order dated 26.09.2006 (Annexure P-4) passed by the Assistant Registrar, Cooperative Societies, Kurukshetra, exercising the power of the Registrar, Cooperative Societies.

I have considered the submissions made by the learned counsel for the petitioner but do not find myself in agreement with the submissions so raised especially in the light of the factual position as explained and

enumerated in the order passed by the Additional Chief Secretary to Government of Haryana, Cooperation Department, where, it is an admitted position that the order of amalgamation dated 26.09.2006 (Annexure P-4) was first time challenged on 18.10.2011 by filing a revision petition. It is also not disputed that objections were not filed to the proposal which was received by the Society as per the provisions of Section 14 (2) (i) of the 1984 Act. It, therefore, cannot be said that the petitioner was not aware of the factum of the proposal of passing such an order. The said proposal was admittedly received by the Society but no objections were filed, the Assistant Registrar, Cooperative Societies, Kurukshetra, exercising the power of the Registrar, Cooperative Societies, proceeded to pass the order of amalgamation of the societies referred to above. It cannot, therefore, be said that the observations made by the Additional Chief Secretary to Government of Haryana, Cooperation Department, in its order dated 29.09.2017 (Annexure P-9) that the petitioner had knowledge of the said order and he has challenged the amalgamation after a period of five years to be factually incorrect in any manner.

As regards the limitation, Section 113 of Chapter X of the Limitation Act, 1963, admittedly, would be applicable as the limitation prescribed therein is three years especially in the light of the fact that there is no limit prescribed under the 1984 Act. Petitioner has preferred the revision petition after a period of more than five years and therefore, the findings as recorded by the Revisional Authority cannot be said to be not in consonance with the provisions of the statute or being contrary to the facts.

The impugned order dated 29.09.2017 (Annexure P-9) passed by the Additional Chief Secretary to Government of Haryana, Cooperation Department, whereby, revision petition preferred by the petitioner against the order dated 26.09.2006 passed by the Assistant Registrar, Cooperative Societies, Kurukshetra, exercising the power of the Registrar, Cooperative Societies, has been dismissed, being in accordance with law does not call for any interference by this Court exercising the power under Articles 226/227 of the Constitution of India.

The present writ petition, therefore, stands dismissed.

24th September, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No