

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No.1209 of 2016 (O&M) in
CWP No. 18144 of 2012
Date of decision: 28.3.2018

Registrar, Cooperative Societies, Punjab and others

.. Appellants

v.

Gurtej Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Mohan Gupta, Additional Advocate General,
Punjab.

Mr. Vishal Sharma, Advocate for respondent No. 1.

...

Rajesh Bindal J.

The only grievance raised by the State in the present appeal filed against the order passed by the learned Single Judge is regarding imposition of cost of ₹ 5,00,000/-, which has been directed to be paid to the writ petitioner (respondent No. 1 herein), however, with liberty to recover the same from the officers/officials at fault, in accordance with law.

Learned counsel for the State submitted that attachment of the property of the respondent was done by Tehsildar, Samrala on the request of

Registrar, Co-operative Societies, Samrala, which, in turn, was on the request made by Neelon Kalan Cooperative Agricultural Service Society Limited. The case of the Co-operative Societies was that the property was given as a guarantee for loan advanced to Avtar Singh. The amount of cost imposed by this court has already been paid to respondent No. 1. Even the enquiry, as directed, has been concluded, in which the officials of the Co-operative Societies have been found responsible. Bungling in the record of the Co-operative Societies has been found. The office of Tehsildar or the Registrar, Co-operative Societies were not involved directly in the attachment of the property, hence, the only clarification sought is that liberty be granted to recover the amount of cost imposed from the officials of the Co-operative Societies as well, who were found to be at fault in the enquiry conducted by the Assistant Registrar, Co-operative Societies.

Though the Co-operative Societies was represented before the learned Single Judge, however, before this court, despite service, none has appeared on its behalf.

Learned counsel for respondent No. 1 submitted that he does not have any objection to the prayer made by learned counsel for the State, as he has already received the amount of cost, which was awarded on account of harassment by attachment of his property without being a guarantor for securing any loan and he had to fight litigation at different levels.

After hearing learned counsel for the parties, in our opinion, the present appeal can be disposed of with a clarification that the appellants shall be at liberty to recover the amount of cost imposed from any officer/ official either of the State or of the Co-operative Societies, whosoever is

found responsible, as a result of which respondent no. 1 has to face agony of litigation, his property having been attached without he being a guarantor for securing any loan. Ordered accordingly.

(Rajesh Bindal)
Judge

(Anil Kshetarpal)
Judge

28.3.2018
mk

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No