

CWP-11322-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11322-2019

Date of Decision: 01st May, 2019

Vinod Gupta

...Petitioner

Versus

Registrar Cooperative Societies, Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. C.M. Munjal, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for issuance of a writ of *mandamus* directing the respondents to execute the conveyance deed in favour of petitioner of plot No.1565 measuring 250 square yards, situated in Part-II of Phase-I of Saraswati Kunj Cooperative House Building Society, Gurugram.

Counsel for the petitioner states that the seniority list has been prepared by the Saraswati Kunj Commission, reference whereof has been made by this Court in its order dated 14.11.2018 passed in CWP No.24821 of 2018, titled as 'A.K.Kaul Vs. The State of Haryana & others' (Annexure P-6). In the said order, it has also been asserted that the seniority list shall not be bypassed and the plot should be offered according to that seniority list especially in the light of the observation of this Court in order dated 20.12.2012. Counsel for the petitioner further states that the respondent – Society is not following the seniority list which has been prepared by the

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Saraswati Kunj Commission while allotting/executing conveyance deed(s) of the plots and they are superseding the seniority in doing so. The reasoning for doing so which has been assigned by the respondent – Society is that the order dated 14.11.2018 passed by this Court in CWP No.24821 of 2018 (Annexure P-7) relates to one case only and it is not applicable to the other allottees.

Having considered the submissions made by the learned counsel for the petitioner and in case his assertions are correct, respondent – Society appears to have not understood the order dated 14.11.2018 (Annexure P-6) in its letter and spirit. To clarify and lay all doubts to rest, it is ordered that the seniority list as prepared by the Saraswati Kunj Commission shall be strictly adhered to while making allotment and execution of the conveyance deed to its members. Any violation thereof would be strictly construed and could be taken as contemptuous.

The writ petition stands disposed of with above observation.

(AUGUSTINE GEORGE MASIH)
JUDGE

01st May, 2019

Harish

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