

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

LPA-1158-2019 (O&M)

Date of Decision: October 15, 2019

Manjeet Kaur and others

... Appellants

Versus

Registrar Co-operative Societies, Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA

Present: Mr. H.S. Bedi, Advocate,
for the appellants.

RAVI SHANKER JHA, CHIEF JUSTICE, (ORAL)

This letter patent appeal has been filed by the appellants-petitioners against order dated 04.04.2019 passed in CWP-9018-2019, whereby the writ petition filed by the appellants-petitioners against order dated 04.01.2019 passed by the Deputy Registrar, Cooperative Societies, Faridkot and order dated 03.08.2018 passed by the Assistant Registrar, Cooperative Societies, Moga, upholding the removal of the appellants-petitioners as members of the Landeke Multipurpose Cooperative Agricultural Service Society Ltd., Landeke has been dismissed.

2. The learned counsel appearing for the appellants-petitioners submits that the appellants-petitioners have been removed on account of

default made by them in repaying the loan that they had taken from the Society. It is further submitted that in such circumstances, the authorities at behest has only passed an order under Rule 26 of the Punjab Co-operative Societies Rules, 1963 (for short “Rules of 1963”) ordering cessation of their membership, but could not have passed an order of removing them from the Committee under Section 26 of the Punjab Co-operative Societies Act, 1961 (for short “Act of 1961”). It is further submitted that Section 27 of the Act of 1961 has no applicability nor could it had been invoked to take action against the appellants/petitioners for committing default for repayment of loan. The learned counsel for the appellants further submits that the learned Single Judge has failed to appreciate and take into consideration aforesaid distinction between scope and applicability of Section 27 of the Act of 1961 and Rule 26 of the Rules of 1963. Hence, the impugned order suffers from perversity and illegality and deserves to be set aside.

3. We have heard learned counsel for the parties and have also carefully perused the provisions of Section 27 of the Act of 1961 and Rule 26 of the Rules of 1963.

4. A bare perusal of Section 27 of the Act of 1961 which is being quoted by the learned Single Judge in his order, it is apparent that any member of the Committee can be removed for committing persistent default in repayment of loan after giving him reasonable opportunity to state his objections. It is not a disputed fact that the appellants-petitioners had committed default in repayment of loan which fact has been recorded by the learned Single Judge in paragraph 9 of his order.

5. In the circumstances, we do not find any perversity or illegality in the order passed by the learned Single Judge warranting interference in it.

6. Accordingly, present appeal is dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

October 15, 2019
vkd

(RAJIV SHARMA)
JUDGE

Whether speaking / reasoned : Yes / No

Whether reportable : Yes / No