

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CIVIL WRIT PETITION NO.22197 OF 2014
DATE OF DECISION: AUGUST 20, 2019**

**The PSB Officers Cooperative House Building First Society Ltd.,
Chandigarh**

.....Petitioner

VERSUS

U.T.Administration, Chandigarh and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Naresh Jain, Advocate,
for the petitioner.

Mr. Sanjiv Ghai, Advocate,
for respondent Nos.1 to 3.

Mr. Kamal K. Sharma, Advocate,
for respondent No.4.

Mr. Arjun Partap Atma Ram, Advocate,
for respondent No.5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Affidavit on behalf of respondent Nos.1 to 3 dated 19.08.2019
filed today in Court is taken on record. Copy supplied to counsel for the
petitioner.

Learned counsel for the parties are *ad-idem* that the challenge
in this writ petition was to the appointment of the Administrator. However,
in the year 2016, elections of the Society were held and the Managing
Committee has taken over the charge. The Administrator, therefore, ceased
to hold office since 2016. Further challenge in the writ petition is to the

allotment of flat to Anil Kumar son of Muni Lal-respondent No.5.

On 31.10.2014, the following order was passed by this Court:-

“Learned counsel for the petitioner contends that no election of the society has been held, rather Administrator appointed by the official respondents is continuing as Administrator from the last more than 3 years. Learned counsel further contends that Administrator is selling/transferring the property of the society which is contrary to the provisions of the Punjab Cooperative Societies Act as well as the provisions of the Constitution of India. Learned counsel further contends that one of the plots has been allotted to respondent No.5-Anil Kumar son of Muni Lal and in this manner loss is being caused to the society.

Notice of motion for 16.12.2014.

In the meantime, operation of allotment letter (Annexure P/7) is stayed.

Administrator is directed not to transfer any share in future till the final decision of this writ petition.”

Further on 12.02.2015, the following order was passed:-

“CM No.1946 of 2015

Allowed. Replication on behalf of petitioner is taken on record subject to all just exceptions.

CWP No.22197 of 2014

Learned counsel for respondent No.5 submits that he has already deposited ₹67,6,715/-. It is further submitted that he has deposited the amount by taking loan. Learned counsel for respondent No.5 submits that since the stay has been granted,

the matter may remain pending for a long time and he will unnecessarily be burdened with interest, direction may be issued to the Society to refund the amount subject to the decision of present writ petition.

In view of above, respondent No.4 is directed to refund the amount, however, this will not prejudice the rights of respondent No.5.

On the request of learned counsel for respondent No.5, adjourned to 6.4.2015.”

In the light of the above facts, since the Managing Committee has taken over after the election of the petitioner-Society, it would be open to the said Managing Committee to look into the correctness or otherwise of the allotment of flat to respondent No.5 and in case it is found that allotment has not been done in a proper manner, then the Managing Committee would take a decision thereon in accordance with law.

It may be added here that the interim orders, which have been referred to above, would not in any manner prejudice the rights of any of the parties and the final decision of the Managing Committee would depend upon the merits of the case.

The writ petition stands disposed of with the above observations.

August 20, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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