

CWP-19387-2018

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

CWP-19387-2018

Date of Decision: 15th July, 2019

Ranbir Singh

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana
for respondents No.1 to 4.

Mr. Sandeep Antehri, Advocate
for respondent No.5.

Mr. Sushil Bhardwaj, Advocate
for Gobind Sharma (now elected President of Society)

AUGUSTINE GEORGE MASI, J. (ORAL)

In this writ petition, challenge is to the letter dated 23.07.2018 (Annexure P-1), whereby, notice/agenda for holding the meeting on 07.08.2018 at 11 AM at Garhi Birbal PACS Limited, Tehsil Indri, District Karnal, had been issued, on the ground that the mandatory period of holding the meeting has not been followed as clear 15 days notice has not been given to the petitioner and he has received the notice on 27.07.2018 for meeting to be held on 07.08.2018.

2. It is an admitted position as per the reply which has been filed by respondent No.2 – Deputy Registrar Cooperative Societies, Karnal, that

the petitioner had filed an application/petition on 30.07.2018 for cancellation of the meeting dated 07.08.2018 of the Managing Committee of Garhi Birbal PACS Ltd., Garhi Birbal, (hereinafter referred to as 'Society') called by the Presiding Officer, Inspector Cooperative Societies, Indri, District Karnal – respondent No.4. Date of hearing of the application was fixed on 06.08.2018 and the notice to this effect was also sent vide letter dated 01.08.2018. Despite service, none had put in appearance on behalf of Society, although representative of the petitioner as well as the Presiding Officer were present. Thereafter, this Court, vide order dated 06.08.2018, had issued notice and passed an interim order. On issuance of the interim order, the Deputy Registrar did not further proceed with the application/petition, dated 30.07.2018, filed by the petitioner.

3. It is apparent from the reply which has been filed that petitioner had approached the Competent Authority well in time and even a day prior to holding of the meeting, when the case was to be heard, parties were duly served but the matter could not be taken up because of the absence of the representative of Society – respondent No.5. The order which has been passed by this Court on 06.08.2018 is a conditional order, according to which, meeting as scheduled on 07.08.2018 was to go on but the decision taken therein would be subject to the outcome of the writ petition.

4. Keeping in view the above facts, direction is issued to the Deputy Registrar Cooperative Societies, Karnal – respondent No.2 to consider and decide the application/petition which has been submitted by the petitioner, dated 30.07.2018, on merits and decide the same within a

CWP-19387-2018

period of four weeks from the date of appearance of the parties. Learned counsel for Gobind Sharma, who has now been elected as President of the Society – respondent No.5 in the meeting held on 07.08.2018 states that he would appear before the said authority and participate in the proceedings. Let the other office bearers of respondent No.5 – Society elected pursuant to the meeting held on 07.08.2018 be also summoned for the said date. Parties are directed to appear before the Deputy Registrar Cooperative Societies, Karnal – respondent No.2 i.e. 31.07.2019.

5. In view of the above facts and circumstances of the case, election of the President and other office bearers of respondent No.5 – Society would be dependent upon the outcome of the decision to be taken by the Deputy Registrar Cooperative Societies, Karnal – respondent No.2 on the application/petition filed by the petitioner and decision so taken would be binding upon the parties. It goes without saying that the concerned party may, thereafter, avail of their remedy in accordance with law.

6. Disposed of accordingly.

7. Copy of this order be given **dasti** to the counsel for the State under signatures of the Bench Secretary of this Court to convey the same for information and compliance.

(AUGUSTINE GEORGE MASIH)
JUDGE

15th July, 2019
Harish

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