

CWP-22211-2018 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22211-2018 (O&M)

Date of Decision: 11th February, 2019

Gurmeet Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Dheeraj Mahajan, Advocate, for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab
for respondents No.1 to 4-State.

Mr. Amit Rana, Advocate for
Mr. Akashdeep Singh, Advocate, for respondent No.5.

Mr. R.K. Sharma, Advocate for the applicant(s)
in CM-16095-CWP-2018 & CM-16096-CWP-2018.

AUGUSTINE GEORGE MASI, J. (ORAL)

Challenge in this writ petition is to the order dated 08.08.2018 (Annexure P-7) passed by the Additional Registrar (Administration), Cooperative Societies, Punjab, whereby, stay order granted in favour of the petitioner on 08.11.2017 (Annexure P-5) and 15.11.2017 (Annexure P-6) has been vacated without issuing notice to the petitioner or impleading The Rokhe Cooperative Labour and Construction Society Ltd., Rokhe and The Bhangali Kalan Cooperative Labour and Construction Society Ltd., Bhangali Kalan, as respondents.

It is the contention of the learned counsel for the petitioner that the petitioner had filed a revision petition which was pending before the

Additional Registrar (Administration), Cooperative Societies, Punjab. The said revision petition No.200 of 2017 was heard by the Additional Registrar (Administration), Cooperative Societies, Punjab and granted a stay order in favour of the petitioner on 09.11.2016 (Annexure P-3), which order was further continued after clarification vide order dated 15.11.2017 (Annexure P-6). It is, thereafter, on 08.08.2018, Additional Registrar (Administration), Cooperative Societies, Punjab, without issuing notice to the petitioner or impleading The Rokhe Cooperative Labour and Construction Society Ltd., Rokhe and The Bhangali Kalan Cooperative Labour and Construction Society Ltd., Bhangali Kalan as party, accepted the contentions raised by the alleged representatives of these cooperative society(s) and vacated the order of stay granted in favour of the petitioner, while adjourning the case for filing replication. This, counsel for the petitioner states, is in violation of the principal of natural justice as without giving any notice of hearing or chance to the petitioner to defend his case, interim order granted in his favour has been vacated. He, thus, contends that the impugned order cannot sustain and deserves to be set aside.

Counsel for the State is unable to rebut the said contention of the learned counsel for the petitioner.

Reply on behalf of respondent No.5, which has been filed in Court, is only a formal reply, wherein, it has been stated that the said respondent is a proforma respondent.

Two applications i.e. CM-16095-CWP-2018 and CM-16096-CWP-2018 have been filed, one by The Rokhe Cooperative Labour and

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Construction Society Ltd., Rokhe and the another by The Bhangali Kalan Cooperative Labour and Construction Society Ltd., Bhangali Kalan for impleading as party respondents. Learned counsel for these applicants also could not rebut the contention of the learned counsel for the petitioner.

In view of the above, present writ petition is allowed. Impugned order dated 08.08.2018 (Annexure P-7) passed by the Additional Registrar (Administration), Cooperative Societies, Punjab, is hereby set aside being violative of the principal of natural justice. The case is remanded back to the Additional Registrar (Administration), Cooperative Societies, Punjab – respondent No.2 for fresh decision on the application for vacation of stay, if any. Parties are directed to appear before the Additional Registrar (Administration), Cooperative Societies, Punjab, on 27.02.2019.

The interim order granted by this Court dated 04.09.2018 shall continue till a decision is given on the question of stay or till the decision of the revision petition, whichever is earlier.

CM-16095-CWP-2018,
CM-16096-CWP-2018 &
CM-16097-CWP-2018

No order is required to be passed in these applications in light of the disposal of the main writ petition as above.

(AUGUSTINE GEORGE MASIH)
JUDGE

11th February, 2019
Harish

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