

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

CWP-24842-2014

Date of Decision: February 28, 2020

DR. RAVI PRASHAR AND OTHERS

...Petitioners

Versus

CHANDIGARH ADMINISTRATION AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA.

Present: Mr. Padamkant Dwivedi, Advocate,
for the petitioners.

Mr. Vikas Bali, Advocate, and
Mr. Daman Dhir, Advocate,
for respondent Nos. 1 to 3.

Mr. R.S. Bains, Advocate,
for respondent No. 4.

G.S. SANDHAWALIA, J. (ORAL)

Challenge in the present writ petition is to the order dated 25.06.2013 (Annexure P-4), passed by respondent No. 2 – Registrar, Co-operative Societies, U.T. Chandigarh, whereby Clause 7, as such, was deleted from the earlier instructions dated 16.07.2009 (Annexure P-2). The said clause reads as under:-

“7. The share of original membership is restricted to be transferred in favour of one person and not in favour of two persons.”

An argument has been raised that the said respondent did not have any authority, as such, to pass the said order, deleting clause 7. It is pertinent to notice that clause 7, which was part of the earlier order dated

16.07.2009, was also issued by the Registrar, Co-operative Societies.

Reply has been filed by the Chandigarh Administration in which the Administration, as such, has not raised any such objection that the said order is without any authority of its official. It has been averred that it is an order passed keeping in view Rule 45 of the Punjab Co-operative Societies Rules, 1963, as applicable to U.T. Chandigarh, which empowers the Registrar to issue such directives from time to time, as he considers necessary for the successful conduct of the business of the Co-operative Society or class of Co-operative Societies. Rule 45 of the 1963 Rules, reads as under:

“45. Directives by Registrar for the successful conduct of business:- The Registrar may, from time to time, issue such directives as he considers necessary for the successful conduct of the business of a Co-operative Society or class of Co-operative Societies.”

It has been further averred that as per the impugned order, the voting right, as such, has been restricted to only the first named person.

Counsel for the petitioners, as such, was not able to demonstrate under which provision the said order was without any authority. He has only referred to an approval of a draft, dated 08.10.2009 (Annexure P-3), of the Secretary, Co-operations, which is a communication by the Finance Secretary.

If the Chandigarh Administration has any such objection to the order passed, it was always for the competent authority, as such, to review

or recall the order passed by respondent No. 2. In such circumstances, in the absence of any illegality, the writ petition is baseless and the same stands dismissed.

(G.S. SANDHAWALIA)
JUDGE

February 28, 2020

P Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO