

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 206)**

(1)

CWP No. 1538 of 2012

Date of Decision : 06.07.2022

Jagir Singh and others

...Petitioners

Versus

U.T. of Chandigarh and others

...Respondents

(2)

CWP No. 2492 of 2012

Date of Decision : 06.07.2022

Jagir Singh and others

...Petitioners

Versus

Chandigarh Administration U.T., Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. I.S. Saggu, Advocate for the petitioners.

Mr. Tahaf Bains, Advocate for respondent No. 5.

Ms. Kavita Arora, Advocate for respondent No. 6.

Harsimran Singh Sethi J. (Oral)

By this common order, two writ petitions, the details of which have been given above, are being disposed of as both the writ petitions involve the same question of law on similar facts.

For the sake of convenience, the facts are being taken from CWP No. 1538 of 2012.

The challenge in the present writ petition is to the order dated

05.08.2010 (Annexure P-14) passed by respondent No. 3 as well as to the order dated 27.09.2011 (Annexure P-15) passed by respondent No. 1 by which, the appeal filed by the respondent No. 5 was allowed and the Revision Petition filed against the said order by respondent No. 6-Society was dismissed.

It may be noticed that order dated 05.08.2010 (Annexure P-14) was passed in the appeal preferred by respondent No. 5, which appeal was directed against the RCS Punjab Employees Cooperative House Building Society Ltd. i.e. respondent No. 6 and the Revision Petition was filed by the said Society through one Teja Singh Rana, which was dismissed on 27.09.2011 (Annexure P-15).

The present petition has been filed by the members of the Society, who were ex-members of the Managing Committee of respondent No. 6-Society and not by the Society itself. The preliminary objection has been taken by the private respondent that the petitioners have no locus-standi to file the present petition, as they were not party to the litigation, which has resulted into the passing of the impugned orders.

Learned counsel for respondent No. 5 argues that rather the Society has been impleaded as respondent No. 6 and, therefore, the present petition is not maintainable.

Learned counsel for the petitioners argues that being the member of the Society, petitioners are to look after the interest of the Society and as the Society is being run through Administrator at the moment and the Administrator did not take any action for challenging the impugned orders, there was no other option with the petitioners to impugn the orders so as to secure the interest of the Society.

At this stage, learned counsel appearing on behalf of respondent No. 6 submits that Society be given an opportunity to look into this aspect as to whether, the impugned orders need to be challenged by the Society or not.

Learned counsel appearing on behalf of respondent No. 6 submits that in order to arrive at a correct decision, so as to minimise the litigation, the Administrator of the Society will take appropriate decision on the issue in question, in case both the parties approach the Administrator with their respective pleas.

Learned counsel for the petitioners as well as respondent No. 5 submits that they have no objection to submit their case before the Administrator so as to facilitate the decision as to whether, the impugned orders dated 05.08.2010 (Annexure P-14) as well as order dated 27.09.2011 (Annexure P-15) attached with the petition, has resulted in a situation, which causes any financial loss to the Society or not.

Learned counsel for respondent No. 6 submits that within a period of two months, appropriate decision will be taken in case, any petitioner approach the Administrator with a grievance.

Learned counsel for respondent No. 6 submits that in order to facilitate a correct decision, opportunity of hearing will be given to the petitioners as well as respondent No. 5 to substantiate their respective cases.

Learned counsel for the petitioners as well as respondent No. 5 have no objection to the said proposal and submit that the petitioners will submit appropriate representation for the consideration of respondent-Society with respect to the orders dated 05.08.2010 (Annexure P-14) as well as order dated 27.09.2011 (Annexure P-15) within a period of one month

from today.

Learned counsel for respondent No. 5 submits that within a period of one month thereafter, respondent No. 5 will also submit his comments to the claim of the petitioners along with the documents concerned to substantiate his case that all the amount due to the Society has already been furnished by him rather, he has given more amount than the demand though under protest.

The present petitions are disposed of with the direction to respondent No. 6 that in case, the petitioners file any representation raising the challenge by respondent No. 6-Society qua the impugned orders dated 05.08.2010 (Annexure P-14) as well as order dated 27.09.2011 (Annexure P-15) before the Administrator of respondent No. 6-Society, the same be decided after giving due opportunity to respondent No. 5 to present his case, within a period of two months from the receipt of the representation/reply of respondent No. 5 to the said representation and thereafter, appropriate action be taken in case needed as per the direction of the Administrator of respondent No. 6-Society.

It is made clear that any party aggrieved against the order to be passed by the Administrator of respondent No. 6-Society, will have liberty to avail appropriate remedy for the redressal of their respective grievances by the Administrator of respondent No. 6-Society before the authorities concerned as per the Co-operative Societies Act, 1961.

Disposed of.

July 06, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No