

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

CWP No.16897 of 2021 (O&M)

Date of Decision.11.10.2022

The Lok Sewak Cooperative Marketing-cum-Processing Society Ltd.

...Petitioner

Vs

Registrar Cooperative Societies Pb. and others

...Respondents

2. CWP No.17453 of 2022

The Punjab State Cooperative Supply and Marketing Federation Limited
and another

...Petitioners

Vs

Joint Registrar Cooperative Societies, Ferozepur Circle, Ferozepur and
others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Harjot Singh Bedi, Advocate
for the petitioner in CWP No.16897 of 2021 and
for respondent No.3 in CWP No.17453 of 2022.

Mr. T.S. Sidhu, Advocate
for the petitioners in CWP No.17453 of 2022.

Ms. Jasvir Kaur, Advocate
for respondent No.4 & 5 in CWP No.16897 of 2021.

Mr. Sehajbir Singh Aulakh, AAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

Replies filed on behalf of respondent No.5 in CWP No.16897
of 2021 and for respondents No.1 and 2 in CWP No.17453 of 2022 are
taken on record.

By this common order, this Court disposes of both the writ
petitions. The facts are being enumerated from CWP No.17453 of 2022.

The petitioners are aggrieved against the order dated 09.03.2021 (P-5) passed by respondent No.2 whereby the petitioners have been ordered to pay Rs.19,39,600/- with interest @6% per annum and to pay rent of godown No.6.

In brief the facts are that the land measuring 7700 sq. yards was allotted by the Administrator of New Mandi Township Punjab to Markfed in the year 1977 as per the allotment letter dated 26.08.1974. The Markfed in turn handed over the land in question to respondent No.3-Lok Sevak Cooperative Marketing-cum-Processing Society Ltd., Faridkot. Three godowns were constructed on the said land and numbered as Godwns No.4, 5 & 6 respectively. The said Society leased out the godowns to Markfed for which rental was being paid. Since a dispute arose regarding the payment qua godown No.6, the Society filed a petition under Section 55 of the Punjab Cooperative Societies Act raising a dispute therein claiming rent for the said godown, which petition was allowed and the award was passed in favour of the society.

Aggrieved against the said award, Markfed then approached the Joint Registrar in an appeal under Section 68 of the Punjab State Cooperative Societies Act. The Joint Registrar by impugned order dated 09.03.2021 (P-5) took note of all the contentions, however, has not returned a finding regarding the rent payable and has gone on to decide the issue regarding ownership. Aggrieved against the said order whereby no decision was taken on rent payable qua godown No.6, two writ petition have been filed challenging the said order.

Learned counsel appearing for the Markfed as well as the Society assail the said order on the ground that question of ownership was

not to be decided and issue to be considered is whether the society claiming rent from Markfed for godown No.6 is entitled to the same.

Counsel appearing on behalf of the Markfed in CWP No.17453 of 2022 assails the said order on the ground that Markfed has been fastened with the liability to pay rent by the Arbitrator on a petition filed under Section 55 of the Punjab Cooperative Societies Act by the society claiming rent. Whereas learned counsel appearing on behalf of the society claiming rent submits that the question of ownership was never under consideration.

It is interesting to note that though Markfed has assailed the order by filing its independent writ petition, counsel appearing for the Markfed in CWP No.16897 of 2021 would submit at bar that the question of paying rent would not arise since the Markfed itself is the owner of the property and they are paying the property tax.

I have heard learned counsel for the parties and have perused the order dated 09.03.2021 passed by respondent No.1-Joint Registrar Cooperative Societies, Ferozepur Circle, Ferozepur, which is non-speaking. Admittedly, the society had filed a petition under Section 55 of the Punjab Cooperative Societies Act claiming rent for godown No.6, which petition stood allowed. The award was challenged on behalf of the Markfed by taking a plea in the appeal that they were not liable to pay any such rent, however, the Joint Registrar has gone on a different premise of trying to decide the issue of ownership, which was never in question. Consequently, the order dated 09.03.2021 is set aside and the matter is remanded back to the Joint Registrar Cooperative Societies, Ferozepur Circle, Ferozepur to decide the appeal afresh in accordance with law.

Parties are directed to appear before the Joint Registrar

Cooperative Societies, Ferozepur Circle, Ferozepur on 21.10.2022.

Both the writ petitions stand disposed of in above terms.

(JAISHREE THAKUR)
JUDGE

October 11, 2022

Pankaj*	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No