

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CWP-14871-2018

Date of Decision : April 08, 2022

**The Rajia Multipurpose Agricultural Cooperative Society, Village
Rajia, District Barnala Through Darshan Singh, President and Ram
Singh, Vice-President**

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Sonia G. Singh, Advocate for the petitioner.

Ms. Anju Sharma Kaushik, Deputy Advocate General, Punjab.

Mr. Tribhawan Singla, Advocate, for respondents No. 7 to 9.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present petition, challenge is to the impugned order dated 23.08.2011 (Annexure P-5) as well as order passed in the revision dated 03.09.2015 (Annexure P-7) by which, the revision petition filed by the petitioner against the order dated 23.08.2011 (Annexure P-5) was rejected being preferred to an authority not competent to decide the same keeping in view the order passed by this Court in ***CWP No.17162 of 2011 titled as The Rajia Multipurpose Agricultural Cooperative Society versus State of Punjab and others, decided on 10.05.2012.***

As per the facts mentioned in the petition, there was one Cooperative Society namely Rajia Multipurpose Agricultural Cooperative Society, which was in existence since August, 1958. The Society included

two Villages namely Village Pandher and Village Rajia. Keeping in view certain requisitions made by the representative of Village Pandher, the Rajia Multipurpose Agricultural Cooperative Society was bifurcated into two vide order dated 23.08.2011. The said order was impugned before this Court in CWP No.17162 of 2011, which was disposed of by the following order:-

“The petitioner seeks quashing of the order dated 23.08.2011 [Annexure P-5] whereby distribution/division of its assets has been ordered.

Learned counsel for the parties are ad-idem that in view of the Full Bench decision of this Court in Jasbir Singh & Ors. V Commissioner [Appeals], Jalandhar Division & Ors., 2011 [3] PLR, 545, the petitioner Society is firstly required to file a revision petition before the State Government under the Punjab Cooperative Societies Act, 1961.

In view of this, the writ petition is disposed of by relegating the petitioner to the afore-stated alternative remedy. With a view to enable the petitioner Society to prefer its revision petition within two weeks, it is directed that the interim order dated 14.09.2011 shall continue to operate till 24.05.2012.

Disposed of. Dasti.”

In pursuance to the said order, a revision petition was preferred before the Registrar Cooperative Society as the impugned order dated 23.08.2011 (Annexure P-5) was passed by the Assistant Registrar Cooperative Societies, Barnala. The Registrar Cooperative Society marked the said revision petition to be decided by the Joint Registrar Cooperative Society, Patiala, Division Patiala, who dismissed the said revision petition on the ground that as per the order passed by this Court, reproduced above, the revision petition should have been filed before the State and not before

the Officers of the Department of Cooperative Society and hence, the same is not maintainable. The said order has been impugned in the present petition.

Learned counsel for the respondent-State submits that once in the order passed by this Court, the petitioner was relegated to avail the remedy of revision petition before the State, in terms of the same the revision petition has to be filed before the Secretary of the Department of Cooperative Society and not before the Registrar Cooperative Society and therefore, no fault can be found in the impugned order dated 03.09.2015 (Annexure P-7).

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The revision is to be preferred keeping in view the provisions of the Cooperative Societies Act, 1961 (hereinafter referred as '1961 Act'). Section 69 of the 1961 Act, which empowers the filing of the revision petition is as under:-

*“ **69. Revision-** The State Government and the Registrar may, suo moto or on the application of a party to a reference, call for and examine the record of any proceedings in which no appeal under Section 68 lies to the Government or the Registrar, as the case may be, for the purpose of satisfying itself or himself as to the legality or propriety of any decision or order passed and if in any case it appears to the Government or the Registrar that any such decision or order should be modified, annulled or revised, the Government or the Registrar, as the case may be, may, after giving persons affected thereby and opportunity of being heard, pass such order thereon as it or he may deem fit.”*

A bare perusal of the above would show that not only the State Government but the Registrar also has power to decide revision petition under Section 69 of the 1961 Act. The said revision will lie keeping in view the order passed by the authority against which revision petition has been preferred. In case, the order against which the revision is being filed, is passed by the Registrar Cooperative Society, then the revision is to lie to the State Government but in case, the order is passed by an authority subordinate to Registrar, the revision will lie to the Registrar Cooperative Society. The respondents have dismissed the revision petition by plain reading of the order passed by this Court and not by co-relating the same with provisions as envisaged under Section 69 of the 1961 Act.

From the facts of this case, as the order dated 23.08.2011 (Annexure P-5) was passed by the Assistant Registrar Cooperative Society, Barnala, the Registrar or an Officer of the Cooperative Society, enjoying the powers of the Registrar is competent to decide the revision petition preferred against the said order and therefore, the impugned order dated 03.09.2015 (Annexure P-7) has been passed without appreciating the order passed by this Court in CWP No.17162 of 2011 in correct perspective. The said order dated 03.09.2015 (Annexure P-7) is set aside. Registrar Cooperative Society or any other Officer exercising the powers of the Registrar, is directed to decide the revision petition filed by the petitioner afresh on merits.

As the revision petition was filed in the year 2015, it will be in the interest of justice, if the revision petition is disposed of in a time bound manner as expeditiously as possible.

The present petition is disposed of in above terms.

April 08, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No