

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CWP No. 744 of 2012 (O&M)
Date of Decision : 06.07.2022

Jagir Singh and others

...Petitioners

Versus

U.T. of Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

None for respondents No. 1 to 3.

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

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

Harsimran Singh Sethi J. (Oral)

In the present petition, the challenge is to the order dated 21.11.2011 (Annexure P-14) wherein on the issue of maintenance of the common area of the Society, the Registrar Co-operative Societies has mentioned that equal amount from all the members of the Society should be collected irrespective of the category of houses allotted to them on right from the stage of construction to the stage of maintenance.

Learned counsel for the petitioners submits that the said order can be misconstrued to mean that even for the other areas, the charges to be borne by the members are to be in equal proportion.

The order passed by the Registrar Co-operative Societies is

clear but is being misread by the petitioners. Once, the order has been passed on the issue of the charges to be levied for maintaining the common area, the order dated 21.11.2011 (Annexure P-14) is to be construed in that aspect only.

Learned counsel appearing on behalf of respondent No. 10 also submits that the order dated 21.11.2011 (Annexure P-14) is to be maintained qua the construction as well as the maintenance cost to be borne by the members qua the common area only.

That being so, once the parties are clear in their mind that the order dated 21.11.2011 (Annexure P-14) only relates to the common area and its maintenance and the charges to be borne by the members stated in the impugned order only relates to the common area and the same need not be misread by anyone.

No order is required to be passed in the present writ petition qua the prayer of the petitioners and the same is disposed of as such without any order as to costs.

CM-9832-CWP-2018

As the present petition has been disposed of, the present application also stands disposed of.

July 06, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No