

118.

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

CWP-2431-2023

Date of Decision: 07.02.2023

SATISH KUMAR AND ORS

.... Petitioners

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajeev Sharma (Raju), Advocate,
for the petitioners.

JAISHREE THAKUR.J (Oral)

The present writ petition has been filed seeking to quash the impugned order dated 17/18.01.2023 (Annexure P-5) as passed by respondent No.3-Deputy Registrar, Cooperative Societies, Kurukshetra and the impugned notice dated 31.01.2023 (Annexure P-6) as issued by respondent No.4, whereby the Manager of the Ambli Credit and Service Society Limited, Ambli, has been directed to put in appearance before the office of Assistant Registrar, Cooperative Societies, Naraingarh, regarding the validity of the resolutions No.1 to 13, dated 31.03.2022, as passed by the General Body of the Ambli PACS, Ambli.

Learned counsel appearing on behalf of the petitioners would submit that the General Body of the Ambli Cooperative Credit and Service Society Limited, Ambli, District Ambala, held its meeting after due notice to all members on 31.03.2022 and passed certain resolutions which resolutions were put before the Assistant Registrar, Cooperative Societies, Naraingarh,

who sent his recommendations to rescind the resolutions to the Deputy Registrar, Cooperative Societies, Kurukshetra. The recommendations in fact were sent under Section 27 of the Haryana Cooperative Societies Act, 1984. Respondent No.3 i.e. Deputy Registrar seized of the recommendations, as sent, held that the recommendations could not have been made under Section 27 of the said Act, however, remanded the matter back to the Assistant Registrar with a direction to proceed under Section 25 of the Haryana Cooperative Society Act, 1984 and Rule 110(d) of the Haryana Cooperative Societies Rules, 1989 (for short, 1989 Rules'). Counsel would submit that the resolutions were duly passed by the General Body and, therefore, there is no infirmity in the same. The Deputy Registrar had no jurisdiction to issue any directions to Assistant Registrar to proceed under Section 25 of the Act and Rule 110(d) of the 1989 Rules. Pursuant to the orders so passed, the petitioners had been asked to put in appearance before the Assistant Registrar on 31.01.2023 and as the said Officer was not in office, the matter stood adjourned.

I have heard learned counsel for the petitioners and find that the petitioners herein have a remedy to take all pleas as taken in this writ petition before the authorities so concerned. At the moment, the Society through its Manager has only been asked to put in appearance and justify the resolutions so passed. The pleas taken that the General Body had duly been convened and had passed the resolutions can be taken up before the Assistant Registrar who would look into the matter and would consider the fact whether the resolutions have been duly passed or not or the same needed to be rescinded. Thus, the instant petition is premature.

Consequently, the writ petition is disposed of in limine allowing the petitioners to take all pleas as taken in this writ petition in their defence before the Assistant Registrar who would consider all pleas as raised thereunder and pass appropriate orders in accordance with law.

(JAISHREE THAKUR)
JUDGE

07.02.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No