

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101+218

CM-13883-CWP-2023 in/and
CWP-10386-2018
Date of decision: 22.08.2023

PREM KUMAR AND ANOTHER

.....Petitioners

VERSUS

THE REGISTRAR COOPERATIVE SOCITIES HRY AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Salil Dev Singh Bali, Advocate and
Mr. Rajinder Yadav, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1 to 3.

Ms. Aarti Sharma, Advocate for
Mr. Shailender Mohan, Advocate
for respondent No.4.

VINOD S. BHARDWAJ, J. (Oral)

CM-13883-CWP-2023

The instant application has been filed under Order 22 Rule
3 read with Section 151 of the Code of Civil Procedure, 1908 for
including the Legal representative of petitioner Prem Kumar.

Application is allowed as prayed for.

Amended Memo of parties is taken on record.

Registry is directed to tag the same at appropriate place.

CWP-10386-2018

Prayer in the present petition is for seeking quashing of the

order dated 06.04.2018 (Annexure P-10) passed by respondent No.3 i.e. Assistant Registrar Cooperative Societies, Hisar whereby the petitioner had been denied inspection of the record of respondent No.4-Co-operative Society.

2. The petitioners who claim to be the erstwhile members of the Hisar Indian Co-operative House Building Society Ltd. i.e. respondent No.4. Contend that the functioning of the said society was not being undertaken as per the applicable rules. Accordingly, a complaint was submitted before the Assistant Registrar, Hisar regarding misutilization of the assets of the Society and a demand was also raised for inspection of the said records. However, in the proceedings before Assistant Registrar, the Secretary of the Society appeared and showed irrelevant records to the petitioner, however, no copies thereof were supplied to the petitioners. The petitioners were further informed or contacted by the society or their office bearers in any of the future meetings. Aggrieved thereof, the petitioner No.1 tendered his resignation on 12.04.2017.

3. It is alleged that the petitioner had been arrayed as a defendant in Civil Suit No. 277-C of 2014 titled as "*Chander Singh Sehrawat versus The Hisar Indian Coop. House Building Society Ltd. Hisar and others*" which was instituted by plaintiff Chander Singh Sehrawat allegedly by concealing the true and correct facts. The plaintiff in their plaint has made declaration to the effect that he had become owner in possession of certain piece of land as described in the suit on the basis of some agreement executed. It was thus claimed that

he was entitled to seek transfer of the aforesaid land in his name from the defendant which also included the petitioner herein. A judgment and decree dated 22.05.2017 were drawn in favour of the plaintiff therein as the petitioners who were defendants in the said suit were proceeded against ex-parte. The defendant No.3 i.e. the Secretary of the Society filed Civil Appeal before the Additional District Judge, Hisar wherein an interim stay against the judgment and decree of the Civil Judge (Junior Division), Hansi has been granted. The petitioners, however, received an execution notice dated 03.10.2017 (Annexure P-5). It is averred that during the course of execution proceedings, the petitioners submitted certain representations to the respondent authorities for inspecting/furnishing the record of the society but to no avail. Aggrieved thereof petitioners filed CWP-4764 of 2018 titled as "Prem Kumar and another versus Registrar, Cooperative Societies, Haryana" which was disposed of with a direction to the Assistant Registrar Cooperative Societies to take action on the representations submitted by the petitioner in accordance with the provisions of the Act and the rules applicable.

4. In compliance of the said order, an application was submitted again to the Assistant Registrar, Cooperative Societies, for taking appropriate action on the pending representations. A decision (Annexure P-10) was thereafter conveyed by the Assistant Registrar whereby it was intimated that as the petitioners were not the members of the society and had transferred the plot in favour of some other members, hence, they were not entitled to inspect or take copies of the

record of the Society.

5. Upon notice, reply by way of an affidavit of Sanjeev, Assistant Registrar, Cooperative Societies, Hisar had been filed on 26.07.2018. As per the averments contained in the said reply, the petitioner No.2-Narender Kumar Bhayana was enrolled as member of the Society on 05.02.2007 and was elected as Vice President of the Managing Committee on 21.06.2007. He resigned from the post of Vice President on 16.10.2014 and on 19.02.2015, he got the registration deed executed in respect of the plot. He also resigned from the membership of the Society.

6. Further, insofar as petitioner No.1-Prem Kumar Garg is concerned, the said petitioner was enrolled as a member of the Society and that he was elected as a Committee member on 21.06.2007. He transferred his plot to another member of the Society. Consequently, his membership was also terminated. They were thus no longer members of the Society. Reference was made to the provisions of Section 120 (2) of the Haryana Cooperative Societies Act, 1984 as per which access to the record of Cooperative Society is made available only to the members and since the petitioners were no more members of the Society, they could not seek access to the said records.

7. Even though, the aforesaid written statement had been filed in 2018 and the matter had been taken up repeatedly on various occasions thereafter, however, no replication/rejoinder controverting the specific position taken by the respondents has been filed.

8. Taking into consideration that there is a prohibition

contained against inspection of record by any person who is not a member, I find that the order passed by the Assistant Registrar, Cooperative Societies does not suffer from any illegality or perversity. The instant writ petition is accordingly dismissed. The dismissal of the present writ petition would, however, not operate as a bar against the petitioner in seeking recourse to his alternative remedies in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 22, 2023

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No