

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

CWP-27640-2023

Date of decision : 08.12.2023

GCS Vivek

.....Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ketan Chopra, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for directing the respondent society to consider the seniority of the petitioner at Serial No.2 from Serial No.22 keeping in view the letter spirit of the principle of first cum first serve basis in furtherance to last payment made by the petitioner towards 500 square yards plot which is much prior to last payment made by person listed at Serial No.2 which otherwise also violate the rights of seniority of the petitioner and therefore is unsustainable in the eyes of law are opposed to the bye-laws of the respondent-society as well as of the provisions of the Haryana Societies Act, 1984 and the Rules framed thereunder. Further prayer has been made for ensuring that the official respondents as well as the society adhere to the bye laws of the society as well as the provisions of the Haryana Societies Act, 1984 and the Rules framed there under vis a vis and upholding the principle of seniority as well as the doctrine of first come first serve with regards to the allotment of plots and execution of deed of conveyance with regards to the allotted

plots inter se the seniority of the members of the society. Further prayer has been made for directing and ensuring that the official as well as the society to correct the seniority of petitioner and then adhere to the report of Sharma Commission and no allotment or execution of deed is done in derogation of the same. Further prayer has been made for directing, restraining and ensuring that the official respondents as well as the respondent society to further not allot or execute and register the conveyance deed of Plot No.1587 in favor of anyone else except the petitioner till the time claim of the petitioner for execution of relevant documents for registration of conveyance deed in respect to Plot No.1587 is done in name of petitioner or any other alternate plot of the same size has got registered in name of petitioner. Further prayer has been made for directing respondent No.6 to consider the claim of petitioner in furtherance to order dated 23.07.2021 (Annexure P-21) passed by respondent No.4.

It has been contended by counsel for the petitioner that the petitioner has already filed his representation for the redressal of his grievance however, no action has been taken on the same till date.

Notice of motion.

On asking of the Court, Ms. Upasana Dhawan, AAG, Haryana accepts notice on behalf of the respondents-State. She submits that respondent No.4 has already taken cognizance of the representation/complaint filed by the petitioner vide order dated 23.07.2021 and has directed respondent No.6 to decide the grievance of the petitioner and the matter is pending before respondent No.6 till date.

After hearing counsel for the parties and perusing the record, the present petition is disposed of with direction to respondent No.4-The Assistant Registrar, Cooperative Societies, Gurgaon, Haryana to ensure the compliance of the direction given by him to respondent No.6 with regard to the decision within four weeks from the date of receipt of certified copy of this order.

08.12.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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