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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11623-2017

Date of decision: 04.11.2025

DAVINDER KUMAR

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Pardeep Solath, Advocate
for the petitioner.

Mr. Nitin Kaushal, Addl. A. G., Haryana.

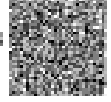
Mr. S. S. Dalal, Advocate
for respondent No.3.

JASGURPREET SINGH PURI, J. (Oral)

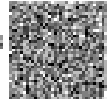
1. The present petition has been filed under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 22.12.2016 (Annexure P-9) passed by respondent No.1 and order dated 25.05.2015 (Annexure P-8) passed by respondent No.2, with a further prayer to direct respondent No.1 to allow the petitioner to avail all the benefits of the membership of respondent No.3-Society in accordance with law.

2. Learned counsel for the petitioner while giving the facts of the present case submitted that the petitioner was a member of respondent No.3-

The Indian Youth Cooperative Transport Society Limited, Ambala and was



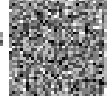
elected as the President of the aforesaid Society. He further submitted that the petitioner is aggrieved by the alleged Resolution dated 28.09.2011, which has been annexed along with the present petition as Annexure P-6, which is stated to have been passed by the Managing Committee of the aforesaid Society, whereby at item No.3 of the said Resolution, it has been recorded that the petitioner submitted his application by stating that due to family circumstances, he does not want to continue as a member of the Society and therefore, his membership be cancelled and his share money be returned and this Resolution was approved by the Managing Committee of the Society, wherein his signatures are also purported to have been made. He further submitted that although the signatures of the petitioner appear on the aforesaid Resolution but a forgery was committed by other members of the Society, whereby the aforesaid item No.3 was inserted later on which was not within the knowledge of the petitioner and he never submitted his resignation or any such kind of application for not continuing as a member of the Society. In this regard, he submitted that there has been an interpolation in the original record of the aforesaid Resolution dated 28.09.2011, whereby in item No.2, the name of the petitioner has been deleted and after applying fluid, the name of some other person i.e. Rahul Khurana has been inserted indicating that the authority has been given to the aforesaid person to sign official correspondence with the department. He further submitted that in this way, in the original proceedings book of the Society, interpolation has been made not only in the aforesaid name of the petitioner, which was so substituted with the name of Rahul Khurana but also in item No.3 of the Resolution, which was absent at the time when the



petitioner signed the proceedings book and which was later on inserted to falsely indicate that his resignation or decision not to continue with the Society stands approved, whereas in fact it was never part of the original proceedings.

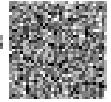
3. Learned counsel for the petitioner further submitted that one of the members, namely, Kuljit Singh, who also signed the proceedings book was never a member of the Society and therefore, the aforesaid proceedings could not have taken place. He further submitted that the respondent-Society has relied upon a receipt by which the petitioner is stated to have received an amount of Rs.8,600/- from the Society as share money. He further submitted that the revenue stamp on that receipt was not cross-signed and therefore, it cannot be said that the petitioner furnished the receipt. He also submitted that the petitioner had never given any application with regard to his not continuing with the Society and therefore, the receipt issued and the application stated to have been written by the petitioner were never signed by him and in this way, the Resolution was passed at the back of the petitioner by inserting item No.3.

4. Mr. Solath further submitted that the aforesaid Resolution was challenged by the petitioner before the Deputy Registrar (Enf.), Cooperative Societies, who vide order dated 31.12.2012 (Annexure P-7) rescinded the agenda item No.3 by observing that it was unbelievable that a person holding the post of President would write his name differently and in the opinion of the Deputy Registrar (Enf.), Cooperative Societies, there was something serious behind the same and it was a matter to think that why a person would firstly resign from the post of Presidentship and later on approach the Courts concerned for restoring his membership and in this way, the membership of the



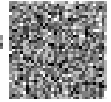
petitioner was restored vide the aforesaid order passed by the Deputy Registrar (Enf.), Cooperative Societies.

5. He further submitted that thereafter, against the aforesaid order passed by the Deputy Registrar (Enf.), Cooperative Societies, respondent No.3-Society filed an appeal under Section 114 of the Haryana Cooperative Societies Act, 1984, before the Additional Registrar (Admn.), Cooperative Societies, Haryana and vide impugned order dated 25.05.2015 (Annexure P-8), the order passed by the Deputy Registrar (Enf.), Cooperative Societies, was set aside while allowing the appeal. He further submitted that thereafter, the aforesaid order passed by the Additional Registrar (Admn.), Cooperative Societies, Haryana, was assailed by the petitioner before the Additional Chief Secretary to Government of Haryana, Cooperation Department, by filing a revision petition under Section 115 of the Haryana Cooperative Societies Act, 1984 and the same was dismissed vide impugned order dated 22.12.2016 (Annexure P-9). He further submitted that these two orders passed by the Additional Registrar (Admn.), Cooperative Societies, Haryana and the Additional Chief Secretary to Government of Haryana, Cooperation Department, are challenged before this Court on the ground that the order passed by the Deputy Registrar (Enf.), Cooperative Societies, has been wrongly set aside. He also submitted that once an interpolation was detected in the original record then neither the Additional Registrar (Admn.), Cooperative Societies, Haryana, nor the Additional Chief Secretary to Government of Haryana, Cooperation Department, should have reversed the order passed by the Deputy Registrar (Enf.), Cooperative Societies and therefore, both the aforesaid impugned orders are liable to be set aside.



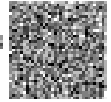
6. On the other hand, learned counsel for respondent No.3-Society in pursuance of the orders passed by this Court on 18.07.2024 and 21.08.2025 has produced the original record of the proceedings of the Society before this Court today. While referring to the aforesaid original record of the proceedings, he submitted that there is no doubt that in item No.2 of the Resolution, there is a fluid mark, wherein the name of Rahul Khurana has been mentioned, who was given the power to sign official correspondence with the department. He further submitted that the aforesaid issue with regard to fluid mark, by which the name of Rahul Khurana was inserted, was considered in detail by the Additional Registrar (Admn.), Cooperative Societies, Haryana and in fact, the aforesaid name figures in item No.2 but not in item No.3, regarding which the grievance has been raised by the learned counsel for the petitioner that item No.3 was subsequently inserted. He further submitted that the petitioner is not disputing his own signatures on the proceedings book but he is only disputing that item No.3 was not existing at the time when he signed the proceedings book and the same has been inserted later on. To this, learned counsel for respondent No.3 submitted that it is not possible that the President of the Society would sign the proceedings book at a place where the above few lines are not even mentioned and are blank and therefore, the aforesaid argument raised by the learned counsel for the petitioner is totally improbable and unsustainable.

7. Mr. Dalal further submitted that the petitioner is rather in the habit of signing in different ways and using different names. To substantiate his arguments, he submitted that in the proceedings book containing the Resolution dated 28.09.2011, which pertains to the subject matter of the present case, the

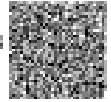


petitioner signed as 'Devinder Sharma' and furthermore, in the earlier number of proceedings, which are also part of the same record, the petitioner for a number of times signed his name as 'Devinder Sharma' and there is no discrepancy with regard to the same. He submitted that however, when the petitioner filed an application for resignation and requested that he does not want to continue with the Society, he signed as 'Devinder Kumar' and same name was used when he signed the receipt of Rs.8,600/- after discontinuing from the Society on the same date and therefore, the stand of the petitioner that although he signed the proceedings book dated 28.09.2011 but item No.3 was inserted later on cannot be believed and all these issues have been taken care of by both the authorities below vide Annexure P-8 and Annexure P-9 and the findings of fact may not be interfered with by this Court in exercise of powers under Article 226 of the Constitution of India.

8. So far as the argument raised by the learned counsel for the petitioner pertaining to signatures of one Kuljit Singh is concerned, it was so submitted by the learned counsel for respondent No.3 that even if the proceedings book had been signed by a stranger, it would not be fatal to the Resolution as the same was signed by the petitioner himself, who at the relevant time was the President and the maintenance of the proceedings book was his responsibility. However, it was the case of the learned counsel for the petitioner that fraud would be substantiated from the fact that the aforesaid Kuljit Singh was never a member of the Society prior to 28.09.2011 and no proceedings at all have been shown, whereby he was inducted as a member of the Society and therefore, he could not have signed the Resolution dated 28.09.2011.



9. This Court after perusing the record and hearing the learned counsels for the parties is of the considered view that irregularities exist on both sides. So far as the petitioner is concerned, his signatures on the aforesaid proceedings book are in the name of 'Devinder Sharma' and on the original receipt and his application by which he tendered his resignation, he has signed as 'Devinder Kumar' and a perusal of the present paper-book would show that in the present petition he has signed as 'D. Sharma' and even in the affidavit annexed along with present petition, he has signed as 'D. Sharma' and in this way, he has signed in three different manners. It is not understandable as to how one person could sign in three different ways by changing the names i.e. Devinder Sharma, Devinder Kumar and D. Sharma. So far as the aforesaid Kuljit Singh is concerned, it was so noted down by the Deputy Registrar (Enf.), Cooperative Societies that he has signed the aforesaid proceedings dated 28.09.2011 but when and how he was inducted as a member was never discussed and this aspect was also never discussed by the Additional Registrar (Admn.), Cooperative Societies, Haryana and the Additional Chief Secretary to Government of Haryana, Cooperation Department. So far as the argument raised by the learned counsel for respondent No.3 is concerned, although the petitioner signed the proceedings book but it is unclear as to why he signed at a place where five lines above were left blank. Therefore, there appears to be something fishy which ought to have been considered in totality by the authorities below. The findings of the Deputy Registrar (Enf.), Cooperative Societies have been reversed by the Additional Registrar (Admn.), Cooperative Societies, Haryana, without looking at that issue.



10. In view of the above, this Court is of the considered view that it will be just and proper to direct the concerned authorities to re-consider the matter.

11. Consequently, the present writ petition is allowed. The impugned order dated 25.05.2015 (Annexure P-8) and order dated 22.12.2016 (Annexure P-9), are hereby set aside. The matter is remanded back to the appellate authority to pass a fresh order. It is directed that the appeal shall now be decided by the Registrar, Cooperative Societies, Haryana, himself, after affording an opportunity of hearing to the parties or their counsels and considering all the issues pertaining to allegation of fabrication in the proceedings book. The parties are directed to appear before the Registrar, Cooperative Societies, Haryana, on 20.11.2025.

12. The original record is hereby returned back to Mr. S. S. Dalal, learned counsel for respondent No.3-Society.

(JASGURPREET SINGH PURI)
JUDGE

04.11.2025
Chetan Thakur

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