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

CWP-14213-2018

Date of Decision: 27.10.2025

Harjinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Harbans Lal Sharma, Advocate
for the petitioner.

Ms. Shruti, AAG, Punjab,
for respondents No.1 & 2.

None for respondent No.3.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the order dated 01.03.2018 (Annexure P-2) passed by respondent No.2 whereby the land belonging to the petitioner has been attached even though the petitioner is not a party to the proceedings and even before reference was made to the Deputy Registrar, which is against the provisions of Section 65 of the Punjab Cooperative Societies Act, 1961 (hereinafter referred as 'the Act') and no opportunity of hearing was given to the petitioner regarding the same.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner is aggrieved by an order passed by the Assistant Registrar, Cooperative Societies, Jalalabad vide Annexure P-2 whereby the share of the property of the petitioner has been attached in order to secure

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some amount which is stated to be due against his son. He further submitted that the impugned order (Annexure P-2) has been passed in pursuance of the provisions of Section 65 of the Act which was not even applicable to the present petitioner. While referring to the provisions of Section 65 of the Act which has been reproduced in Para No.8 of the petition, he submitted that the aforesaid provision on the face of it applies to a person, who is a party to any reference made under Section 55 of the Act. He further submitted that the petitioner is not even a party to any of the reference under Section 55 of the Act and rather he is not even a member of any Society including the respondent-Society and submitted that the aforesaid provision of Section 65 of the Act does not even apply to the present petitioner, who is alien to the Cooperative Society. He also submitted that the mere fact that the son of the petitioner is a co-sharer in the property would not mean that the share of the present petitioner can be attached because the aforesaid provision was not even applicable to the petitioner and therefore, the impugned order passed by the Assistant Registrar, Cooperative Societies, Jalalabad vide Annexure P-2 was totally illegal and contrary to Section 65 of the Act under which purportedly the action has been taken by the Assistant Registrar and hence, the same is liable to be set aside.

3. The aforesaid legal position with regard to the non-applicability of Section 65 of the Act under which the order was passed could not be controverted by learned State Counsel. While referring to the short reply filed by the Assistant Registrar, Cooperative Societies, Jalalabad, District Fazilka, she submitted that the only reason for attachment of the property of the petitioner was that the son of the petitioner, who was working as Secretary of the Society and it was detected that he was involved in



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misappropriation of the stock of the Society and therefore, the property of the petitioner was also attached.

4. I have heard the learned counsel for the parties.

5. The only short issue involved in the present case is as to whether the property of the petitioner, who is neither a member of the Society nor is a party to any reference nor any allegation is levelled against him at any stage, can be attached under Section 65 of the Act or not. A perusal of the aforesaid provision of Section 65 of the Act would show that the same is applied where the Registrar is satisfied that a party to any reference made to him under Section 55 of the Act with intent to defeat or delay the execution of any decision, an order can be passed with regard to his or her property or the property even can be attached. However, admittedly the petitioner is neither a party to any reference nor is he even a member of the Cooperative Society. The mere fact that the son of the petitioner is facing embezzlement charges regarding which as per the learned State Counsel even an appeal/revision petition is pending before the Financial Commissioner, would not mean that the provisions of Section 65 of the Act could be invoked for the present petitioner, who has got nothing to do with the Society itself.

6. Therefore, considering the aforesaid facts and circumstances of the case, the present writ petition is allowed. The impugned order dated 01.03.2018 (Annexure P-2) is hereby set aside.

27.10.2025

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No