



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209 (02)

Decided on : 28.10.2025

1. [LPA-1887-2017](#) (O&M)

HARPAL SINGH

. .Appellant

Versus

THE REGISTRAR COOPERATIVE SOCIETIES CUM DEPUTY
COMMISSIONER AND OTHERS . . . Respondents

2. [LPA-1890-2017](#) (O&M)

PAWAN GOEL

. .Appellant

Versus

THE REGISTRAR COOPERATIVE SOCIETIES CUM DEPUTY
COMMISSIONER AND OTHERS . . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

PRESENT: Mr. Gurminder Singh, Senior Advocate with
Mr. I. S. Saggu, Advocate for the appellants
in both appeals.

Ms. Madhu Dayal, Advocate for respondent-UT, Chandigarh.

Mr. Alok Jagga, Advocate
for respondent No. 3 in LPA No. 1890 of 2017.

Mr. Sarabjit Singh, Respondent No. 3 in person,
in LPA No. 1887 of 2017.

HARSIMRAN SINGH SETHI , J. (Oral)

1. Present two appeals, the details of which are mentioned in the



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heading, involve common point of law and common set of facts, hence, they are being dealt together. For the sake of convenience, the facts are being taken from LPA No. 1887 of 2017.

2. In the present appeals, the challenge is to the order passed by learned Single Judge dated 05.09.2017 by which, the memo dated 10.02.2015 received by appellants in pursuance of resolution dated 05.02.2015, cancelling allotment made in favour of the appellant passed by administrator of the Registrar Cooperative Societies, has been upheld, according to which resolution/memo, the substitution made by the society against surrender of flats by certain members on account of their cancellation due to failure of requisite payment for the allotment of the certain flats to other members on the ground that same was against the bye-laws of the society as well as that no prior approval was taken from the competent authority i.e. Registrar Cooperative Societies.

3. Certain facts need to be noted for the correct appreciation of the issue in hand.

4. The Society, namely, Chandigarh Sector-16, Cooperative House Building (First) Society Ltd. Victoria Enclave, was allotted land by the Chandigarh Housing Board on 25.01.2002 in Sector 50- C, Chandigarh for construction of dwelling units and allotting the same to its members. The respondent No. 3-Sarabjit Singh in LPA No. 1887 of 2017 and respondent NO. 3-Chitranjan Aggarwal in LPA No. 1890 of 2017 were initially allotted the dwelling units by the society concerned being member of the society.

5. Thereafter, dispute qua default of payment arose and a



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resolution dated 17.05.2010 (Annexure P-2) was passed by the society so as to cancel the allotment made in favour of five allottees whose default in payment was more than Rs. 7,50,000/- and the dwelling units which so allotted to others become vacant consequently to be allotted to other members.

6. On the basis of the resolution dated 17.05.2010 (Annexure P-2), a meeting of society concerned was held on 25.05.2010 wherein, the cancellation of dwelling units allotted in favour of private respondent No. 3-Sarabjit Singh in LPA No. 1887 of 2017 and private respondent NO. 3-Chitranjan Aggarwal in LPA No. 1890 of 2017 was done and the said dwelling units were subsequently allotted to appellant- Harpal Singh in LPA-1887-2017 and appellant- Pawan Goel, in LPA-1890-2017 respectively.

7. After passing the said resolution vide order dated 25.05.2010 (Annexure P-4), the society concerned sent the requisite names of substitute members to Joint Registrar Cooperative Society for approval of substituted names vide letter dated 22.10.2010 (Annexure P-9). In pursuance to the said letter an order dated 30.01.2015 (Annexure P-12) was passed by Registrar Cooperative Societies, declining substitution of the name recommended by the society by giving a numbers of reasons such as that the vacant dwelling units on cancellation should have been allotted by way of draw of lots and further that the substitution done qua certain flats including the flats which were allotted to the appellants herein was done contrary to the act, rules, bye-laws as no prior approval was taken from Registrar Cooperative Societies.



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8. Feeling aggrieved against the said decision of the Registrar Cooperative Societies, the writ petitions were filed challenging the said order dated 30.01.2015 (Annexure P-12) which writ petition has been dismissed by learned Single Judge vide order dated 05.09.2017 which order has been impugned herein. Learned Single Judge placed reliance upon the terms and conditions of the allotment rules/letters that in case of substitution is done so as to allot the dwelling unit, prior approval of the Registrar Cooperative Societies needs to be taken, which was not taken and therefore, the substitution in the names of members getting flats after removing the name of private respondents namely Sarabjit Singh and Chitranjan Aggarwal, is bad and the non-grant of approval of said aspect from Registrar Cooperative Societies is valid.

9. Learned Senior counsel for the appellants submits that when the dwelling units were allotted to the appellants, there was no scheme prepared for said purpose and once, such scheme was prepared later on, and the said scheme of substitution was approved by the Registrar Cooperative Societies, hence, any substitution in the name of the allottees done in pursuance to the said scheme which was in consonance with the bye-laws of the society concerned, no prior approval was required.

10. Learned Senior counsel for the appellants on an alternative argument submits that even otherwise, the society concerned sought approval of Registrar Cooperative Societies for substitution in names of the allottees vide letter dated 26.10.2010, which contention of the appellants was rejected by the Registrar Co-operative Societies as no prior approval was granted



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vide the impugned order dated 30.01.2015 hence, the said rejection at the hands of the Registrar is based on incorrect grounds as no act, rule or bye-laws which prohibited the substitution has been cited while passing of the said order dated 30.01.2015, which fact has been ignored by learned Single Judge while accepting/upholding the order of Registrar Cooperative Societies dated 30.01.2015.

11. Learned Senior Counsel for the appellants further submits that rather than adjudicating upon the aspect that whether any approval was granted against the request letter dated 22.10.2010 issued by society concerned, the same has been disposed of while recording a finding that even before issuing of the letter dated 22.10.2010, the approval from Registrar Cooperative Societies should have been taken which approval could not be taken as the same would mean that even before deciding upon any names for substitution, approval is to be taken which is incorrect interpretation of the provisions as same would amount to taking of approval for an aspect which has not been finalized yet which is incorrect, hence, in case the names of the substitutions members are brought to the notice of the Registrar Cooperative Societies that the approval of the same can only be granted which process was followed, which fact has been misread by the authorities concerned as well as by the learned single judge.

12. Learned counsel appearing on behalf of the respondents submits that the dwelling units which were allotted to the appellants were the same which were earlier allotted in favour of the private respondents till the same got cancelled and as of now, the claim against the cancellation of said



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allotment raised by the private respondents that whether the cancellation of allotment of dwelling units which was earlier in their favour and was ultimately allotted to the appellants is valid or not, is still pending before the authorities concerned. Learned counsel for the private respondents submits that the cancellation of the dwelling units allotted to respondents was held to be bad by the Registrar Cooperative Societies against which decision a revision petition has been filed by the society, which revision petition is pending before the Advisor to the Administrator, U.T., Chandigarh and therefore, till the proceedings qua cancellation of said dwelling units is finalised, the dwelling units even otherwise could not have been allotted further in favour of the appellants by the society concerned by pre-empting that the cancellation of the dwelling units allotted in favour of the private respondents was valid.

13. Learned counsel for the U.T, Chandigarh submits that the prior approval from the Registrar Cooperative Societies was mandatory under allotment rules of the dwelling units in case substitution in names of allottees of the dwelling units is to be done and as no prior approval was taken from the Registrar Cooperative Societies before substituting appellants as against the private respondents the impugned order passed by the learned Single Judge is perfectly valid and further it is also a point of consideration for this Court that the appellants are not even the members of the society as of now.

14. We have heard learned counsel for the parties and have gone through the case file with their able assistance.



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15. The first question which needs to be adjudicated is that whether the act of the society of cancelling the dwelling units, which were initially allotted in favour of the private respondents has attained finality or not so as to decide that whether, the said dwelling units has rightly been allotted in favour of the appellants or not.

16. It is a conceded position between the parties that the cancellation the dwelling units which were initially allotted in favour of the private respondents, which allotment was cancelled by the society concerned, which cancellation was set-aside by the Registrar Cooperative Societies after hearing the parties i.e. the private respondents and the society concerned.

17. The society concerned has filed a revision petition against the order of Registrar Cooperative Societies cancelling the allotment in favour of the private respondents, which issue is pending before the Advisor to the Administrator, U. T. Chandigarh. Till the proceedings qua the aspect of cancellation of the allotment of dwelling units is finalized, the said dwelling units cannot be treated as vacant so as to be allotted to a substituted member.

18. Hence, the question qua allotment of dwelling units concerned to the appellants and seeking prior approval from the Registrar Cooperative Societies qua allotment of said units does not arise in the facts and circumstances of the present case, though, the society concerned treated the cancellation at final and requested the Registrar Cooperative Societies to grant the approval to the names of substituted member vide its letter dated 22.10.2010.

19. Keeping in view the totality of circumstances of the present



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case, the Advisor to the Administrator, U. T. Chandigarh, is requested by this Court to decided the said revision petition filed by the society concerned finally as soon as possible preferably within the period of four months so that the issue that whether any vacant dwelling units exists for purpose of allotment of the same to a substituted member could be ascertained. In case, the dwelling units allotted to the respondents is to be treated as cancelled, in that case only the issue qua grant of said units to substituted member will come in existence.

20. In case the order passed by the Registrar, Cooperative Societies setting-aside the order of cancellation of the dwelling units passed by the society concerned, which units were allotted in favour of the private respondents is upheld, no further action needed to be taken.

21. In case, the revision petition filed by the society concerned against the order dated 30.01.2015 passed by the Registrar Cooperative Societies is to be allowed, which means that the dwelling units, which were allotted in favour of the respondents, namely, Sarabjit Singh in LPA No. 1887 of 2017 and Chitrانjan Aggarwal in LPA No. 1890 of 2017 becomes vacant to be allotted to substituted member, then Registrar Cooperative Societies will decide upon the issue that whether the said dwelling units, as proposed by the society concerned can be allotted in favour of the appellants namely Harpal Singh in LPA-1887-2017 and Pawan Goel, in LPA-1890-2017, respectively or not , as their name were recommended vide order letter 22.10.2010.

22. It may be noticed that the said letter dated 22.10.2018 is to be



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treated as a proposal on behalf of the society concerned and the same be not rejected “*as that the prior approval has not been taken from the Registrar Cooperative Societies*”. The approval of said substitution of names can only be taken from the Registrar Cooperative Society after society recommends the name of the substitutes members. It is only after the names of the substitutions are submitted and later on approved then only the dwelling units can be allotted in the favour of substituted members.

23. In case, the respective dwelling units allotted in favour of the appellants become vacant after order passed by the competent authority in the revision filed by the society, the registrar cooperative society will pass an order in respect of the recommendations made by the societies vide letter dated 20.10.2010 within a period of two months from passing of order by Advisor to the Administrator, U. T., Chandigarh deciding revision petitions, after hearing the society as well as private respondents by passing speaking order giving due reasons for accepting the substituted names or for declining the proposal dated 22.10.2018 qua the names of substitute members.

24. Learned counsel for the parties agrees that as of now dwelling units is under the possession of the appellants and they are actually residing in the same hence, till any order is passed by the Advisor to the Administration, U.T. Chandigarh, the appellants will be allowed to retain the said dwelling units. In case, the order passed by the Advisor to the Administrator, U.T. Chandigarh is in favour of the private respondents namely Sarabjit Singh in LPA No. 1887 of 2017 and Chitrans Aggarwal in LPA No. 1890 of 2017 and they become the owner of the said dwelling



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units then the appellants subject to availing their appropriate remedy if any, will vacate the said dwelling units within the period of three months from the date of such order is passed .

- 25. The present appeals are disposed of in above terms.
- 26. Pending civil miscellaneous application(s), if any, stand disposed of.
- 27. A photocopy of this order be placed on the file of connected case.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

28.10.2025

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Whether speaking/reasoned: *Yes/~~No~~*
Whether Reportable: *~~Yes~~/No*