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

**CWP-27933-2024
Date of Decision: 02.12.2025**

Amrik Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Deepak Verma, Advocate
for the petitioner.

Ms. Shruti, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of *certiorari* for setting aside the impugned order dated 28.03.2022 (Annexure P-5) passed by the Joint Registrar, Co-operative Societies, Jalandhar Division, Jalandhar with a further prayer to direct the authorities to recover the amount of award as passed against respondents vide Annexure P-3.

2. Learned counsel for the petitioner submitted that the petitioner is a member of respondent No.5-Surapur Village Multipurpose Cooperative Agricultural Services Society Ltd. He further submitted that when the petitioner was not a member of the Management Committee of the Society, he gave a complaint to the Senior Superintendent of Police, Nawanshahr vide Annexure P-1 on 30.08.2016 wherein he alleged that the private respondents have committed a scam and have embezzled some amount out

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of the Society. The matter was enquired into by the police but no FIR was lodged and thereafter, the matter was sent to the concerned official of the Co-operative Department and consequent upon the same, the aforesaid Society filed an application before learned Assistant Registrar, Cooperative Societies under Sections 55 & 56 of the Punjab Co-operative Societies Act, 1961, which was decided by learned Assistant Registrar, Co-operative Societies vide Annexure P-3 on 29.03.2019. In the aforesaid order, the Assistant Registrar, Co-operative Societies, while deciding the proceedings came to the conclusion that the private respondents were held responsible for the embezzlement and he also directed that the amount be recovered from the persons, whose names are mentioned in this order. Thereafter, out of the aforesaid persons against whom the order was passed, seven persons, who were held responsible for embezzlement, filed a statutory appeal under Section 68 of the Punjab Co-operative Societies Act, 1961 before the Deputy Registrar, Co-operative Societies, who passed an order vide Annexure P-4 by dismissing the appeal being time barred. Thereafter, all the aforesaid seven persons filed a revision petition before the Joint Registrar, Co-operative Societies, Jalandhar Division which was decided by way of the impugned order dated 28.03.2022 (Annexure P-5) whereby the order passed by the Assistant Registrar was modified to the extent that all the persons, who were held responsible for embezzlement were exonerated except one Gurdeep Singh, who had already died and one other person, namely, Paramjit Singh, Secretary of the Society. So far as the aforesaid Gurdeep Singh is concerned, it was so held that the recovery can be made from his legal heirs. So far as the aforesaid Paramjit Singh, Secretary is concerned, it



was directed that his two annual promotions will be discontinued without future effect and also directed the Assistant Registrar, Cooperative Societies, Nawanshahr that proceedings be initiated to redeem the land attached of the aforesaid Paramjit Singh, Secretary.

3. Learned counsel further submitted that in this way learned Joint Registrar, Co-operative Societies has modified the order without any justifiable reasons.

4. On the other hand, Ms. Shruti, AAG, Punjab submitted that the petitioner has got no *locus standi* to challenge the aforesaid order passed by learned Joint Registrar, Co-operative Societies. She further submitted that although the petitioner has filed a complaint to the SSP, Nawanshahr but consequent upon the same, no FIR was registered in this regard but the matter was enquired into by the officials of the Co-operative Societies and there is a procedure prescribed under Sections 55 & 56 of the Punjab Co-operative Societies Act, 1961 whereby the proceedings can be held which were rightly held and the Assistant Registrar, Co-operative Societies processed with the aforesaid proceedings and found the aforesaid persons as being responsible for the embezzlement. She further submitted that before learned Assistant Registrar, Co-operative Societies, the petitioner was not even a party and thereafter, before the next two higher authorities i.e. Deputy Registrar, Co-operative Societies and the Joint Registrar, Co-operative Societies, the petitioner was also not a party and therefore, the petitioner does not have any *locus standi* to challenge the aforesaid order. She also submitted that the mere fact that the petitioner had filed a complaint to the SSP would not mean that he would maintain a writ petition here for

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challenging the aforesaid order passed by the Joint Registrar, Co-operative Societies and even at that point of time, when he filed a complaint before the SSP, he was not even a member of the Management Committee of the Society and submitted that on this ground itself, the present writ petition is liable to be dismissed.

5. Learned State Counsel further submitted that apart from the above, even otherwise also, the petitioner is now raising disputed question of fact before this Court and there is a finding of all the three authorities below. She prayed for dismissal of the present petition.

6. I have heard learned counsel for the parties.

7. On a query being raised to learned counsel for the petitioner as to whether after filing of a complaint to the police vide Annexure P-1, he has ever been associated with the proceedings before the departmental authorities i.e. the Assistant Registrar, Deputy Registrar and the Joint Registrar, Co-operative Societies or as to whether he had even moved any application for being impleaded as party to which he submitted that he did not do so. A perusal of the memo of the parties of the authorities which passed the orders i.e. the Assistant Registrar, Deputy Registrar and the Joint Registrar, Co-operative Societies would show that the petitioner was not a party to the aforesaid proceedings.

8. The Assistant Registrar, Co-operative Societies on the basis of the proceedings under Sections 55 & 56 of the Punjab Co-operative Societies Act, 1961 had passed a detailed order vide which the persons whose names are mentioned in the order, were held responsible. The relevant portion of the aforesaid order is reproduced as under:-



“In view of the above, I Rohit Kumar Assistant Registrar Co-operative Societies Nawanshahr, PCS-2 as Arbitrator order that the actual amount of the arbitration case is Rs.11.22.286/Interest Rs.14,030/- Expenses Rs.250/- Total Rs.11.36,566/- is liable to be recovered from heirs of Gurdeep Singh (deceased) or by bidding for the attached land, Mr. Kulveer Singh son of Mr. Rashpal Singh President resident of village Surapur, Mr. Harjinder Singh son of Mr. Swaran Singh Sr. Vice President resident of Surapur, Mr. Narottam Singh Son of Mr. Darshan Singh Vice President resident of Surapur, Mr. Gurmel Singh Committee Member resident of Surapur. Mr. Bhupinder Singh Son of Mr. Sukhdev Singh Committee Member resident of Surapur, Mr. Karnail Singh Son of Mr. Jeevan Singh Committee Member resident of Surapur, Mr. Gurdeep Lal son of Mr. Sohan Lal committee member resident of Surapur, Mr. Harmel Singh son of Mr. Harnam Singh committee member resident of Surapur, Mr. Rana Ram son of Mr. Sohan Lal committee member resident of Surapur in equally. Interest at the rate of 10% on the principal amount will continue till the date of payment. If this amount is not recovered in ordinary course, it should be done under section 63 B and C of the Punjab Cooperative Societies Act, 1961. The decision was pronounced on the spot in the presence of both parties.

Dated: 29-03-2019

Sd/-

(Rohit Kumar) Arbitrator, Assistant Registrar
Co-operative Societies, Nawanshahr”

9. Thereafter, out of the aforesaid persons, seven persons had filed an appeal before the Deputy Registrar, Co-operative Societies who dismissed the appeal on the ground of limitation. Thereafter, all the aforesaid

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seven persons had filed a revision petition before the Joint Registrar, Co-operative Societies vide which the impugned order (Annexure P-5) was passed and the aforesaid order passed by the Assistant Registrar, Co-operative Societies was modified.

10. This Court is therefore unable to accept the contention raised by learned counsel for the petitioner. The aforesaid facts and circumstances clearly suggest that the petitioner does not have any *locus standi* to file the present writ petition. Even otherwise also, the petitioner is raising a disputed question of fact which cannot be gone into while adjudicating a writ petition. Consequently, finding no merit in the present writ petition, the same is hereby dismissed.

02.12.2025

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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