

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****220****RSA-2989-2015 (O&M)****Date of decision: 27.04.2026****Gugan Singh Hooda****...Appellant(s)****Vs.****State of Haryana and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. N.K.Malhotra, Advocate
for the appellant.

Mr. Naveen Kumar, Addl. A.G., Haryana.

NIDHI GUPTA, J.

The plaintiff is in Second Appeal against the concurrent judgments and decrees of the learned District Courts, whereby the suit filed by the appellant for mandatory injunction, has been dismissed by both the District Courts.

2. Brief facts of the case are that plaintiff had filed the present Suit seeking mandatory injunction directing the defendants to delete "State of Haryana" from the vehicles in question; and to print "Haryana Cooperative Sugar Mill Ltd Bhali Anandapur (Rohtak)" as the name of registered owner on the vehicles; and further directing the defendants not to allow any private person or any other officer to use the said vehicles without prior permission of the competent authority.

3. It is *inter alia* submitted by Id. Counsel for the appellant that plaintiff is one of the elected members of the Board of Directors of



Haryana Cooperative Sugar Mill. 3 vehicles bearing No. HR12K-6933 (car); HR-46-9143 (utility); and HR-12F-3919 (Jeep) belonged to the Sugar Mill as registration certificates of all the above 3 vehicles are in the name of defendant No.3 i.e. M.D. Haryana Cooperative Sugar Mill Ltd. Bhali Anandpur (Rohtak). However, respondent No.3 has got “Haryana State” written on the said vehicles; whereas State of Haryana has no concern with the same. It is submitted that therefore it was necessary that the words “Haryana State” be deleted as some private persons and officers of the District used to unauthorisedly travel through the said vehicles even though the said vehicles belong to the defendant No.3. However, the learned District Courts have failed to appreciate this fact. It is accordingly prayed that the present Appeal be allowed; and the name of the owner i.e. respondent No.3 be written on the said vehicles; and necessary direction be issued to respondent No.3 that no private person or office without prior permission be allowed to use the vehicles.

4. *Per contra*, learned counsel for the respondent-State vehemently opposes aforesaid submissions advanced on behalf of the plaintiff and submits that respondent-State is major stake holder in the defendant no.3/ Haryana Cooperative Sugar Mill. Therefore, in actual fact it is State of Haryana, which is owner of the said vehicles. In any event, plaintiff has also failed to prove any misuse or unauthorized use of said vehicles by the defendant No.3. He accordingly prays for dismissal of the present Appeal.



5. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of learned counsel for the appellant.

6. A perusal of the record of the case shows that defendant had produced Ex.D2 which is Detail of Share Capital as on 31.03.2010 of the Haryana Cooperative Sugar Mills Ltd. Bhali Anandpur, Rohtak. From the said document, it is established that State of Haryana is the major shareholder to the extent of 97.91% in the defendant no.3/Sugar Mill. Needless to say, since major part of the share capital is contributed by State Government of Haryana, then defendant No.3 is a State entity; and is deemed to be State Agency as working under the Haryana Government. As such, no ground is made out for deleting name of State of Haryana as owner of the said vehicles.

7. Furthermore, as per the testimony of DW1 Ranbir Sharma, it was proved that Deputy Commissioner, Rohtak is Chairman of the said Sugar Mill; and Managing Director is HCS Officer, who is a Government official. From this too, it is clear that Haryana State Government has persuasive control over the said Mill and was thus very well entitled to write 'Haryana State' over the said vehicles.

8. As regards contention of the appellant that the said vehicles were being misused by the State of Haryana by being unauthorisedly used for travel by other persons, the same is also incorrect. Relevant findings of learned First Appellate Court in this regard are contained in para 12 of the judgment dated 05.08.2014. The relevant extract of which reads as under: -



“12.....The orders of the Deputy Magistrate, Rohtak Exhibit DW3 to Exhibit D12 go on to show that from time to time while exercising the powers under the Haryana Requisition and Acquisition of Moveable Property Act, 1975(Haryana Act No.9 of 1975), the District Magistrate being the competent authority under the Act, requisitioned the vehicles owned by M.D. Sugar Mill, Rohtak in connection with either the visit of the Governor of Haryana or for pulse polio program or for administrative work etc. Thus, the stand raised by plaintiff that the vehicles are being requisitioned without sending any letter has no force. Rather the evidence led by defendants show that the vehicles are being legally requisitioned for public purposes or in the public interest and hence, the District Magistrate, Rohtak is competent under the Act to requisition the said vehicles. Hence, the learned Civil Judge (Junior Division), Rohtak was perfectly justified in holding that the Haryana Government has deep and persuasive control over the said Co-operative Society through Deputy Commissioner, Rohtak and the Managing Director of the aforesaid mill and hence, the Sugar Mill is deemed to be a State Agency working under the Control of Haryana State Government. The plaintiff miserably failed to lead any evidence that the vehicles are being used by private persons or by any District Officers for private use.”

9. Learned counsel for the appellant is unable to controvert or dispute the above said facts and findings. Thus, from the evidence led by the defendant, it is clear that the vehicles were being legally requisitioned. The plaintiff has miserably failed to prove that the said vehicles were being misused by private persons or by officers for private use.

10. In view of the discussion above, no ground is made out to interfere in the impugned judgments and decrees of the learned District Courts below. The present Regular Second Appeal is hereby **dismissed**.
11. Pending applications, if any, stand disposed of.

27.04.2026

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No