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**(1986) 08 P&H CK 0030**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : Civil Writ Petition No. 1448 of 1979**

Amar Singh

APPELLANT

Vs

State of Haryana and ors.

RESPONDENT

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**Date of Decision :** 29-08-1986

**Acts Referred:**

**Citation :** (1987) PLJ 3 : (1987) RRR 47

**Hon'ble Judges :** G.C.Mital, J

**Advocate :** Prem Singh, Advocate., Advocates for appearing Parties

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## Judgement

G.C. Mital, J.

1. The Assistant Registrar, Cooperative Societies, Haryana (for short 'the Societies'), exercising the powers of Registrar Societies, vide order dated 2.2.1978. (Annexure P.2) passed an order for conditional attachment of immoveable property of the members of Bhuthan Khurd Cooperative Credit and Service Society. Ltd., in exercise of powers under section 65 of the Punjab Cooperative Societies Act, 1961 (for short 'the Act'), on the ground that a dispute in regard to misutilisation of Rs. 1.48,132/ had been referred against the members under section 55 of the Act. The members of the Society challenged the order dated 30.1.1979 (Annexure P.4.). Before the Appellate Authority, one of the points raised was that there was no reference under section 55 of the Act, and, therefore no action could be taken under section 65 of the Act. Feeling aggrieved, this writ has been filed by the members of the Society.

2. The return filed by the respondents was not clear as to whether reference under section 55 of the Act was pending or not. The learned counsel appearing for the respondent was directed to seek instructions whether any proceeding under section 55 of the Act were pending and if pending on whose instructions they were started and when. The learned counsel appearing for the respondents, after obtaining instructions, has stated at the bar that no proceedings under section 55 of the Act were initiated nor any reference was ever made. A reading of section 65 of the Act shows that order of attachment can be passed only when

reference under section 55 of the Act is made. Under the circumstances, the impugned orders Annexures P.2 and P.4 cannot be sustained and are liable to be quashed.

3. For the reasons recorded above, the writ is allowed and the orders Annexure P.2 and P.4 are quashed, However, there will be no order as to costs.