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**(1980) 04 P&H CK 0011**

**In the Punjab And Haryana At Chandigarh**

**Case No : Civil Writ Petition No. 1895 of 1968**

Parduman Singh and Others

APPELLANT

Vs

The Collector-cum-S.D.O. and Others

RESPONDENT

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**Date of Decision : 09-04-1980**

**Acts Referred:**

**Citation : (1981) 3 ILR (P&H) 283**

**Hon'ble Judges : I.S. Tiwana, J**

**Bench : Single Bench**

**Advocate : Puran Chand, for the Appellant;**

**Final Decision : Allowed**

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## **Judgement**

I.S. Tiwana, J.—A loan amount of Rs. 6.500/- in all was due to the Government from the Lohar Majra Co-operative Farming Society Ltd. Lohar Majra, Tehsil Malerkotla, District, Sangrur. Later on this Society was brought under liquidation and one Sampuran Singh Bhar was appointed as liquidator. In the meantime, Assistant Registrar Co-operative Societies Sangrur, Mr. Kehar Singh Bahia, Respondent No. 4, issued a certificate u/s 67 of the Co-operative Societies Act, 1961 vide order Annexure "C" certifying that the said amount be recovered as arrears of land revenue, from the Society On the same day, that is, June 4, 1968 he passed another order, Annexure "D" saying that the revenue authorities may recover the amount from the property of the Society and its members as arrears of Land revenue.

2. It is not in dispute that the said amount of loan was raised by the Society as such for the purchase of a tractor. Under these circumstances it was only the Society which was liable to repay this amount. In fact Respondent No 3, the Liquidator, vide his letter Annexure "B", to the Naib Tehsildar (Recovery), Dhuri, has specifically taken the stand that the said amount of loan was due from the Society and he being the Liquidator of the Society, would take all steps to repay that loan and further that the Petitioners or the members of the Society were not

so liable in their personal capacity. In spite of that the revenue authorities took steps to recover this amount from the Petitioners who were once members and office-holders of the Society. The Petitioners have challenged this action of the Respondent revenue authorities through this petition. The recovery of the amount from the Petitioners in their personal capacity was stayed by this Court vide order dated August 5, 1968.

3. From the above stated factual position it is apparent that the Petitioners are not liable for the repayment of the said loan amount in their individual capacity. It was an amount due from Society. The Liquidator in fact had accepted this liability and promised to repay that amount vide his letter Annexure "B". In this view of the matter I allow this petition and direct that the revenue authorities would not be recovering this amount from the personal property of the Petitioners. No order, however, as to costs is passed. Petition allowed