(1990) 08 P&H CK 0008

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 8759 of 1990

Ram Lal Sahni APPELLANT

Vs

Deputy Registrar RESPONDENT

Date of Decision : 21-08-1990

Acts Referred:

Citation : (1991) PLJ 54 : (1991) 1 RRR 384

Hon'ble Judges : G.R.Majithia, J

Advocate : P.N. Arora, Advocate., Advocates for appearing Parties

Judgement

G.R. Majithia, J.

1. In this petition under Articles 226/227 of the Constitution of India, the petitioner has impugned the order of the respondent dated May 25, 1990, vide which he appointed three Administrators for the management of the Panchkula Urban Cooperative Bank Ltd., Panchkula for a period of six months or till the election is held, whichever is earlier.

2. It is not necessary to give the facts in detail. Suffice it is to say that the Panchkula Urban Cooperative Bank Ltd., Panchkula (hereinafter referred to as the Bank) is a registered society under the Punjab Cooperative Societies Act. The management of the Bank vests in the elected Managing Committee. The management was elected on the April 19, 1987. The Managing Committee convinced a meeting on June 18, 1987 at 11.00 a.m. for the election of the office bearers among the Directors of the Bank. The office bearers were duly elected. The Managing Committee was suspended on June 23, 1989 under Section 34 of the Haryana Cooperative Society Act, 1984 and on December 15, 1989, the Board of Directors were removed, by the Deputy Registrar, Cooperative Societies.

3. It was urged by the learned counsel for the petitioner that since the Managing Committee of the Bank was constituted on June 19, 1987 and the life of the Managing Committee was for three years, the respondent could not appoint Administrators for managing the affairs of the Bank.

4. The submission of the learned counsel is unsustainable at law. The Committee will be deemed to have entered the office when it takes steps for electing the office bearers or the coopted members for transacting the business of the society. Admittedly, the Managing Committee was elected on April 19, 1987 and it will be deemed to have entered the office when it was elected. The period of three years has to be reckoned from that date. It was so held in Kartar Singh v. State of Punjab, 1989(1) PLR 11 : 1989(1) RRR 328 :

"12. In the present case, the election of the managing committee of the society was held on March 15, 1984. There was no impediment in the way of the committee from entering the office. There was no such circumstances as pointed out in the State of Punjab v. The Managing Committee of the Patti Primary Cooperative Land Mortgage Bank Ltd. (supra). Consequently, the committee will be deemed to have entered the office on March 15, 1984, and the period of three year that date whcih will expire on March 14, 1987. If for any reason, the committee has delayed the election of the office bearers or the cooption of the members it will not meant that the committee has not entered the office. The Committee was in a position to enter the office. Resultantly, the order issued by the Assistant Registrar, Cooperative Societies, Punjab holding that the term of the society expired on March 14, 1987, is upheld and the appointment of Administrator for holding fresh election is in conformity with the mandatory provisions of section 26(1D) of the Act. We do not find any infirmity in the order. The writ petition is accordingly dismissed. However, in the circumstances of the case, we leave the parties to bear their own costs."

5. Even otherwise, I am not inclined to interfere with the impugned order in exercise of extraordinary jurisdiction under Article 226 of the Constitution since the order is otherwise just. Even if it is assumed that the managing committee was deemed to have entered the office when its office bearers were elected, i.e. on June 18, 1987 and the impugned order was passed before the expiry of three years, the life of the managing committee of the society had expired on June 17, 1990, it will not be desirable to interfere with the impugned order.

6. There is no merit in the writ petition. The same is dismissed with no order as to costs.

