

Jamalpur Agricultural Cooperative ... vs State Of Punjab And Ors. on 17 November, 1983

Equivalent citations: 1983(2)SCALE896, (1984)1SCC514, AIRONLINE 1983 SC 32

Bench: D.A. Desai, Ranganath Misra

JUDGMENT

1. Appellant Jamalpur Agricultural Cooperative Service Society Ltd (Society for short) was set up at Jamalpur in Malerkotla Tehsil in the State of Punjab. At the relevant time one Mr. Chhota was the president of the Society. In the year 1969 an enquiry was held into the affairs of the Society by the Inspector of Cooperative Societies and on the basis of the report submitted by him, the Deputy Registrar Cooperative Societies Patiala gave a notice to the Society on July 10, 1969 calling upon it to show cause within 10 days from the receipt of the notice as to why the Managing Committee of the Society should not be superseded. Ultimately, the Managing Committee was superseded and an Administrator was appointed. The order appointing the Administrator was questioned before the appellate authority and at present the matter is pending before the State Government. In this appeal we are not concerned with the order appointing the Administrator. Another enquiry into the affairs of the society disclosed serious irregularities in its working whereupon the Assistant Registrar Cooperative Societies called upon the Administrator to show cause why the Society should not be wound up. The Administrator agreed with the Assistant Registrar that it is necessary to wind up the Society. Thereupon, the Assistant Registrar passed an order winding up the Society and the liquidation proceedings were initiated. It is this order of the Assistant Registrar directing that the Society should be wound up was challenged in an appeal before the State Government. This appeal was disposed of on May 8, 1970 upholding the order of the Assistant Registrar directing that the Society should be wound up. The order of the Assistant Registrar as well as of the State Government are questioned in this appeal by the former President who was President at the time the Managing Committee of the Society was superseded, in Writ Petition No. 1822 of 1970 in the High Court of Punjab and Haryana at Chandigarh. A Division Bench of the High Court dismissed the writ petition in limine. Hence this appeal by special leave.

2. At the hearing of this appeal learned Counsel for the appellant and as also of respondent No. 4 are absent. Mr. S.K. Bagga, learned Counsel for respondent Nos. 1-3 is present. We must record our appreciation that with the help of Mr. Harbans Singh, learned Counsel who appeared to help the Court, we went through the record and the judgment. After reading the record we are of the view that the order winding up of the Society was legal, valid and eminently just. The High Court found nothing improper and illegal in the order directing the winding up of the Society. The report which led to the making of the order for winding up the Society disclosed sorry state of affairs as pointed out by Mr. S.K. Bagga. Therefore, no case is made out for our interference with the order of the High Court. Accordingly, this appeal fails and is dismissed with no order as to costs.