

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

OWP No. 130/2010

Kanwal Singh and another petitioner (s)

Through :- Mr. G.S.Thakur Advocate.

V/s

J&K Special Tribunal and othersRespondent(s)

Through :- Mr. Pranav Kohli Sr. Advocate
with
Mr Vastav Sharma Advocate
Mr. S.D.Sharma Advocate.

Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

ORDER(ORAL)

1 The petitioners are aggrieved of and have called in question order dated 16.05.2008 passed by the J&K Special Tribunal, Jammu [‘the Tribunal’] in file No. STJ/412/2005 titled ‘*Surinder Singh vs. Kanwal Singh and another*’. Before the Tribunal, order dated 24.03.2001 passed by the Registrar, Cooperative Societies J&K was under challenge by one Surinder Singh respondent No.4 herein.

2 It may be noted that the Registrar Cooperative Societies, J&K who was approached by the petitioners by way of a petition filed under Sections 63 and 64 of the J&K Cooperative Societies Act, 1960 [‘the Act’] passed an order on 24.03.2001 directing the Sainik Cooperative House Building Society Ltd, Jammu, respondent No.3 herein not to disturb the original Master Plan and the formulated site plan.

3 The order of the Registrar, Cooperative Societies was assailed by
the respondent Surinder Singh, *inter alia*, on the ground that the Registrar had
passed the impugned order without conducting the proceedings in terms of
Sections 63 and 64 of the Act and also that the proceedings conducted were in
violation of principles of natural justice.

3 The Tribunal, after hearing both the sides, came to the conclusion
that there was no violation of Master Plan or the formulated site plan in the
matter of allotment of plots adjoining to the plots Nos. Ext 65 to 68. The
Tribunal, therefore, in terms of order dated 16.05.2008 allowed the revision
petition and set aside the impugned directions dated 24.03.2001 passed by the
Registrar, Cooperative Societies, J&K.

4 The impugned order dated 16.05.2008 passed by the Tribunal is
assailed by the petitioners on multiple grounds.

5 Having heard learned counsel for the parties and perused the
material on record, I am of the considered view that ends of justice would be
met if this Court provides as under:

(i) the impugned order dated 16.05.2008 passed by the Tribunal as
also the order passed by the Registrar, Cooperative Societies, J&K
dated 24.03.2001 are **quashed**. The Sainik Cooperative House
Building Society Ltd. Jammu, however, shall be at liberty to
initiate action against the petitioners or for that matter, any other
resident(s) of the Society in case it notices breach of any terms and
conditions of the lease; and,

(ii) the matter is remanded to the Registrar, Cooperative
Societies, J&K, who shall proceed to consider and decide the
arbitration application filed by the petitioners in accordance with
law after affording a fair opportunity of being heard to all the
stake holders including the respondents herein.

Ordered accordingly.

The parties, appearing in this Court today, shall cause their appearance before the Registrar on 16.08.2023. The parties which are not before this Court shall be put on notice by the Registrar for their appearance before him on the next date of hearing.

5 The Registrar shall make an endeavor to conclude the proceedings within a period of three months from 16.08.2023. In case there is any delay on part of the Registrar to conclude the proceedings for any reason(s), he shall seek extension of time from this Court after giving justification for such extension.

Till the matter is decided by the Registrar, there shall be status with regard to the subject land.

Disposed of in the above terms.

(SANJEEV KUMAR)
JUDGE

Jammu
03.08.2023
Sanjeev

Whether order is reportable: Yes/No