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 Lahore High Court, Lahore

ORDER SHEET
IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT

W.P. No.26158 of 2019

Sheikh Shahid Iqbal **Versus** Deputy Registrar Cooperatives
 Department, Lahore, etc.

Sr.No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of parties of counsel, where necessary
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02.5.2019. Muhammad Kashif Shahzad, Advocate for the petitioner.
 Mr. Saqib Haroon, A.A.G. (on Court call)

Petitioner claims that he was allotted plot No.21-A measuring 1 kanal in Pakistan Rajput Cooperative Housing Society Ltd. Multan Road, Lahore (respondent No.2) after cancellation of membership of Dr. Muhammad Ikram (respondent No.3) the original allottee on ground of non-payment of dues. Respondent No.3 assailed the cancellation before District Office Cooperatives/Deputy Registrar Cooperatives, Lahore (respondent No.1) under section 54 of the Cooperative Societies Act, 1925 (the "Act") which was accepted.

2. Further submits that while restoring the allotment of respondent No.3 it was directed vide order dated 09.4.2010 that the petitioner who had paid considerable sum for plot No.21-A shall be either allotted alternate plot of same value free from all incumbrancers whatsoever or be paid market price within shortest possible time. In appeal before the Secretary Cooperatives, the order dated 09.4.2010 of respondent No.1 was affirmed vide order dated 27.3.2014 and thus the order attained finality.

3. The petitioner statedly filed a petition under section 59(v) of the Act for implementation/execution of the order dated 27.3.2014 of Secretary Cooperatives before respondent No.1 wherein, vide order dated 21.8.2015 it was ordered that as the order dated 27.3.2014 had attained

finality therefore respondent No.2 was bound to ensure implementation of said order within 15 days under intimation to respondent No.1.

4. The grievance voiced is that unfortunately there has been no positive step in furtherance of mandate of orders *supra* despite the fact that the matter stood finalized within the hierarchy of jurisdiction under the Act. It is argued that if the order of respondent No.1 to respondent No.2 is not implemented then under the law, coercive measures can be taken against respondent society including attachment of funds of the society but despite that no penal action as yet has been taken. The petitioner, therefore, seeks direction to the effect that authorities within the hierarchy of jurisdiction be directed to implement the order for which respondent No.1 issued direction vide order dated 21.8.2015.

5. Since as per petitioner the relevant provisions under the statute, authorize to take coercive measures, therefore, the petitioner should first approach the same forum for taking steps in letter and spirit who under law are bound to perform their statutory duties.

6. Copy of this petition along with all its Annexures be therefore, sent to respondent No.1 who shall look into the matter, hear the petitioner and respondent No.2, and if the grievance voiced in the instant petition by the petitioner as to implementation of the orders of the authorities under the Act is correct and the order has not been suspended or set aside by any forum he shall expeditiously proceed in the matter in accordance with the provisions of the Act and the rules framed thereunder to ensure that the order is implemented by the society. With these observations petition is **disposed of**.

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Authorized Under Section 109
Dewan Shahzad Chaudhary

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25/10/21

(HEAD EXAMINER)

Copy Supply Section (Copy Branch)
Lahore High Court, Lahore.

Mian M. Rabbani

(RASAAL HASAN SYED)
JUDGE

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Mr. Saqib Haroon, A.A.G. (on Court call)

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Dewan Shahzad Qureshi

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