

## CIVIL MISCELLANEOUS

*Before Prem Chand Pandit and Bhopinder Singh Dhillon, JJ.*

BRIJ LAL,—*Petitioner.*

*versus*

THE STATE OF PUNJAB, ETC.,—*Respondents.*

Civil Writ No. 379 of 1973.

May 9, 1973.

*Punjab Co-operative Societies Act (XXV of 1961)—Sections 68 and 69—Order passed in appeal under section 68—Revision against—Whether lies under section 69—Delegate of the Registrar passing order—Such order—Whether revisable by the State Government only.*

*Held*, that from the plain language of section 69 of the Punjab Co-operative Societies Act, 1961, it is clear that the section vests the revisional power in the State Government where the order sought to be revised passed under appeal has not been passed by the State Government. Similarly the power of revision in cases where the appellate order is not passed by the Registrar, but by an authority subordinate to him, not in the capacity of the delegates mentioned in sub-section (2) of section 68 of the Act, would lie in the Registrar. If the intention of the Legislature in enacting section 69 of the Act was to exclude the revisional jurisdiction in all the cases where the appeal lies either to the Registrar or to the State Government, it was quite sufficient that a mention would have been made in the section. On the other hand, the words "as the case may be" in the section are sufficiently indicative of the intention of the Legislature that the appellate authority will not exercise the revisional power against its own orders passed in appeal, but an authority higher than the appellate Authority is competent to exercise the revisional powers even in the case where the first appeal has been provided under sub-section (1) of section 68 of the Act. To interpret this section otherwise, would mean ousting of the jurisdiction of the State Government or the Registrar from entertaining the revision petition against all orders which are made appealable under sub-section (1) of section 68 of the Act. It would cause great hardship to the aggrieved persons and will be against the very language of the provisions of section 69 of the Act itself.

*Held*, that under clause (e) of sub-section (2) of section 68 of the Act, the power to dispose of the appeals, in the cases mentioned

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therein, can only be exercised by the Registrar. The delegate exercising the powers of the Registrar, will be deemed to be acting as the Registrar. If a particular decision is made by a delegate exercising the powers which are specifically provided under the Act to be exercised by the Registrar, the order of the delegate in law will be considered to be the order of the Registrar and the revision petition in that case will lie to the State Government only. Where a power under the statute has been specifically given to the Registrar alone and the same is exercised by a delegate, the said order will be revisable by the State Government and not by the Registrar even though the delegate, who exercises the power, is subordinate officer of the Registrar like the Assistant Registrar or the Deputy Registrar or the Joint Registrar or the Additional Registrar.

*Petition under Articles 226 and 227 of the Constitution of India praying that a writ in the nature of certiorari, mandamus or any other appropriate writ, order or direction be issued quashing the impugned order dated 30th December, 1972 (Annexure 'A') passed by respondent No. 1.*

R. L. Sharma, Advocate, for the petitioner.

J. S. Wasu, Advocate-General, Punjab with S. K. Syal, Advocate, for the State.

J. M. Sethi, Advocate, for respondents Nos. 3 to 6.

#### JUDGMENT

Dhillon, J.—This judgment will dispose of Civil Writ petitions Nos. 379, 431, 489, 797 and 957 of 1973. The petitioners in all these writ petitions approached the State Government in revisional jurisdiction under the provisions of section 69 of the Punjab Cooperative Societies Act, 1961 (hereinafter referred to as the Act). It may be pointed out that the powers of the State Government under section 69 of the Act are not exercised by the Minister of the Cooperative Department but the same are being exercised by a delegatee either the Under-Secretary or the Deputy Secretary to Government, as the case may be. It is the admitted case of the parties that in none of these cases, appeal against the award of the Arbitrator lay to the State Government, Punjab, under section 68 of the Act, but in fact the appeals lay to the Registrar under section 68(2)(c) of the Act, who has further delegated its powers to his subordinate officers. The delegatee of the State Government dismissed the revision petitions following the judgment of a learned Single Judge of this Court reported in *Nachhittar Singh v. The State of Punjab and*

others, (1), wherein the learned Single Judge of this Court held that where an appeal lies either to the Registrar, Cooperative Societies, or to the State Government under section 68 of the Act, no revisional jurisdiction can be exercised under the provisions of section 69 of the Act.

(2) Therefore, the only question which has to be considered in these cases is as to what is the correct interpretation of section 69 of the Act. It may be pointed out that Chapter XI of the Act deals with appeals and revisions and consists of only three sections Nos. 68, 69 and 70. Section 68, sub-section (1) provides that an appeal shall lie under this section against various orders mentioned therein passed under the Act and the appealable orders are specifically mentioned in clauses (a) to (k) of this sub-section. Sub-section (2) of this section provides as to before which authority the appeal against the orders made appealable under sub-section (1) of this section, shall lie. Sub-section (3) of this section specifically provides that no appeal shall lie under this section from any decision or order made by any authority in appeal or in other words sub-section (3) bars a second appeal from the orders made appealable under sub-section (1) of this section. Then comes section 69 which deals with the revisional powers, which is in the following terms :—

“69. *Revision.*

The State Government and the Registrar may, *suo moto* or on the application of a party to a reference, call for and examine the record of any proceedings in which no appeal under section 68 lies to the Government or the Registrar, as the case may be, for the purpose of satisfying itself or himself as to the legality or propriety of any decision or order passed and if in any case it shall appear to the Government or the Registrar that any such decision or order should be modified, annulled or revised, the Government or the Registrar, as the case may be, may, after giving persons affected thereby an opportunity of being heard pass such order thereon as it or he may deem fit.”

(3) Section 70 of the Act deals with the powers of the Appellate or Revisional Authority for passing interlocutory orders during the

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pendency of the appeal or revision, as the case may be. In the present cases, we are only concerned with the interpretation of section 69 of the Act. As I have already pointed out, in *Nachhattar Singh's case* (1) (*supra*), a learned Single Judge of this Court interpreted section 69 of the Act so as to mean that if an appeal against an order lies under section 68 of the Act, either to the Registrar or to the State Government, in that case, there is no power of revision either with the State Government or with the Registrar. The net result of this interpretation is that in all cases in which appeals are provided under sub-section (1) of section 68 of the Act, no revision petition lies and the order made in the first appeal becomes final. In my opinion, from the plain language of the provisions of section 69 of the Act, this interpretation is not possible. Section 69 clearly vests the revisional power in the State Government where the order sought to be revised passed under appeal has not been passed by the State Government or in other words, where the order sought to be revised passed in appeal has been passed by the Registrar or his delegatee, and the power of revision in cases where the appellate order is not passed by the Registrar, but by an authority subordinate to him, not in the capacity of the delegatee mentioned in sub-section (2) of section 68 of the Act, would lie in the Registrar. I am inclined to interpret section 69 of the Act in this manner because if the intention of the Legislature in enacting section 69 of the Act was to exclude the revisional jurisdiction in all the cases where the appeal lies either to the Registrar or to the State Government, it was quite sufficient that a mention would have been made in section 69 of the Act that if an appeal lies under section 68 of the Act, no revision would lie. There was no necessity for the Legislature to have enacted the words "*any proceedings in which no appeal under section 68 lies to the Government or the Registrar, as the case may be*" in section 69 of the Act. Further more, the words "*as the case may be*" inserted after the words "*in which no appeal under section 68 lies to the State Government or the Registrar*" and before the words "*for the purpose of satisfying itself or himself*", make it clear that the State Government in exercising the revisional powers cannot revise the appellate order as the same has been passed by the State Government under section 68 of the Act and in case where the appellate order sought to be revised has been passed by an authority subordinate to the Registrar (not in the capacity of a delegatee of the Registrar) in that case the power of revision will lie to the Registrar. The words "*as the case may be*" are sufficiently indicative of the intention of the Legislature that the appellate authority will not exercise the revisional power

against its own orders passed in appeal, but an authority higher than the appellate Authority is competent to exercise the revisional powers even in the case where the first appeal has been provided under sub-section (1) of section 68 of the Act. To interpret this section otherwise, would mean ousting of the jurisdiction of the State Government or the Registrar from entertaining the revision petition against all orders which are appealable under sub-section (1) of section 68 of the Act. This cannot be the intention of the Legislature as I find that all important and material orders passed under the Act are made appealable under sub-section (1) of section 68 of the Act, and if the section is interpreted in the manner as interpreted in *Nachhattar Singh's case* (1) (*supra*) in that case the revisional jurisdiction will be completely ousted *qua* the orders passed in appeal under section 68 of the Act and orders passed in first appeal in all important matters will become final. For instance, under clause (a) of sub-section (1) of section 68 of the Act, an order of the Registrar made under sub-section (2) of section 8 of the Act refusing to register a Society, has been made appealable. Similarly, under clause (b), an order of the Registrar made under sub-section (4) of section 10 refusing to register an amendment of the bye-laws of a cooperative society, under clause (bb) an order of the Registrar made under section 10-A directing amendment of bye-laws of a cooperative society; under clause (c) a decision of a cooperative society, other than a producers' society, refusing to admit any person as a member of the society who is otherwise duly qualified for membership under the bye-laws of the society; under clause (d) a decision of a cooperative society expelling any of its members; under clause (e) an order made by the Registrar removing or suspending a committee member thereof under section 27; under clause (f) an order made by the Registrar under section 57 apportioning the costs of an inquiry held under section 50 or an inspection made under section 51; under clause (g) any order of surcharge under section 54; under clause (h) any decision or award made under section 56; under clause (i) an order made by the Registrar under section 57 directing the winding up of a cooperative society; under clause (j) any order made by the Liquidator of a cooperative society in exercise of the powers conferred on him by section 59; and under clause (k) any order made under section 65 of the Act, are made appealable. If an interpretation is given that in all these matters no revision petition would lie and the Legislature only intended to provide only one appeal against these orders and the orders passed in appeal will become final, that, in my opinion, in addition to causing great hardship to the aggrieved persons, will be against the very language of the provisions of section 69 of the Act itself.

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(4) No doubt, if the interpretation as given in *Nachhattar Singh's case* (1) (*supra*) is adopted, section 69 of the Act will not become wholly redundant as there are some other provisions in the Act under which the orders, if passed, are not made appealable under section 68 of the Act and in these cases the revisional jurisdiction can be exercised but the fact remains that all such provisions under which orders passed have not been made appealable, are not so important and material in the working of the Act. The said provisions are sections 13, 14, 21, 22, 45, 46 and 47 of the Act. Section 13 deals with the amalgamation, transfer of assets and liabilities and division of cooperative societies. Section 14 deals with the cancellation of registration certificates of cooperative societies in certain cases. Section 21 deals with the transfer of interest on death of members; whereas section 22 deals with the liability of past member and estate of deceased member. Section 45 deals with the restrictions on loans. Section 46 deals with the restrictions on borrowings and section 47 deals with the restrictions on other transactions with non-members of the Society. It would thus be seen that all these sections, orders passed under which have not been made appealable, are not so important as the provisions mentioned in clauses (a) to (k) of sub-section (1) of section 68 of the Act which have been made appealable. But if the interpretation to section 69 of the Act is given as I am inclined to interpret, it will give wider meaning to section 69 of the Act and not restricted meaning as given in *Nachhattar Singh's case* (1) (*supra*) because in that case revision petition will be competent against all orders passed under the Act, whether the order sought to be revised is the appellate order or otherwise.

(5) Mention may also be made to a decision of the learned Single Judge of this Court in *The Halwara Cooperative Agricultural Service Society Ltd. Halwara v. The State of Punjab and others*, (2) wherein the learned Single Judge of this Court took the view that the remedy under section 69 of the Punjab Cooperative Societies Act for revision does not exist in case where the appeal lay to the Government or the Registrar. In that case it was held by the learned Single Judge that since the appeal in that particular case lay to the Deputy Registrar, therefore, the remedy of revision was open. That is the case decided on its own facts and if that decision be taken to mean that in case an appeal lies either to the Registrar or to the State Government, no revision petition lies, it may be taken

that I am taking a different view in the interpretation of section 69 of the Act, which view I have already expressed. The learned Advocate-General also supported the counsel for the petitioners regarding the interpretation of section 69 of the Act and contended that *Nachhattar Singh's case* (1) (*supra*) has been wrongly decided.

(6) Having interpreted section 69 of the Act so as to mean that if an appeal against an order is preferred under section 68 of the Act to the State Government, the State Government will have no revisional power under section 69 of the Act against the order passed in appeal, and in case an order in appeal under section 68 of the Act has been passed by the Registrar, the Registrar has no power of revision against the order passed in appeal, the only question which now falls for determination is whether regarding the orders impugned in the present petitions, the revisional power would vest in the State Government or the Registrar under the provisions of section 69 of the Act. The awards in all the five writ petitions have been passed by the Arbitrator admittedly under the provisions of section 56(1)(c) of the Act. It is, therefore, the admitted case between the parties that the appeals against these awards were filed under clause (e) of sub-section (2) of section 68 of the Act and the same were disposed of by the person authorised by the Registrar in that behalf. It may be pointed out that the provisions of section 3 of the Act, which are in the following terms, authorised the State Government by general or special order to confer on any person appointed under sub-section (2) all or any of the powers of the Registrar under this Act.

“3. *Registration of Co-operative Societies.*

- (1) The Government may appoint a person to be the Registrar of Cooperative Societies for the State.
- (2) To assist the Registrar in his functions under this Act, the Government may appoint such number of Additional Registrars, Joint Registrars, Deputy Registrars, Assistant Registrars, and other persons with such designations as it may think fit.
- (3) The Government may, by general or special order, confer on any person appointed under sub-section (2) all or any of the powers of the Registrar under this Act.
- (4) Every person appointed under sub-section (2) shall exercise his powers subject to the general superintendence and control of the Registrar”.

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(7) Before coming into force the Punjab Cooperative Societies Amendment Ordinance, 1969, which ultimately was converted into Punjab Act No. 26 of 1969, amending the provisions of sections 68 and 69 of the Act, the State Government issued a notification dated 14th August, 1969 published in the Punjab Government Gazette dated 22nd August, 1969, conferring the powers of the Registrar, Cooperative Societies upon the officers mentioned therein, which is in the following terms :—

“All Joint Registrars Cooperative Societies, Punjab and Deputy Registrars, Cooperative Societies, Punjab. All the powers of Registrar exercisable under the aforesaid Act and Rules framed thereunder from time to time.

All Assistant Registrars Cooperative Societies, Punjab. Co- The powers of Registrar, exercisable under sections 8, 9, 10, 11, 13, 25, 28(1) (b), 42, 48, 50, 51, 52, 55, 56, 57, 58, 59, 61, 63(a), 65, 66, 67, 68, 82(2), 83 of the aforesaid Act.”

(8) After the coming into force of the Punjab Cooperative Societies Amendment Ordinance, 1969 and the Amendment Act No. 26 of 1969, the State Government issued a notification dated 19th November, 1969, which is now in force. The said notification superseded the notification dated 14th August, 1969 and under sub-section (3) of section 3 of the Act, the State Government conferred upon the following officers of the Cooperative Department such powers of the Registrar, as indicated against each :—

“1. All Joint Registrars, Cooperative Societies, Punjab. All powers of the Registrar exercisable under the aforesaid Act and the Rules framed thereunder from time to time.

2. All Deputy Registrars, Cooperative Societies, Punjab. All powers of the Registrar exercisable under the aforesaid Act and the Rules framed thereunder from time to time except powers under section 26(ID) and sub-sections (1), (2), (3), (4), (6) and (7) of section 27 in respect of Cooperative Sugar Mills, Cooperative Consumers Stores, and Central Cooperative Banks”.



- “3. All Assistant Registrars, Powers of the Registrar exercisable under sections 8, 9, 10, 11, 13, 25, 26 Cooperative Societies under sections 8, 9, 10, 11, 13, 25, 26 Punjab. (IA), 28, 42, 48, 49, 50, 51, 52, 55, 56; 57, 58, 59, 61, clause (a) of and the proviso to sections 63, 65, 66, 67, 73, 82 (2) and 83 of the aforesaid Act and also powers of the Registrar under section 26(ID) and sub-sections (1), (2), (3), (4), (6) and (7) of section 27 so far as they relate to Primary Societies as defined in section 15-A of the aforesaid Act and rules 8, 10, 12, 15, 27, 38, 39, 43(1), 46, 47, 48, 49, 50, 51; 52, 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 65, 67, 68, 69 and 70 and rules 1(b), 1(d), 4 and 10 of Part I of Appendix ‘C’ of Punjab Cooperative Societies Rules, 1963.”

(9) It would be clear from this notification, which is now in force, that the powers of the Registrar to be exercised under clause (e) of sub-section (2) of section 68 of the Act having not been delegated by the State Government under sub-section (3) of section 3 of the Act to any officer under him, it has been left to the discretion of the Registrar either to decide the appeals himself or to authorise any officer mentioned in sub-clause (e) of sub-section (2) of section 68 of the Act, for deciding the appeals. In pursuance of his powers under clause (e), the Registrar,—*vide* circular letter No. 29587-616, dated 9th June, 1971, which is in the following terms, delegated its powers to the officer, who has appointed the person concerned to adjudicate a particular dispute under section 56(1)(c) of the Act.

“Please refer to provisions contained in section 68 of the Punjab Cooperative Societies Act, 1961. Clause (e) of sub-section (2) of this Section at present provides that when a decision or order was made by any person (other than Assistant Registrars/Deputy Registrars/Joint Registrars etc.) the appeal against that decision or order shall lie to the Registrar who may authorise any Assistant Registrar, Deputy Registrar, Joint Registrar or Additional Registrar to hear that appeal. At the moment all such appeals are filed before the Registrar who has to authorise any Assistant Registrar/Deputy Registrar or Joint

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Registrar etc. to hear the appeal by special orders so as to avoid delay in disposal thereof. This increases work at Head Office level and also causes inconvenience to the appellants who have to file each and every such appeal before the Registrar in the first instance.

In order to remove this hardship it has been decided to issue general authorisation for hearing appeals under clause (e) of sub-section (2) of section 68 of the Act. In future the appeals in these cases shall lie to the Officer who has appointed the person concerned to adjudicate a particular matter. For instance, if an Arbitrator has been appointed by an Assistant Registrar, the appeal against his Award shall lie to that Assistant Registrar and in case he has been appointed by a Deputy Registrar, then the appeal shall lie to the Deputy Registrar, so on and so forth. Appeals filed under clauses (c) and (d) of sub-section (1) of section 68 shall be heard by the Assistant Registrar of the circle to which such cases relate."

(10) It is the admitted case of both the parties that the powers of appeal exercised in all the five writ petitions, which are being disposed of by us, were exercised by the delegates of the Registrar in view of the circular letter No. 29587—616, dated 9th June, 1971. It is, therefore, apparent that the appellate orders had been passed by the authorities as delegates of the Registrar under clause (e) of sub-section (2) of section 68 of the Act. In this view of the matter, in my opinion, the revision petitions would lie not to the Registrar but to the State Government because under clause (e) of sub-section (2) of section 68 of the Act, the power to dispose of the appeals, in the cases mentioned therein, can only be exercised by the Registrar and the delegatee exercising the powers of the Registrar, will be deemed to be acting as the Registrar as the powers under this clause can be exercised only by the Registrar and if a particular decision is made by a delegatee exercising the powers which are specifically provided under the Act to be exercised by the Registrar, the order of the delegatee, in law, will be considered to be the order of the Registrar and the revision petition in that case will lie to the State Government. I am fortified in this regard by an authority of the Supreme Court in *Roop Chand v. The State of Punjab and another*, (3), wherein it was held that an order passed by the delegatee

(3) 1963 P.L.R. 577.

of the State Government under the provisions of sub-section (4) of section 21 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, will be deemed to be an order of the State Government and in those cases no revision under section 42 of the said Act would lie to the State Government which authority had already exercised the appellate powers though through a delegatee. It was held by their Lordships that it is the statute which creates that power. The power can, therefore, be exercised in terms of the statute and not otherwise. It was further held that it would, therefore, follow that an order made in exercise of that power will be the order of the authority to which that power was given and no one else has the right to exercise that power. It was also held that no doubt the power to delegate is given by the statute but the power given to the authority cannot create an independent power in the officer. The same principle would apply to the present case, and therefore, in my opinion, when a power, which has been specifically entrusted to the Registrar under the provisions of clause (e), sub-section (2) of section 68 of the Act, is exercised by a delegatee, the said order of the delegatee will be deemed to be the order of the Registrar in the eyes of law and in those cases the revision would lie to the State Government. Similar view was taken by a learned Single Judge of this Court in (*The Ferozeshah Co-operative Agricultural Service Society Ltd. v. The Secretary to Government, Punjab and others*) (4) decided by Gurdev Singh, J., (as he then was). In that case an order was passed by a delegatee exercising the powers of the Registrar for winding up of a Cooperative Society. It was held that an order passed by the delegatee in exercise of the powers conferred on the Registrar, was deemed to be an order of the Registrar and appeal in those cases shall lie to the State Government.

(11) At this place a reference to a Division Bench decision of the Mysore High Court in *The Bhadra Ryots Co-operative Society Ltd. v. The State of Mysore and another* (5), may be made, on which reliance is being placed by the learned Advocate-General for the State of Punjab, who propounds the view that an order passed by the Assistant Registrar will be appealable to the Registrar even though the Assistant Registrar exercised the powers of the Registrar under the substantive provisions of the Act. In the present case, we are not concerned with the interpretation of the provisions of clauses (a), (b), (c) and (d) of sub-section (2) of section 68 of the

(4) C.R. No. 927 of 1969, decided on 6th November, 1969.

(5) 1971 Co-operative Law Journal, 87.

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Act, rather we are only concerned with the interpretation of clause (e) of sub-section (2) of section 68 of the Act, in which the power of deciding an appeal, if the decision or order was made by any other person than the Registrar, is given to the Registrar or its delegatee. Therefore, it may not be appropriate to consider the general question regarding the interpretation of clauses (a), (b), (c) and (d) of sub-section (2) of section 68 of the Act, which will be appropriately done in a proper case. As regards the interpretation of clause (e) of this section, I have no doubt in my mind that an order passed by any person as a delegatee of the Registrar, is not revisable by the Registrar himself, but it can only be revised by the State Government. The authority reported in *Bhadra Ryots Co-operative Society's Case* (5) (*supra*) is clearly distinguishable as under the provisions of section 106(2) of the Mysore Co-operative Societies Act, 1959, which were being interpreted by the learned Judges of the Mysore High Court, and which are in the following terms, the powers of hearing appeals by the Registrar and his subordinates are couched in different language:—

“106(2). An appeal against any act, decision or order under sub-section (1) shall be made within sixty days from the date of the act, decision or order,—

- (a) if the act, decision or order was made by the Registrar, to the State Government;
- (b) if the act, decision or order was made by any other officer, to that officer's immediate superior officer.”

(12) It would be clear that there is no provision in that Act, which fell for interpretation, analogous to clause (e) of sub-section (2) of section 68 of the Act. The clauses (a) and (b) of sub-section (2) of section 106 of the Mysore Co-operative Societies Act are analogous to clauses (a), (b), (c) and (d) of sub-section (2) of section 68 of the Act. There is no clause which is analogous to clause (e) of sub-section (2) of section 68 of the Act, wherein specifically the Registrar or his delegatee, has been given power to hear appeals against the decisions or orders made by other persons. Moreover, with great respect to the learned Judges of the Mysore High Court, I am not prepared to subscribe to this view for the simple reason that this decision has not taken notice of the principles laid down by their Lordships of the Supreme Court in *Roop Chand's case* (3) (*supra*). The principle that where a power under the statute has been given

to a particular authority and though a power has also been given to delegate the said power to any other person, the delegatee derives the power from the statutory person, who alone can exercise the said power under the statute, was not taken into consideration by the learned Judges of the Mysore High Court deciding that case. Therefore, my conclusion is that where a power under the statute has been specifically given to the Registrar alone and the same is exercised by a delegatee, the said order will be revisable by the State Government and not by the Registrar even though the delegatee, who exercised the power, was the Assistant Registrar or the Deputy Registrar or the Joint Registrar or the Additional Registrar.

(13) In all these cases the State Government, who has the jurisdiction to entertain the revision petitions against the orders passed in appeal by a delegatee of the Registrar under clause (e) of sub-section (2) of section 68 of the Act, has refused to exercise jurisdiction, therefore, the orders of the State Government passed in revision petitions, dismissing the same holding that it has got no jurisdiction to hear the revision petitions, are hereby quashed. The cases are sent back to the State Government with the directions that the State Government may dispose of the revision petitions on merits. However, keeping in view the facts and circumstances of the cases, there will be no order as to costs.

PANDIT, J.—Section 68(1) gives the various orders against which an appeal is competent. Sub-section (2) of this section mentions the authorities before whom the appeal will lie. Sub-section (3) lays down that there will be no second appeal from any decision taken or order made on appeal by the authorities referred to in sub-section (2). Section 69 deals with the revisional powers of the State Government and the Registrar. They can be exercised by both these authorities either *suo motu* or on the application of a party to a reference. According to this section, before the revisional powers are made use of, either by the State Government or the Registrar, the first question that will be determined will be if an appeal lies under section 68 against that particular decision or order. If the reply be in the affirmative, then the person, who is desirous of invoking the revisional powers, will be directed to go and file an appeal against that decision or order to the authorities specified in section 68(2) of the Act. If no such appeal is competent, then the Registrar or the State Government will exercise their revisional powers. If on appeal

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the decision has been taken or the order has been passed by the Registrar or his delegate, then the revision will lie to the State Government. If, on the other hand, the order has been made by any of the authorities subordinate to the Registrar, then in that case the Registrar will have the revisional powers. This is the plain meaning of section 69 of the Act.

With these observations, I agree with the order proposed by my learned brother.

K. S. K.

APPELLATE CIVIL

Before Man Mohan Singh Gujral and D. S. Tewatia, JJ.

RAJ SINGH,—Objector-J. Debtor.

versus

AMAR SINGH, ETC.,—Respondents.

Execution Second Appeal No. 2009 of 1970.

May 14, 1975.

*Code of Civil Procedure (Act V of 1908)—Section 47—Pre-emption decree-holder selling the pre-empted property to a stranger—Whether debars himself from obtaining possession of the property in execution of the decree.*

*Held*, that the holder of a decree enforcing a right of pre-emption, who subsequently to the date of the decree sells the property to a stranger does not by such conduct debar himself from obtaining possession of the property in execution of the decree. The Court to which application for execution of the decree is made is bound by its terms, as are the parties to it. It has no power to go behind the decree or to enter into the questions beyond its scope. The decree-holder despite having divested himself of the ownership rights in the subject matter of the decree, his right to execute the decree remains intact.

*Execution Second Appeal from the orders of the Court of Shri P. L. Sanghi, Senior Sub-Judge with Enhanced Appellate Powers, Rohtak, dated 14th December, 1970, affirming that of Shri Ram Saran Bhatia, Sub-Judge, 1st Class, Jhajjar, Tehsil Jhajjar, dated 3rd June, 1970, dismissing the petition of Objections filed by Raj Singh.*

S. C. Kapur, Advocate, for the appellant.

N. C. Jain, Advocate, for the respondents.