



2025:UHC:11469

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/3557/2025</u> <u>Hon'ble Subhash Upadhyay, J.</u> Ms. Neeti Rana, learned counsel for the petitioner. 2. Mr. Suyash Pant, learned Standing Counsel, assisted by Mr. Devesh Ghildiyal, Brief Holder for the State/respondent no. 1. 3. Mr. Sandeep Kothari, learned counsel for the respondent nos. 2 to 4. 4. Learned counsel for the petitioner has filed this writ petition praying for the following relief: <i>“(i) To issue a writ, or direction in the nature of mandamus to direct the respondents to decide the appeal of the petitioner dated 24.11.2025 expeditiously which is pending before the respondent-authorities.”</i> 5. Learned counsel for the State and learned counsel for the respondent nos. 2 to 4 submit that as per Section 70 of Uttarakhand Cooperative Societies Act 2003 and Rule 50 of the Uttarakhand State Cooperative Society Election Rules 2018, the petitioner has an alternative remedy to file an Appeal before the District Magistrate/District Election Officer. 6. Rule 50 of the 2018 Rules reads as under: “50.(1) The parties aggrieved by the election of any official or representative of any Co-operative society can file an election suit under section 70, which shall be referred to,- a) To the concerned District Magistrate in



			the case of Primary and Central/District level Co-operative Societies, who shall himself decide the dispute or may appoint any of the Sub Divisional Magistrate under him as Arbitrator or the Chairman of the Arbitration Board as the case may be, in the case of Primary Co-operative Society and in the case of Central/District level Cooperative Societies decide the dispute himself or may appoint any of the Additional District Magistrate under him as Arbitrator or as the Chairman of the Board as the case may be. b) The Authority in the case of any State level/Apex Cooperative Society which may decide the dispute himself or may appoint any Election Commission as Arbitrator or as the Chairman or Arbitration Board. (2) In regards to election of any co-operative society no objection shall be raised by arbitration or otherwise except on the ground that- a) The election has not been fair by reason that corrupt practice, bribery or undue influence prevailed at the election, or b) The result of election has been materially affected, - (1) By improper acceptance or rejection of any nomination. or (2) By improper acceptance or refusal or rejection of votes or (3) By gross failure to comply with the provisions of the Act, the rules or the bye-laws of the Co-operative Society. Explanation- For the purpose of this rule, corruption, bribery or undue influence shall have the same meaning as assigned to them under section 123 of the Representation of Peoples Act, 1951.” 4. A dispute relating to election shall be referred by the aggrieved party within 45 days of the declaration of the rules. 5. Notwithstanding anything in these rules, the applicant filing the electing suit shall deposit the fees as follows in the head of account fixed by the State Government and shall enclose the original receipt with the plaint.:- a) in the case of primary co-operative societies- ₹. one thousand. b) in the as of District /Central Cooperative societies- ₹. two thousand. c) in case of State Level /Apex Cooperative Societies- ₹. five thousand. Provided that, the suit shall not be accepted if the receipt of fees is not submitted.”
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			7. Learned counsel for the petitioner submits that on 24.11.2025, the petitioner has filed an application before the District Election Officer/District Magistrate, Pauri Garhwal and the same may be directed to be considered by the said authority. It is provided that the petitioner shall take recourse to Rule 50 of the Rules of 2018 within a period of two weeks from today. 8. In case, petitioner takes recourse of Rule 50 of the Rules of 2018, the suit shall be considered and decided on merits by the said authority. 9. With the said observations, the writ petition is disposed of. (Subhash Upadhyay, J.) 22.12.2025 Kaushal
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