

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.12799 of 2016 (O&M)

Date of decision: 17.11.2016

The Bal Cooperative Fruit & Vegetable Growers Marketing Society Ltd.

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. H.S Bedi, Advocate
for the petitioner.

Mr. Yatinder Sharma, Addl. AG, Punjab.

Mr. Balwinder Singh Sehra, Advocate
for respondent No.6.

RAMESHWAR SINGH MALIK, J. (ORAL)

CM No.14614-CWP of 2016

Applicant seeks permission to place on record written on behalf of
respondent No.6.

Application is allowed, as prayed for.

CM stands disposed of.

CWP No.12799 of 2016

Feeling aggrieved against the impugned order dated 21.06.2016
(Annexure P-12) (wrongly typed as Annexure P-10 in the prayer clause),
petitioner-Society has approached this Court, by way of present writ petition
under Article 226/227 of the Constitution of India, seeking a writ in the nature
of certiorari, for quashing the impugned order.

Notice of motion was issued and in compliance thereof, short reply by way of affidavit dated 03.11.2016 of Assistant Registrar, Cooperative Societies, Jalandhar-2 has been filed on behalf of respondents No.1, 2, 4 and 5. Separate written statement has been filed on behalf of respondent No.6 by way of CM No.14614-CWP of 2016, which has been allowed today. Thus, pleadings are complete.

Heard learned counsel for the parties.

It has gone undisputed before this Court that earlier the three member societies of the Jalandhar Central Cooperative Bank Limited were registered under the Punjab Cooperative Societies Act, 1961 (for short 'Act of 1961'). Names of these three cooperative societies are; (i) The Jalandhar Cooperative Cold Store Ltd., (ii) The Jalandhar Garden Colony Cooperative Society Ltd., (iii) The Kapurthala Jalandhar Cooperative Cold Store Ltd. It is also not in dispute that all these three cooperative societies, with a view to get themselves converted as cooperative societies under the Punjab Self Supporting Cooperative Societies Act, 2006 (for short 'Act of 2006'), applied for approval of the Registrar, Cooperative Societies, Punjab. Said approval was granted to all these three cooperative societies vide communications dated 21.10.2013, 25.11.2014 and 13.02.2015.

As a natural consequence of registration of all the abovesaid three cooperative societies under the Act of 2006, these three cooperative societies would cease to be registered under the Act of 1961. Consequently, all these three cooperative societies shall also cease to be the members of the Jalandhar Central Cooperative Bank Limited-respondent No.6. All these abovesaid material facts have gone undisputed before this Court at the hands of learned

counsel for respondent No.6 as well, it being a matter of record.

In view of the abovesaid undisputed fact situation obtaining on the record of the present case, instant writ petition is disposed of, with a direction to the Jalandhar Central Cooperative Bank Limited through its District Manager-respondent No.6 to take appropriate action. The District Manager of respondent No.6-Bank shall pass an appropriate order, keeping in view the observations made above, at an early date and in any case within a period of four weeks from today, suitably amending the voters' list made for Zone No.9.

No other argument was raised.

Should there be any confusion in this regard, it is clarified that the impugned order dated 21.06.2016 (Annexure P-12) shall not come in the way of District Manager of respondent No.6-Bank in passing his appropriate order.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

17.11.2016
vishnu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No