

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 247 of 2016 (O&M)
Date of Decision: 16.05.2016

Sector 79 (Group-1) Coop. House Building Society Ltd. etc.

..Petitioners

Versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE.
HON'BLE MR. JUSTICE ARUN PALLI.**

Present : Mr. Gurpreet Singh, Advocate, for the petitioners.
Mr. Alok Jain, Addl. Advocate General, Punjab.
Mr. DV Sharma, Sr. Advocate with
Ms. Shivani Sharma, Advocate, for respondents No.3 and 4.

S.J.VAZIFDAR A.C.J. (Oral)

The petitioner has an alternate remedy under Section 55 of the Punjab Cooperative Societies Act, 1961. The petition involves several disputed questions of fact. For instance, the petitioners' claimed that they have paid the entire amount in respect of the construction. Our attention has not been invited to any evidence in this writ petition in this regard. If each of the allottees has paid his proportionate share, it would mean that the share proportionate to the unsold units has still not been paid by any allottee. In that event, respondent Nos.3 and 4 would be entitled to deal with the same. In any event, these are the disputed questions including as to the amounts paid which must be decided in the proceedings relating to the alternate remedy, if adopted by the petitioners.

Writ petition is accordingly disposed of.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

16.05. 2016

'ravinder'

(ARUN PALLI)
JUDGE