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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-16935-2015

Date of decision : 01.05.2017

Ashok Kumar Sofat

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Ferry Sofat, Advocate  
for the petitioner.

Ms. Monica Chhibber Sharma, DAG, Punjab.

Mr. Ashwani Prashar, Advocate  
for respondent No.5.

Mr. Gurpreet Singh, Advocate  
for respondent Nos.6 to 8.

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**AMIT RAWAL, J. (ORAL)**

The challenge in the present writ petition is to the impugned notice dated 29.07.2015 (Annexure P-3), whereby the six Members of the Society had ordered for holding the meeting of the Managing Committee of the Society, on 18.08.2015, on the agenda of 'showing vote of no confidence by the President of the Society'.

The aforementioned notice has been challenged by relying upon the *ratio decidendi* culled out by the Hon'ble Supreme Court in

**“Vipulbhai M. Chaudhary V/s Gujarat Cooperative Milk Marketing Federation Limited and other”** decided on 19.02.2015 and this Court on 17.08.2015 passed the following order:-

*"Learned counsel for the petitioner, inter alia, contends that the petitioner is the president of Sector 79, Group 2, Cooperative House Building Society Ltd., Mohali, against whom a 'no confidence motion' has been moved and a meeting is fixed for 18.8.2015. It is submitted that the office bearer can be removed or suspended in terms of Section 27 of the Punjab Cooperative Societies Act, 1961 but insofar as the 'no confidence motion' is concerned, it cannot be carried out in the absence of any provision in the Act, Rules or Bye-laws of the Society. He otherwise relied upon the judgment of the Supreme Court passed in "Vipulbhai M. Chaudhary Vs. Gujarat Cooperative Milk Marketing Federation Limited and others" decided on 19.2.2015 and has pointed out that in the absence of any provision in the Act, Rules or Bye-laws of the Cooperative Society, the Chairperson or elected office bearer cannot be removed within a period of two years by way of 'no confidence motion'.*

*Notice of motion for 7.9.2015.*

*Dasti.*

*In the meantime, further proceedings shall remain stayed."*

Mr. Ashwani Prasher, learned counsel appearing on behalf of respondent No.5 submits that since the Chairperson of the Society cannot give 'no confidence motion' at least for a period of two years, but the fact remains that 'no confidence motion' cannot be passed at any point of time. In case the petitioner acquired any disqualifications, the matter can be taken in accordance with law.

Keeping in view the aforementioned statement, the grievance of

the petitioner stands vindicated and therefore, no cause of action survives in the present writ petition. The writ petition has been rendered infructuous.

Disposed of accordingly.

01.05.2017  
Yogesh Sharma

( AMIT RAWAL)  
JUDGE

|                           |         |
|---------------------------|---------|
|                           | ✓       |
| Whether speaking/reasoned | Yes/ No |
|                           | ✓       |
| Whether Reportable        | Yes/ No |