

In the High Court of Punjab and Haryana at Chandigarh.

**CWP- 18065 of 2017
Decided on 17.8.2017**

Dalip Singh and another

--Petitioners

Vs.

State of Haryana and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. Sourabh Bajaj, Advocate, for the petitioners

Rakesh Kumar Jain,J: (Oral)

The petitioners are members of respondent No.3 which is a Primary Agriculture Cooperative Society. The election of the Office Bearers of the Society were held on 10.7.2017. It is alleged that the said election was in violation of Section 28 of the Haryana Cooperative Societies Act,1984 (for short, 'the Act') and Rule 25 of the Haryana Cooperative Societies Rules, 1989 (for short,the Rules') as no procedure was followed as provided in Appendix "A".

During the course of hearing, learned counsel for the petitioners fairly submitted that the other members of the Society have already availed the statutory remedy by filing a petition under Sections 101 and 102 of the Act before the Deputy Registrar. However, it is submitted that the present petitioners could not file the said petition in terms of Sections 101 and 102 of the Act because limitation of 30 days has expired.

Be that as it may, since some of the members of the Society have filed the petition, which is a statutory remedy and the matter is pending before the Deputy Registrar, therefore, the petitioners may, if so advised, file an application to become a party in the pending petition but insofar as the present petition is concerned, it is not maintainable in view of the alternative statutory remedy.

Faced with this situation, learned counsel for the petitioners prays for withdrawal of this petition in order to file an application before the Deputy Registrar, Cooperative Societies, Haryana, in the matter of **Raj Kumar and others Vs Smt. Angrejo Devi and others** to become a party therein.

In view thereof, the present petition is disposed of giving liberty to the petitioners as prayed.

17.8.2017
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned:

Yes/No.

Whether Reportable:

Yes/No.