

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 28205 of 2017
Date of Decision: 12.12.2017**

BALDEV SINGH AND OTHERS

..... Petitioners

V/S

REGISTRAR COOPERATIVE SOCIETIES, PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Raman Goklaney, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (Oral)

Learned counsel for the petitioners submits that Jhoke Hari Har Multipurpose Agriculture Cooperative Service Society Ltd., Tehsil and District Ferozepur (hereinafter referred to as 'the Society') is registered under the Punjab Cooperative Societies Act, 1961 (hereinafter referred to as 'the Act'). The petitioners were elected as members of the Managing Committee of the Society on 21.06.2014 for a term of five years. The petitioners, who are the members of the Managing Committee were served with a notice under Section 27 of the Act on 01.11.2017 to show cause as to why they should not be put under suspension, to which they have submitted their reply on 20.11.2017. It is alleged that the petitioners have filed an appeal under Section 68 (1) (e) of the Act against the order dated 01.11.2017, which was adjourned to 12.12.2017 but before the said appeal could have been heard, the respondents have passed the order of removal of the entire Managing Committee in terms of Section 27 of the Act, on 24.11.2017. The said order

was also challenged by way of an appeal under Section 68 (1) (e) of the Act in which the next date of hearing is 18.12.2017.

Now, the petitioners have the apprehension that in the meantime, the respondents may elect a new Managing Committee as it is alleged to have been done in the other Societies also. Learned counsel for the petitioners has, thus, prayed that till the next date of hearing of the appeal, i.e. 18.12.2017, the interest of the petitioners may be protected.

After hearing learned counsel for the petitioners and after examining the available record, I am of the considered opinion that it is only an apprehension of the petitioners that the Society may elect new Managing Committee but no order in this regard has been passed so far. As a matter of fact, the next date of hearing in the appeal is fast approaching as it is fixed for 18.12.2017 and in case any proceedings for the purpose of elections of the members of the Managing Committee is initiated by the respondents, the petitioners can approach this Court by way of a writ petition but at present, only on the basis of apprehension, no order of stay can be granted. However, a direction is issued to the Appellate Authority, i.e. Deputy Registrar, Cooperative Societies, Ferozepur, with whom the said appeal filed by the petitioners is pending for 18.12.2017, to decide the same by passing a speaking order after giving opportunity of hearing to the petitioners.

With these observations, the present writ petition is disposed of.

December 12, 2017

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No