

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

LPA No.1231 of 2016 (O&M)

Date of Decision : 18th July, 2017

Khushhal Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Animesh Sharma, Advocate
for the appellant.

Mr. Manoj Bajaj, Addl. A.G., Punjab.

Mr. Rahul Sharma, Advocate
for respondent No.4.

MAHESH GROVER, J. (Oral)

The learned counsel for the appellant makes a strenuous argument that the Morinda Co-operative Sugar Mill ought to be considered as 'State' within the meaning of Article 12 of the Constitution of India. He contends that this particular Mill because of its prevailing bye laws, which reveal a pervasive control of the State, would make it amenable to writ jurisdiction.

After hearing the learned counsel for the appellant at length, we notice that the bye laws of the society were never brought to the notice of the learned Single Judge to offer such an argument as the one being advanced before us. It is for the first time that bye laws have been brought on record. Because of the reason that this issue was never urged before the learned Single Judge with reference to the specific bye laws, it would be inappropriate for us to comment on the impugned judgment with regard to

the aspect now being urged before us.

Learned counsel for the appellant, at this stage, wishes to withdraw the appeal with liberty to approach the learned Single Judge.

Dismissed as withdrawn with liberty aforesaid granted.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

18th July, 2017
mamta-M

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No