

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

CWP No.19908 of 2018

Date of decision: 17.9.2018

Harjit Singh

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. A.K.Walia, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The challenge in the present petition is to the resolution dated 24.6.2013 (Annexure P/3) passed by respondent no.7-the Barnala Scheduled Caste & Land Owning Cooperative Societies, Barnala. The affect of the said resolution is that Jaswant Singh-respondent no.8 has been shown as legal heir of Puran Singh, who was a member of the said society. The petitioner claims to be another legal representative of Puran Singh being the grand son of the deceased person. Challenge has also been raised to an enquiry dated 4.1.2018 (Annexure P-8/T) conducted by respondent no.3-the Joint Registrar, Cooperative Societies, Patiala Divison, Patiala whereby the findings have been recorded that the resolution should have been challenged by filing an appeal before the competent authority under the Punjab Cooperative Societies Act, 1961 for setting aside the resolution.

A perusal of the enquiry report would go on to show that there disputed questions arose as such as to who had given the consent at the first place for Jaswant Singh to come on record as sole legal heir. The said fact finds mention in the report dated 4.1.2018 (Annexure P-8/T) wherein it has been mentioned that mother of the present petitioner had given her consent

and therefore, subsequent affidavit given could not be relied upon. It is thus apparent that disputed issues arise as such and therefore, it could be proper if the petitioner is relegated to the remedy of appeal.

In view of above facts, counsel is not in a position to press the present writ petition and prays that liberty be granted to approach the appropriate authority.

Accordingly, the present writ petition is dismissed with liberty to the petitioner to avail his alternative remedy of filing an appeal before the competent authority.

Needless to say that since the petitioner has approached this Court for redressal of his grievances and the matter was being enquired into at various levels, the delay, if any, would be liable to be condoned on filing an appropriate application in this regard and the matter would be heard on merits.

September 17, 2018
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No