

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

**Date of Decision :29.10.2018
LPA No.1700 of 2018 (O&M)**

Jagsir Singh and others

.....Appellants

Versus

State of Punjab and others

..... Respondents

LPA No.1702 of 2018 (O&M)

Puneet Paul Singh and others

.....Appellants

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Navjot Singh, Advocate for the appellants.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

These two LPAs are directed against two identical orders passed in two writ petitions hence they have been clubbed together and are being decided by this common order.

The appellants/petitioners have approached this Court by invoking powers conferred under Article 226 of the Constitution of India seeking a writ of mandamus to command the officials respondents to accept their nomination papers in respect of which elections were scheduled to be

held on 18.10.2018 for electing members of the administrative committee of the respondents-society '**the Bhagta Patti Fafra Multipurpose Co-operative Agricultural Services Society Limited, Bhagta, District Bathinda**'. Learned Single Judge vide order dated 17.10.2018 while issuing notice of motion directed that the elections held in the meanwhile shall be subject to final outcome of this writ petition.

Admittedly, the elections were held on 18.10.2018 and results were declared. The appellants/petitioners made applications on 19.10.2018 in the pending writ petitions seeking an order to restrain the successful candidates in the elections of the said society from holding the office of the administrative committee during the pendency of the writ petitions.

Learned Single Judge issued notices on the aforesaid applications, aggrieved by the same the LPAs are filed. That the grievance raised in the writ petitions pending before the learned Single Judge was that they were not allowed to file their nomination papers hence they were precluded from participating in the elections. Thus, the main issue for adjudication is in respect of the elections which have already been held whether they stand vitiated because of the said fact or not. This dispute is admittedly in connection with the elections of an office bearers of the society. The society is governed by Punjab Cooperative Societies Act, 1961, Chapter -VIII of the said Act relates to Settlement of Disputes, Section 55(1), (2) & 2(c) read as under:-

“55. Disputes which may be referred to arbitration.

(1) Notwithstanding anything contained in any law for the time being in force, if any dispute touching the constitution,

management or the business of a co-operative society arises-
x x x x x x x x x x

(2) For the purposes of sub-section (1), the following shall be deemed to be disputes touching the constitution, management or the business of a co-operative society, namely-

- (a) x x x x x x x x x x**
- (b) x x x x x x x x x x**

(c) any dispute arising in connection with the election of any Officer of the society”.

It is thus clear that an efficacious statutory alternative remedy is available to the petitioners/appellants under Section 55(2)(c) of the Act of 1961.

In view of the above, while hearing the matter in the pre lunch session we have called for the record of writ petition Nos. 26905 and 26906 of 2018 as well and that is how both the writ petitions are also before us. No useful purpose would be served by keeping these writ petitions pending in view of availability of an efficacious statutory alternative remedy to the appellants/petitioners. In such view of the matter we dispose of the two LPAs along with two writ petitions. In view of the existence of the statutory alternative remedy the same are not liable to be entertained and it is left open to the appellant/petitioners in case it is so advised to avail the statutory remedy available under Sections 55(2)(c).

Needless to say that in case the appellants/petitioners choose to

avail the remedy the authorities shall proceed to hear and decide the same in accordance with law after notice and opportunity of hearing to all the stake holders by reasons speaking order expeditiously preferably within a period of three months from the date of approaching to the authorities.

With the aforesaid observations the CWP Nos. 26905 of 2018 and 26906 of 2018 and LPA Nos. 1700 of 2018 and 1702 of 2018 stand finally disposed of.

A photocopy of this order be placed on the files of the aforesaid civil writ petitions.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

29.10.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No