

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

CWP-20666-2017

Date of Decision:05.02.2019

Smt. Sumit and another

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Gaurav Tyagi, Advocate
for the petitioner.

Mr. Harish Nain, A.A.G. Haryana.

Mr. Balraj Singh Dhull, Advocate
for respondent No.5.

RITU BAHRI, J. (Oral)

The petitioner has sought for the following relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of mandamus directing the respondents authority to allow the elected body/management committee to call the emergent meeting for the purpose of constituting Zonal Committee for further preparing of the Zonal and voter list for the election purpose of the Board of Directors of the Hisar Central Co-operative Consumers Stored Ltd. Hisar (herein after 'the store') which is to be held before 03.11.2017 i.e. Expiry of five years term of the present Managing Committee and pass the urgent agendas including the election agenda, as the tenure of elected body/management committee will expire on 03.11.2017, in case the meeting is not being allowed for further election process and the same is not called by the elected body/management committee, then the elected body/management committee will be debarred for five years under Section 28 (3) to contest the further election and this is

the only intention of the respondents authority to debar the present Management Committee to contest further election, hence the present Management Committee is not allowed to call the meeting and pass the required agendas for constituting the zonal committee to further finalize the zonal and voter lists for the further election process of managing committee, in the interest and welfare of the store and the same is also mandatory as per Section 28 of the Haryana Co-operative Societies Act, 1984 amended up-to-date (hereinafter "the Act")

AND

Further issue a writ of mandamus directing the respondents authority to allow the petitioners/elected body/management committee to continue as BOD to run the store smoothly till 03.11.2017 and conduct the election of next elected body i.e. Board of Directors of the store."

It is informed that vide order dated 16.11.2018, an Administrator has been appointed to the Hisar Central Cooperative Consumer State Limited, Hisar for a period of six months i.e. from 16.11.2018 to 15.05.2019 or till the election of Boards of Directors of the Sotre held.

Thus, the prayer of the petitioners has been answered.

In view of the above, no further directions are required to be issued in the present case.

Disposed of accordingly.

05.02.2019
rajeev

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No