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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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SANJAY CHIRIPAL

W.P.(C) 10224/2019

..... Petitioner

Through: Mr S.K. Sharma, Advocate.

versus

REGISTRAR OF COOPERATIVE SOCIETIES AND ORS.... Respondents

Through: Mr Naushad Ahmed Khan, ASC for
GNCTD.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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20.09.2019

CM 42184/2019 (exemption)

1. Allowed, subject to all just exceptions.

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2. Anxious about the purity of the election to the management committee of the Riviera Apartments Owners Cooperative Housing Society Limited, the Petitioner has approached this Court with a string of prayers which include directions to the Returning Officer to place on record the orders passed by him on the objections raised by the Petitioner to the nominations, and for a fresh agenda notice to be issued after replacing the Returning Officer.

3. The law as regards the interference by the High Court under Article 226 of the Constitution with the election process of cooperative societies, is fairly well settled. Although learned counsel for the Petitioner placed reliance on the judgment of this Court in *Paramjit Sarna v. Delhi Sikh Gurudwara*

Management Committee (2006) 128 DLT 525, the law explained by the Supreme Court in the context of Section 70 of the Karnataka Cooperative Societies Act, 1959, and the remedy available thereunder in *Umesh Shivappa Ambi Nandi v Angadi Shekara Bassapa (1998) 4 SCC 529* is well settled. The Supreme Court in that case held as under:

“4. It is now well settled that once an election is over, the aggrieved candidate will have to pursue his remedy in accordance with the provisions of law and this (sic High) Court will not ordinarily interfere with the elections under Article 226 of the Constitution. (See in this connection para 3 in *K.K. Shrivastava v. Bhupendra Kumar Jain*. The Court will not ordinarily interfere where there is an appropriate or equally efficacious remedy available, particularly in relation to election disputes. In the present case, under Section 70(2)(C) of the Karnataka Cooperative Societies Act, 1959 any dispute arising in connection with the election of a President, Vice-President, Chairman, Vice-Chairman, Secretary, Treasurer or member of Committee of the Society has to be referred to the Registrar by raising a dispute before him. The Registrar is required to decide this in accordance with law.”

4. In that view of the matter, this Court is not inclined to entertain the present petition at this stage. Nevertheless, it will be open to the Petitioner to seek appropriate remedies once the elections are over in accordance with the provisions of the Delhi Cooperative Societies Act.

5. The petition is accordingly dismissed. No costs.

S. MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 20, 2019

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