

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

108+230

**CM-2648-CWP-2020 in/and
Civil Writ Petition No.1697 of 2020
Decided on : 17.02.2020**

Piara Singh

... Petitioner

Versus

Registrar Cooperative Societies Punjab and others

... Respondents

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

Present: Mrs. Jagdeep Bains, Advocate, for the petitioner.

Mr. SPS Tinna, Addl. AG, Punjab assisted by
Mr. Sangram Singh Sandhu, Deputy Registrar,
Cooperative Societies, Ludhiana and
Ms. Anju Bala, Assistant Registrar, Cooperative
Societies, Jagraon.

G.S. Sandhawalia, J. (Oral)

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Application for recalling/modification of the order dated
23.01.2020 to the extent that observation made that incorrect paper-book
had been supplied, has been filed.

Mr. Tinna, fairly submits that now they have complete copy of
the paper-book.

Accordingly, keeping in view the above no further orders are
called for.

CM stands disposed of.

Main case

In the present writ petition filed under Articles 226/227 of the
Constitution of India the petitioner seeks directions to the official
respondents to conduct the elections of the Managing Committee of

respondent No.5, whose term is due to elapse on 19.02.2020 under the supervision of a senior officer.

The contention of the petitioner was noted on 23.01.2020, which reads as under:-

“Counsel *inter alia* contends that the election programme, as such, of the elections of respondent no. 5-Society was drawn up for 28.01.2020. However, the same has been sent back vide order dated 14.01.2020 (Annexure P-3) with no tangible reason as such and which is not supported by any statutory provision. It is submitted that representation dated 15.01.2020 (Annexure P-4) has also been moved to respondent no. 1 bringing to its notice that the term is to elapse on 19.02.2020. It is further brought to the notice of this Court that similar matters are pending for 03.02.2020 as to whether nomination can be made on the same date alongwith withdrawal, allotment of symbols, voting, declaration of result and whether it is feasible and practical, specially in the present case, since voting of 1223 members is to take place.”

In the reply filed by the Deputy Registrar Mr. Sangram Singh Sandhu, who is also present in the Court, on behalf of respondents No.1 to 3, to whom notice only was issued, it is submitted that the election programme framed by the respondent-Society was received, but the members/voter list was not certified, as required. The Secretary of the respondent-Society was supposed to give certificate at the end of the said list stating that all the members of the respondent-Society have been included in the list and no member has been left out and the name of such member mentioned at last serial number is true and correct, as per the record of the respondent-Society, which was the requisite condition as

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such and, therefore, the election programme being incomplete, the same had been returned with the said objection.

It is further pointed out that the term of respondent No.5-Society is elapsing on 18.02.2020 and which is admitted itself by the petitioner to the extent that is elapsing on 19.02.2020.

It is also pointed out that on account of the Committee's period coming to an end, the Administrator is liable to be appointed under Section 26 (1-D) of the Punjab Cooperative Societies Act, 1961 and, thereafter, the authorized person as such is to further send the election programme to the Administrator.

Accordingly, the authorized person of respondent No.5-Society shall remove all the necessary objections, which have been raised vide Annexure P-3, as has been pointed out in the written statement.

Accordingly, on receipt of the said request for election programme, the respondent No.3 shall take action on the said election programme in accordance with the law and shall ensure that elections thereafter are held within a period of three months from today. It is also expected that the election programme which is to be finalized shall be duly spread over 4 days.

The writ petition stands disposed of, accordingly.

(G.S. SANDHAWALIA)
JUDGE

FEBRUARY 17, 2020
Naveen

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No