

214

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-31361-2018

Date of decision: 23.01.2020

JAGJIT SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

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

Present: Mr. Harbans Sharma, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Sonu Jain, Advocate for
Mr. H.S.Oberoi, Advocate
for respondent No. 5.

Mr. Dilraj Singh Bhinder, Advocate
for respondent No. 6.

G.S.SANDHAWALIA, J. (Oral)

The petitioner has filed this petition under Section 226/227 of Constitution of India challenging the order passed by Deputy Registrar on 04.12.2018 (Annexure P-11) whereby he dismissed the election petition filed under Section 56 of the Punjab Cooperative Societies Act, 1961 since the nominations papers of the petitioner were rejected on 04.07.2018 (Annexure P-5).

Vide the impugned order, the Deputy Registrar has come to the conclusion that the petitioner is defaulter of the loans of the society.

Admittedly, the appeal lies against the said order under Section 68 (1) (h) readwith 68(2) (b). The said Section reads as under:-

“SECTION- 68

68. Appeals.

(1) An appeal shall lie under this section against-

- (a) an order of the Registrar made under sub-section (2) of section 8 refusing to register a society;*
- (b) an order of the Registrar made under sub-section (4) of section 10 refusing to register an amendment of the bye-laws of a co-operative society*
[(bb) an order of the Registrar made under section 10-A directing amendment of bye-laws of a co-operative society;]
- (c) a decision of a co-operative society, other than a producer's society, refusing to admit any person as a member of the society who is otherwise duly qualified for membership under the bye-laws of the society;*
- (d) a decision of a co-operative society expelling any of its members;*
- (e) an order made by the Registrar removing or suspending a committee or a member thereof under Section 27;]*
- (f) an order made by the Registrar under section 52 apportioning the costs of an inquiry held under section 50 or an inspection made under section 51;*
- (g) any order of surcharge under section 54;*
- (h) any decision or award made under section 56;*
- (i) an order made by the Registrar under section 57 directing the winding up of a co-operative society;*
- (j) any order made by the liquidator of a co-operative society in exercise of the powers conferred on him by section 59;*

- (k) any order made under section 65 ;*
- (l) grant of a certificate under sub-section (2) of section 67-A for the recovery of the amount due from a member on account of loan and interest thereon.*
- (2) An appeal against any decision or order under sub-section (1) shall be made within sixty days from the date of decision or order,*
- (a) if the decision or order was made by the Assistant Registrar to the Deputy Registrar;*
- (b) if the decision or order was made by the Deputy Registrar to the Registrar or such Additional Registrar or Joint Registrar as may be authorised by the Registrar in this behalf;*
- (c) if the decision or order was made by the Joint Registrar or Additional Registrar, to the Registrar;*
- (d) if the decision or order was made by the Registrar, to the Government;*
- (e) if the decision or order was made by any other person, to the Registrar or such Additional Registrar or Joint Registrar or Deputy Registrar or Assistant Registrar as may be authorised by the Registrar in this behalf.”*

Counsel for the respondent No. 6 has thus, stressed upon the alternative remedy available to the petitioner.

It is settled principle that this Court could not exercise its extra ordinary writ jurisdiction, once there is an alternative remedy available to the petitioner in view of the law laid down in ***United Bank of India versus Satyawati Tondon, 2010 (8) SCC 110*** and the writ petition would not be maintainable.

Faced to this situation, counsel for the petitioner submits that he deposited Rs. 50,000/- to show his *bona fides* as per order dated 13.12.2018. Since the petitioner had approached this Court immediately, thereafter, it is open for him to file an appeal within a period of four weeks from today which would be decided on merits. The amount of Rs. 50,000/- be refunded to the petitioner.

In view of the above, the writ petition is disposed of , accordingly.

23rd January, 2020
shabha

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No