

CWP-10885-2021

Date of Decision: 10.06.2021

Sarbjit Singh

...Petitioner

vs.

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Manish Kumar Singla, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Articles 226/227 of the Constitution of India is for the issuance of a writ in the nature of Mandamus directing respondent No.3 to start the work of 'The Kakra Multipurpose Cooperative Agricultural Service Society Ltd. Kakra, which is lying at a standstill on account of pendency of election petition before respondent No.3.

3. Learned counsel contends that there are 900 members of the society, who elect 11 members towards its Administrative Committee and that in the election to the aforesaid society held on 19.04.2021, out of 11 members, 9 members were elected unanimously, whereafter some dispute arose with regard to their election and pursuant thereto, election petition Annexure P/1 was filed before respondent No.2, who while entertaining the same granted stay against taking follow up action to elect office bearers pursuant to election held on 19.02.2021 and also referred the matter to respondent No.3. Learned counsel

contends that the election dispute may continue to be adjudicated by respondent

Nos.2/3 but the functioning of the society should not be kept in abeyance especially in view of the fact that there are approximately 900 members of the society, who are to be provided with fertilizers and other essential commodities and sowing season is in full swing. Learned counsel contends that about thirty members including the petitioner had submitted representation Annexure P/3 dated 02.06.2021, to respondent No.3, for starting the work of the society and not linking up of the same with the election dispute pending before him but no action has been taken on the same till date, therefore, in the circumstances, the petitioner would be satisfied if the writ petition is disposed of by directing respondent No.3 to consider and decide representation Annexure P/3 dated 02.06.2021, in accordance with law, in time bound manner and thereafter take such action in respect thereto as may be warranted in the eyes of law.

4. Notice of motion to respondent No.3 only.

5. Mr. Nikhil Chopra, learned Addl. AG, Punjab, accepts notice on behalf of respondent No.3 and states that he has no objection to the limited prayer of the prayer of the petitioner for issuance of directions to respondent No.3 to consider and decide representation Annexure P/3 and take follow-up action in respect thereto as may be warranted in accordance with law.

6. In the light of statement of learned counsel for the parties, the writ petition is disposed of by directing respondent No.3 to consider and decide representation Annexure P/3 dated 02.06.2021, after taking into account all aspects of the matter and thereafter take such action in respect thereto as may be warranted in accordance with law, as expeditiously as possible, preferably

7. Writ petition disposed of with the aforementioned directions.

(B.S. Walia)
Judge

10.06.2021
'Rajesh'

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