

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119)

CWP-7210-2022

Date of Decision : April 06, 2022

Suresh Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surender Singh Dalal, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that in the present case, the bye laws of the Society are contrary to the statutory provisions of Haryana Cooperative Societies Act, 1984 (hereinafter referred as '1984 Act') and keeping in view the decision rendered by this Court in ***CWP No. 21996 of 2012 titled as Prithavi Singh and others versus State of Haryana and others decided on 10.02.2014*** in case there is a conflict between the bye laws of the Society and statutory provisions, the statutory provisions will prevail and therefore, the respondents are liable to be directed to amend the bye laws suitably so as to bring them to be inconsonance with the provisions of the 1984 Act.

Learned counsel for the petitioner submits that the petitioner has already served a legal notice dated 15.01.2022 (Annexure P-4) upon the respondents for the said purpose but the respondents are not deciding the matter, which is causing prejudice to the petitioner, as the term of the

petitioner as the Chairman of the Ballabgarh Cooperative Milk Producers Union Ltd is coming to an end in July, 2022 if taken under bye laws.

Learned counsel for the petitioner further submits that the petitioner will be satisfied, at this stage in case a time bound direction is given to respondent No.3 to decide the legal notice dated 15.01.2022 (Annexure P-4) by passing an appropriate speaking order by taking into consideration the judgment in ***Prithavi Singh's case (supra)***.

Notice of motion.

On asking of the Court, Mr. Raman Kumar Sharma, learned Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents raises no objection in deciding the legal notice dated 15.01.2022 (Annexure P-4) in a time bound manner by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 15.01.2022 (Annexure P-4), the present writ petition is disposed of with a direction to respondent No.3 to decide the legal notice dated 15.01.2022 (Annexure P-4) within a period of eight weeks from the receipt of copy of this order.

April 06, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No