

**CM-5949-CWP-2021 in/and
CWP-3421-2020 & CWP-9031-2020**

-1-

248 (2 Cases)

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

Date of Decision: 30.05.2022

(I) CM-5949-CWP-2021 in/and CWP-3421-2020

The Sokhal Cooperative Labour and Construction Limited and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

(II) CWP-9031-2020

The Amritsar Model Co-operative Labour and Construction Society Limited
and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioners (in CWP-3421-2020).

Mr. R.K. Sharma, Advocate,
for the petitioners (in CWP-9031-2020).

Ms. Ambika Bedi, AAG, Punjab, assisted by
Sh. Balwinder Singh R/o and
Sh. Sukhpal Singh, Inspector,
Co-operative Societies.

Mr. Tushar Sharma, Advocate,
for respondents No.6.

Mr. Ashwani Prashar, Advocate,
for respondents No.7 to 10 (in CWP-3421-2020)

HARSIMRAN SINGH SETHI J. (ORAL)

This common order will dispose of both the connected petitions, details of which have been given in the heading, as the common question of law arise in both of them.

Learned counsels for the respondents submit that in the present petitions, the election of the office bearers is under challenge, hence the present writ petitions are not maintainable as the petitioners have an efficacious alternate remedy of filing an election petition, in case the petitioners have any grievance with regard to the elections.

Learned counsels for the petitioner submits that the petitioners were pursuing the present remedies for the last two years and the period of limitation for filing the election petition is already over, and therefore, the present petitions may kindly be heard and decided on merits.

Learned counsel for respondents submits that in case the petitioners avail the said remedy, no objection qua the limitation will be raised and the respondents will also have no objection in case the same are decided on merits.

Learned counsels for the petitioners submit that as the elected members are not raising any dispute with regard to the limitation of filing the election petition and have rather conceded before this Court that in case any election petition is filed, the same will be decided on merits, the present petitions may kindly be disposed of as having been not pressed any further with liberty to the petitioners to avail the appropriate alternative remedy to file the election petition.

As the election is of the year 2020, therefore, in case the

**CM-5949-CWP-2021 in/and
CWP-3421-2020 & CWP-9031-2020**

-3-

petitioners avail the said remedy of filing the election petition, the same be decided as expeditiously as possible keeping in view the instructions already issued in the said regard by the Government of Punjab.

Photocopy of this order be placed on the file of connected case.

CM-5949-CWP-2021 in/and CWP-3421-2020:

The present application is also disposed of.

30.05.2022
Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No