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

**CWP-14248-2022
Date of decision: 08.07.2022**

RAJINDER SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D. V. Sharma, Senior Advocate with
Mr. Tushar Sharma, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ of certiorari, prohibition or any other appropriate writ, order or direction for quashing of impugned order bearing No.ARS/RK-1/1473 dated 17.06.2022 (Annexure P-15), whereby the order has been passed by the Assistant Registrar, Cooperative Societies, Sunam under Section 27(1)(b) of the Punjab Cooperative Societies Act, 1961, for removing the petitioner as a member of the Managing Committee/President of the Bir Kalan Milk Producers Cooperative Society Ltd. with immediate effect.

Learned counsel for the petitioner herein *inter alia* would contend that by virtue of the said order, the Assistant Registrar, Cooperative Societies, Sunam has issued directions for orders to be complied with and proceedings to be initiated for removal of the petitioner from the primary

membership of the Bir Kalan Milk Producers Cooperative Society Ltd. It is argued that pursuant to the said directions, Annexure P-16 has been issued and an agenda item is in circulation calling for the general body meeting of the Society for 15.07.2022, for considering the removal of the petitioner herein. It is contended that the impugned order is not sustainable as the petitioner herein cannot be removed from the primary membership of the Bir Kalan Milk Producers Cooperative Society Ltd. under Section 27(1)(b) of the said Act as invoked. It is submitted that it is only on account of political interference that these proceedings have commenced.

At this stage, Mr. Ashwani Prashar, Advocate has put in an appearance on behalf of the Sangrur District Cooperative Milk Producers Union Ltd., Sangrur, being a caveator. It is contended that the applicant-caveator has not been made a party to these proceedings intentionally.

I have heard learned counsel appearing.

In the opinion of the Court, the caveator is not required at the present moment considering the fact that no actual relief has been sought against him as the orders as impugned have been passed by the Assistant Registrar, Cooperative Societies, Sunam. However, at the present moment, this Court is not inclined to interfere in the present writ petition considering the fact that the petitioner herein has a remedy of filing an appeal against the orders so passed. The appeal would lie before the Deputy Registrar, Cooperative Societies, concerned and the revision, in case the petitioner is aggrieved by the order of the Deputy Registrar, would lie before the Joint Registrar, Cooperative Societies, concerned. The orders so impugned can be challenged before the aforesaid authorities in terms of Section 68 of the aforesaid Act.

The petitioner herein would file his appeal before the Registrar, Cooperative Societies, Punjab-respondent No.2 within a period of one week from today, who himself would undertake the exercise of deciding the appeal on all the points raised and pass a speaking order thereunder. Let the appeal be decided after due opportunity of hearing to the petitioner herein within a period of three months thereafter.

In the meantime, the impugned orders are kept in abeyance.

Consequently, the present petition is disposed of.

While disposing of the instant writ petition, any observations made herein are purely for the purpose of deciding the instant writ petition and not to be construed as an opinion on the merits of the case.

08.07.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No