

**CM-7541-CWP-2022 in/and CWP-26494-2021 (O&M) and other
connected case** 1

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

(119+296)

**CM-7541-CWP-2022 in/and
CWP-26494-2021 (O&M)
Date of Decision : May 18, 2022**

Navjit Singh Aulakh and others

.. Petitioners

Versus

The Registrar Cooperative Societies, Punjab and others

.. Respondents

(296-A)

CWP-367-2022 (O&M)

Ravinder Kaur Walia and another

.. Petitioners

Versus

The Registrar Cooperative Societies, Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present: Mr. Tahaf Bains, Advocate, for the petitioners
in CWP-26494-2021.**

**Mr. H.S. Dhindsa, Advocate, for the petitioners,
in CWP-367-2022.**

Ms. Deepali Puri, Addl. Advocate General, Punjab.

**Mr. Gurmeet Singh, Advocate, for respondent No.7
in CWP-26494-2021 and
for respondent No.6 in CWP-367-2022.**

**Mr. Harjot Singh Bedi, Advocate, for respondents No. 9 to 16,
in CWP-26494-2021.**

HARSIMRAN SINGH SETHI J. (ORAL)

CM-7541-CWP-2022 in CWP-26494-2021

**CM-7541-CWP-2022 in/and CWP-26494-2021 (O&M) and other
connected case** **2**

Present application has been filed for placing on record Annexures P-14 to P-41 and for exemption from filing certified copies of the same.

Keeping in view the averments made in the application, the same is allowed and Annexures P-14 to P-41 are permitted to be taken on record.

CM-2520-CWP-2022 in CWP-26494-2021

Present application has been filed for placing on record the reply along with Annexure R-7/1/T and R-7/1/2.

Keeping in view the averments made in the application, the same is allowed and reply along with Annexure R-7/1/T and R-7/1/2 is permitted to be taken on record.

CM-237-CWP-2022 in CWP-26294-2021

Present application has been filed for placing on record Annexures P-10 to P-13 and for exemption from filing certified and typed copies of the Annexures.

Keeping in view the averments made in the application, the same is allowed and Annexures P-10 to P-13 are permitted to be taken on record.

CM-240-CWP-2022 in CWP-26294-2021

Learned counsel for the applicant submits that as the main petition is listed today, present application seeking preponment of the petition has become infructuous and may be disposed of as such.

CM stands disposed of as infructuous.

CM-2518-CWP-2022 in CWP-367-2022

Present application has been filed for placing on record the reply along with Annexures R-6/1/T and R-6/1/2.

Keeping in view the averments made in the application, the same is allowed and reply along with Annexures R-6/1/T and R-6/1/2 is permitted to be taken on record.

CM-241-CWP-2022 in CWP-367-2022

As the main petition is disposed of, learned counsel for the petitioners does not wish to press this application and the same may kindly be disposed of as such.

Ordered accordingly.

CWP-26494-2021 and CWP-367-2022

By this common order, two writ petition, the details of which have been given in the heading of the order, are being disposed of as the same question of law is raised in both the petitions.

In the present petition, the grievance of the petitioners is that no Election to the respondents-Society are being conducted despite the fact that the same are due keeping in view the By-laws governing the respondents-Society.

Learned counsel for the petitioners submits that appropriate direction needs to be issued to the respondents-Society including the Officers of the Cooperative Department, Government of Punjab to ensure that free and fair Elections are held to the respondents-Society as early as possible.

Learned State counsel, on the instructions from Inspector Kanwar Preet Singh, submits that the Department has already taken steps to hold the Elections of the respondents-Society and as per the schedule issued so far, the same will be held on 6/7.06.2022.

At this stage, learned counsel for the petitioners submits that according to them, there are 27 members, who are not eligible to vote being defaulters keeping in view the By-law Rule 16-A read with Section 17 of the Act coupled with the guidelines issued under the Act/rules concerned.

Learned State counsel submits that prima facie, the allegations of the petitioners have been considered and it has been found that as of now, except four members, the rest of the members are eligible to vote.

The said position is disputed by the learned counsel for the petitioners.

Learned counsel for the petitioners submits that as per the accounts book of the Society, there are total 27 members who are defaulters and the petitioners be given liberty to raise the said claim before the Registrar, Cooperative Society before the Elections are held and Registrar, Cooperative Society be kindly directed that in case any such objection is raised, the same be decided in accordance with law.

Learned counsel for the respondents submits that in case, the petitioners raises any grievance with regard to the validity of the membership of any member with regard to the voting to be done in the scheduled election programme, the appropriate orders will be passed on the same as expeditiously as possible so as to ensure the free and fair Elections.

The present petitions are disposed of with liberty to the petitioners to approach the Registrar Cooperative Society, Punjab in case they have any grievance with regard to the Elections, scheduled to be held of the respondents-Cooperative Society. In case, any representation is filed, let the Registrar Cooperative Society decide the same as expeditiously as possible to ensure the free and fair Elections.

All the efforts be made by the Registrar to decide the representation before holding of the Elections so that no one has any grievance at the time of the conducting of the Elections. All the concerned, who are likely to be affected, should be heard before passing the orders on the objections being raised by the petitioners.

At this stage, learned counsel for the petitioners raises an apprehension that the respondents will go by the voter list which was issued in December, 2017.

Learned counsel for the respondents-State submits that she has instructions to say that as the Election programme to hold the Elections have been issued now in the month of May, 2022, the eligibility will be seen on the day when the election programme was issued by the respondents with regard to the eligibility of a member to cast his/her vote.

The present petitions are disposed of in above terms.

May 18, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No