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

**CWP-37067-2019
Date of decision: 13.01.2023**

JASWINDER SINGH AND OTHERS

...Petitioners

VERSUS

REGISTRAR COOPERATIVE SOCIETIES, PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. K. Sharma, Advocate and
Mr. Santosh Kumar, Advocate
for the petitioners.

Mr. Deepanjay Sharma, DAG, Punjab.

Mr. Rajeev Sharma (Raju), Advocate
for respondent No.4.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ, order or direction in the nature of certiorari for quashing order/letter dated 19.11.2019 (Annexure P-6) issued by respondent No.2, approving the zones and the zonal list of voters for the election of the Managing Committee of respondent No.4-Society.

Learned counsel for the petitioners, while referring to Notice dated 24.10.2019 (Annexure P-4), asserts that the objections with regard to the carving out of the zones were called for by 15.11.2019. In pursuance to the same, petitioners had filed objections on 14.11.2019 (Annexure P-5 Colly.)

with the Deputy Registrar, Co-operative Societies, Patiala. As per Notice dated 24.10.2019 (Annexure P-4), the objections were to be heard on 18.11.2019 but no hearing was given on the said date on the objections as per the Notice. It has further been asserted that till date, no decision has been taken on the said objections nor conveyed to the petitioners. He would contend that vide communication dated 19.11.2019 (Annexure P-6), the Deputy Registrar has approved the zones of the Rajpura Co-operative Marketing Union by accepting the resolution of the Managing Committee of the Rajpura Co-operative Society. He further argues that the same is not sustainable in the light of the fact that without consideration and decision on the objections, as submitted by the petitioners, the Deputy Registrar could not have proceeded to even ask for the election programme. As the elections were going to be held immediately, they had no other option but to approach this Court by way of filing the instant petition.

Learned counsel for the respondent No.4 would submit that the instant writ petition would not be maintainable in the light of the fact that the petitioners have a remedy of approaching the Registrar, Cooperative Societies, Punjab, Chandigarh against the order dated 18.11.2019 (Annexure R-1) passed by the Deputy Registrar, Cooperative Societies, Patiala.

I have heard learned counsel for the parties.

In view of there being a specific provision as provided under the Punjab Cooperative Societies Act, 1961 and the guidelines laid thereunder for the petitioners to challenge any action of the authorities constituted under the said Act, the instant writ petition is disposed of by giving direction to the Registrar, Cooperative Societies, Punjab, Chandigarh to treat the instant

petition as an appeal and decide the same in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

Needless to say, since the petitioners have been availing of their remedy in this Court, the question of limitation would not be raised.

13.01.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No