



CWP-10202-2024 (O&M)
and others connected cases

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

115 CWP-10202-2024 (O&M)
Date of Decision: 23.10.2024

THE GURDASPUR CENTRAL
COOPERATIVE BANK LTD

.... Petitioner

V/S

BAKSHISH SINGH AND OTHERS

.... Respondents

115-2 CWP-10212-2024 (O&M)

THE GURDASPUR CENTRAL
COOPERATIVE BANK LTD

.... Petitioner

V/S

BAKSHISH SINGH AND OTHERS

.... Respondents

115-3 CWP-10213-2024 (O&M)

THE GURDASPUR CENTRAL
COOPERATIVE BANK LTD

.... Petitioner

V/S

BAKSHISH SINGH AND OTHERS

.... Respondents



CWP-10202-2024 (O&M)
and others connected cases

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115-4

CWP-10214-2024 (O&M)

THE GURDASPUR CENTRAL
COOPERATIVE BANK LTD

.... Petitioner

V/S

BAKSHISH SINGH AND OTHERS

.... Respondents

115-5

CWP-10230-2024 (O&M)

THE GURDASPUR CENTRAL
COOPERATIVE BANK LTD

.... Petitioner

V/S

BAKSHISH SINGH AND OTHERS

.... Respondents

115-6

CWP-10291-2024 (O&M)

THE GURDASPUR CENTRAL
COOPERATIVE BANK LTD

.... Petitioner

V/S

BAKSHISH SINGH AND OTHERS

.... Respondents



CWP-10202-2024 (O&M)
and others connected cases

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115-7

CWP-10305-2024 (O&M)

THE GURDASPUR CENTRAL
COOPERATIVE BANK LTD

.... Petitioner

V/S

BAKSHISH SINGH AND OTHERS

.... Respondents

115-8

CWP-10327-2024 (O&M)

THE GURDASPUR CENTRAL
COOPERATIVE BANK LTD

.... Petitioner

V/S

BAKSHISH SINGH AND OTHERS

.... Respondents

115-9

CWP-10330-2024 (O&M)

THE GURDASPUR CENTRAL
COOPERATIVE BANK LTD

.... Petitioner

V/S

BAKSHISH SINGH AND OTHERS

.... Respondents



CWP-10202-2024 (O&M)
and others connected cases

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115-10

CWP-10333-2024 (O&M)

THE GURDASPUR CENTRAL
COOPERATIVE BANK LTD

.... Petitioner

V/S

BAKSHISH SINGH AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Paramjit Kaur Deol, Advocate for the petitioner.

Ms. Amrita Garg, AAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. This order shall dispose of all the above noted writ petitions.
2. For the sake of convenience, factual position is being taken from CWP No.10202 of 2024.
3. This writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned order dated 07.12.2023, Annexure P-14, passed by respondent No.7, whereby the appeal of the private respondents has been accepted and order dated 22.06.2017, Annexure P-6, passed by respondent No.6, has been set-aside.
4. Although, notice has not been issued to the respondents, but a short reply has been filed on behalf of respondent No.7, wherein it has



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been submitted that the impugned order, Annexure P-14, has been passed by Deputy Registrar Cooperative Societies, Hoshiarpur, in exercise of the power as an appellate authority and a revision petition against the said order is maintainable under Section 69 of the Punjab Cooperative Societies Act, 1961 (for short 'the 1961 Act'). Relevant extract of the affidavit filed by respondent No.7 is reproduced hereunder:-

“6. That petitioner has the statutory remedy available under the provisions of the Punjab Cooperative Societies Act, 1961 (in short, the 1961 Act) to file revision under Section 69 against the order dated 7-12-2023. This order was passed by undersigned in the capacity of Deputy Registrar following directions of Hon'ble High Court order dated 03.05.2023 to the appellate authority. The present writ petition filed by the petitioner is not maintainable and is liable to be dismissed.”

5. State counsel has also invited the attention of the Court to Section 3(5) of the 1961 Act and has submitted that where any power of the Registrar is exercised by any person by virtue of an order issued by the Government under Section 3(3) of the 1961 Act, the order or decision made by such person for the purposes of appeal and revision shall be deemed to be the order/decision of that person and not that of the Registrar. It is her argument that the order passed by the Deputy Registrar was in his individual capacity and when read with Section 69



of the 1961 Act, it becomes evident that a revision petition is maintainable against the impugned order.

6. As the petitioner has an alternative statutory remedy, writ petition is not maintainable and is hereby dismissed. However, liberty is granted to the petitioner to take recourse to the remedy available to it under the statute.

23.10.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>