

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19793-2024
Date of decision:-23.10.2024

Sukhwant Singh

...Petitioner

Versus

Indergarh Multi-Purpose Co-operative Agriculture Service Society and
others

...Respondents

CORAM : HON’BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Balbir Kumar Saini, Advocate
for petitioner.

SUVIR SEHGAL, J.(ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, for setting aside the order dated 19.04.2024, Annexure P10, passed by respondent No.7, whereby a petition filed by the petitioner challenging the election of respondents No.9 to 19 has been dismissed. It has been further prayed that the result of the elections held on 18.12.2020 be set aside and the elections be held afresh in accordance with law.

2. At the outset, counsel for the petitioner has been confronted



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with the maintainability of the writ petition in view of the alternative remedy available to the petitioner under the Punjab Cooperative Societies Act, 1961 (for short “the 1961 Act”).

3. Counsel for the petitioner has placed reliance upon a judgment of Coordinate Bench of this Court in **Gurnam Singh and others Versus Assistant Registrar Co-operative Societies, Rajpura and others, 1973 PLJ 566**, to submit that the writ petition is maintainable.

4. I have heard counsel for the petitioner and considered his submissions.

5. It cannot be disputed that the petitioner had filed a petition, Annexure P7, under Section 55 (2) (c) of the 1961 Act, which has been transferred under Section 56 of the 1961 Act to the Deputy Registrar, Cooperative Societies, Faridkot – respondent No.3 for disposal. The petition was decided vide impugned order, Annexure P10. By virtue of Sub-Section 1 Clause (h) of Section 68, any decision or award made under Section 56 of 1961 Act can be challenged by way of an appeal filed under Section 68 of the 1961 Act. Petitioner for reasons best known to him has not availed the statutory remedy. The judgment upon which reliance has been placed is not applicable to the facts of the present case.

6. At this stage, counsel for the petitioner seeks and is granted permission to withdraw the writ petition with liberty to take recourse to the alternative statutory remedy available to the petitioner in accordance with law.

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7. Dismissed as withdrawn with liberty as aforesaid. In case, the petitioner avails the remedy available to him under the 1961 Act within a period of two weeks from today, the competent authority shall hear his appeal and decide it on merits.

23.10.2024
Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No