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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14153-2024(O&M)
Date of Decision:01.12.2025

DALBIR SINGH AND OTHERS

....Petitioner(s)

Versus

**ADDITIONAL CHIEF SECRETARY, COOPERATION
DEPARTMENT, HARYANA AND OTHERS**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vijay Deep Rathee, Advocate and
Mr. B.S. Rathee, Advocate,
for the petitioners.

Mr. Chirag Wadhwa, DAG, Haryana.

Mr. Surender Saini, Advocate,
for respondents No.4 and 5.

Mr. Purushotam, Advocate,
for respondent No.6.

Mr. Mohan Sheoran, Advocate for
Mr. Vinay Singh Rathee, Advocate,
for respondent No.8.

Mr. Vikrant Rana, Advocate,
for respondent No.9.

Mr. S.S. Dalal, Advocate,
for respondent No.11.

Mr. Surinder Gaur, Advocate,
for respondent No.14.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the
Constitution of India for issuance of a writ in the nature of *certiorari* for



quashing the impugned final list of candidates dated 28.05.2024 (Annexure P-8) for election to the posts of Directors to be held on 09.06.2024, with a further prayer to direct respondent No.3 to preserve the CCTV footage of the camera installed in his office during the period of filing of nomination forms on 27.05.2024.

2. Learned counsel for the petitioners submitted that it is a case where the elections to the Ch. Devi Lal Co-operative Sugar Mills Ltd, Gohana-respondent No.4 were to be held as per the schedule/election programme (Annexure P-3). He submitted that as per the aforesaid election programme, the date of filing of the nomination papers was 27.05.2024 and thereafter, different dates have been mentioned for further processes. He submitted that although the election process was conducted as per the aforesaid election programme but the result of the same has not been declared as yet in compliance of order dated 07.06.2024 passed in the present petition.

3. Learned counsel submitted that it is a case where the petitioners have challenged the election process even prior to the polling date on the ground that two persons were not even eligible to file their nominations. He submitted that so far as the petitioners are concerned, they went to the Returning Officer for submission of their nomination papers in accordance with law but the same were not accepted by the Returning Officer. He submitted that another grievance relates to some of the private respondents whose nominations papers have been accepted against a wrong zone because zonning has been provided in the election programme itself and they were not even eligible for being nominated for elections in a zone in which the papers have been accepted by the Returning Officer and in this way,



illegalities have been committed by the Returning Officer and therefore, the entire election may be set aside.

4. On the other hand, learned counsels appearing on behalf of the respondents have jointly submitted that the present petition is not even maintainable. They submitted that it is a settled law that once the election process starts, then the Court would not interfere in the election process and the only remedy available is to file an election petition under Section 102 read with Section 28(2) of the Haryana Co-operative Societies Act. In this regard, they referred to the election programme, wherein the date for filing the nomination papers was 27.05.2024 and the election process started on the aforesaid date and the present petition has been filed on 29.05.2024, which was after the starting of the election process and therefore, *ex facie* the present petition is not even maintainable.

5. They also referred to the statutory provisions of Section 102(2)(c) of the Haryana Co-operative Societies Act, 1984, which specifically provides that any dispute arising in connection with the election of any officer of the society shall be referred to the arbitration of the Registrar, Co-operative Societies, Haryana. They further referred to Section 28(2) of the Haryana Co-operative Societies Act, 1984.

6. The relevant portions of Section 28(2) and 102 of the Haryana Co-operative Societies Act, 1984, are reproduced as under:-

28(2) The election process once started shall not be postponed and disputes, if any, pertaining to the election, shall be entertained after the completion of the election process, in accordance with the provisions of this Act.

Explanation:- The election process shall be deemed to have started from the date of order of the Election Authority fixing the date of election.



102. Disputes for arbitration (1) Notwithstanding anything contained in any law for the time being in force, if any dispute touching the constitution, management or the business of a co-operative society [other than a dispute of disciplinary action or dispute relating to service matters in respect of a paid servant of a society] arises-

(a) among members, past members and persons claiming through a member or deceased members; or

(b) between a member, past member or persons claiming through a member, past member or deceased member and the society, its committee or any officer, agent or employee of the society or liquidator, past or present; or

(c) between the society or its committee and any past committee, any officer, agent or employee or any past officer, agent or employee or the nominee, heirs or legal representatives of any deceased officer, agent or employee of the society; or

(d) between the society and any other society, between a society and liquidator of another society or between the liquidator of one society and the liquidator of another society;

such disputes shall be referred to the arbitration of the Registrar for decision and no court shall have jurisdiction to entertain any suit or other proceedings in respect of such dispute.

Provided that any proceedings pending or concluded under section 101 shall not constitute a dispute touching the constitution, management or the business of the society.

(2) For the purpose of sub-section (1) the following shall be deemed to be disputes touching the constitution, management or the business of a cooperative society, namely:-

(a) a claim by the society for any debt or demand due to it from a member, or nominee, heirs or legal



representatives of a deceased member, whether such debt or demand be admitted or not;

(b) a claim by a surety against the principle debtor where the society has recovered from the surety any amount in respect of any debt or demand due to it from the principle debtor as a result of the default of the principle debtor, whether such debt or demand is admitted or not;

(c) any dispute arising in connection with the election of any officer of the society.

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7. It was the argument of the learned counsel for the petitioners that the petitioners have filed the present petition prior to the date of conducting the elections, if any and therefore, the present petition is maintainable.

8. This Court is unable to accept the plea made by the learned counsel for the petitioners purely on the point of law. Once the election process started on 27.05.2024, then the petitioners could not have filed the present petition by invoking Article 226 of the Constitution of India and the only remedy available to the petitioners was to file an election petition under Section 102 read with Section 28(2) of the Haryana Co-operative Societies Act. During the course of arguments, reference was made by the petitioners to Annexure P-11, which is a judgment passed by Hon'ble Supreme Court in ***Nandiesha Reddy versus Mrs. Kavitha Mahesh, Civil Appeal No.5142 of 2011 (Arising out of SLP (C) No.14286 of 2010), decided on 08.07.2011*** to contend that the Returning Officer cannot arbitrarily accept or reject a nomination paper. However, the aforesaid judgment is distinguishable from the facts of present case because in the



aforesaid judgment, it was a case of an election petition and not the stalling of the election process.

9. Consequently, the present petition is not maintainable and the same is hereby dismissed.

10. Interim order dated 07.06.2024 stands vacated.

01.12.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No