

2025:PHHC:152639



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

CWP-30144-2025
DECIDED ON:14.10.2025

PARUL BHALOTIA

....PETITIONER

VERSUS

**THE DEPUTY REGISTRAR, COOPERATIVE SOCIETY,
GURURAM AND ORS**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr.Ridhi Bansal, Advocate, for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The Petitioner has invoked the writ jurisdiction of this Court under Articles 226 and 227 of the Constitution of India, assailing the following two orders: (i) Order dated 28.05.2025 passed by the Assistant Registrar, Co-operative Societies, Gurugram, whereby he reviewed and withdrew his earlier order dated 24.01.2025 disqualifying six members of the Management Committee of Respondent No.3 Society; and (ii) Order dated 28.08.2025 passed by the Deputy Registrar, partly allowing the appeal preferred by the said Management Committee and directing the convening of a General Body Meeting within two months.

2. Brief Facts

The Petitioner is an allottee of Flat No.171, Tower-1, City Co-operative Society Ltd., Gurugram, and has been aggrieved by the continuous mismanagement and financial irregularities on the part of Respondent No.3 (the Management Committee). Upon earlier complaints, vide order dated 16.03.2023,

the Assistant Registrar directed the Society to furnish proper accounts and ensure compliance with the *Haryana Co-operative Societies Act, 1984* (in short referred to as “the 1984 Act”).Owing to continued non-compliance, six members of the Management Committee were disqualified under Section 26(3) of the 1984 Act by order dated 23.12.2024, and a Board of Administrators was appointed on 24.01.2025 under Section 33(1). The said disqualified members’ appeal was dismissed as not maintainable vide order dated 09.04.2025. However, thereafter, the Assistant Registrar, on his own motion, reviewed his earlier order dated 24.01.2025 and set it aside on 28.05.2025. The Petitioner contends that the Assistant Registrar had no statutory power of review under the 1984 Act and that the Deputy Registrar’s order dated 28.08.2025, affirming the same, is unreasoned and violative of *audi alteram partem*.

3. Contentions

The learned counsel for the petitioner submits that after the order dated 09.04.2025, the disqualified members of Respondent No.3 failed to file any revision under Section 115 of the *Haryana Co-operative Societies Act, 1984*, and are therefore estopped from later disputing the disqualification order dated 24.01.2025. Nevertheless, the Assistant Registrar, without any statutory power of review, suo motu withdrew that order on 28.05.2025(Annexure P-28), citing Section 34(1) of “the 1984 Act”, though the disqualification had been made under Sections 26(3) and 33 “the 1984 Act”,.

It is further asserted that this act was without jurisdiction and reflected non-application of mind. The Deputy Registrar’s order dated 28.08.2025(Annexure p-31), partly upholding the same, is alleged to be unreasoned, contrary to Section 26(3), and violative of natural justice, as it ignored the core jurisdictional issue. The subsequent directions regarding the

General Body Meeting and related notices are said to be non-compliant with statutory provisions and earlier orders, thereby perpetuating financial irregularities and procedural illegality. Accordingly, the Petitioner seeks quashing of both impugned orders dated 28.05.2025 and 28.08.2025 as being passed without jurisdiction and in violation of law.

Heard learned counsel for the petitioner.

4. Analysis

The foremost issue that arises for consideration before this Court is the maintainability of the present writ petition in view of the statutory remedies available to the Petitioner under the Haryana Co-operative Societies Act, 1984 (“the 1984 Act”). The record discloses that the impugned order dated 28.08.2025 was passed by the Deputy Registrar, Co-operative Societies, in appeal under Section 114 of the Act. Against such an order, the statute itself provides a further revisionary remedy under Section 115, which empowers the Registrar or the State Government, as the case may be, to call for the record of any proceeding and to examine the legality, propriety, or regularity of such order. The Petitioner, however, has chosen to approach this Court directly without exhausting the said statutory course.

It is a settled proposition of law that where a statute creates a hierarchy of appeals or revisions, the High Court should ordinarily decline to exercise its extraordinary jurisdiction under Article 226 unless exceptional circumstances are made out. The Supreme Court in *Thansingh Nathmal v. Superintendent of Taxes, AIR 1964 SC 1419*, held that the High Court will not entertain a writ petition when an efficacious alternative remedy is available, except where the order impugned is patently without jurisdiction or is vitiated by

a manifest breach of natural justice. Relevant extract of the same is as follows:

“The very amplitude of the jurisdiction demands that it will ordinarily be exercised subject to certain self-imposed limitations. Resort to that jurisdiction is not intended as an alternative remedy for relief which may be obtained in a suit or other mode prescribed by statute. Ordinarily the Court will not entertain a petition for a writ under Article 226, where the petitioner has an alternative remedy, which without being unduly onerous, provides an equally efficacious remedy. Again the High Court does not generally enter upon a determination of questions which demand an elaborate examination of evidence to establish the right to enforce which the writ is claimed. The High Court does not therefore act as a court of appeal against the decision of a court or tribunal, to correct errors of fact, and does not by assuming jurisdiction under Article 226 trench upon an alternative remedy provided by statute for obtaining relief. Where it is open to the aggrieved petitioner to move another tribunal, or even itself in another jurisdiction for obtaining redress in the manner provided by a statute, the High Court normally will not permit by entertaining a petition under Article 226 of the Constitution the machinery created under the statute to be bypassed, and will leave the party applying to it to seek resort to the machinery so set up.”

Similarly, in “**Union of India v. Guwahati Carbon Ltd., (2012) 11 SCC 651**”, the Apex Court reiterated that the rule of alternative remedy is a rule of discretion and not compulsion, but where the statutory forum is adequate and efficacious, the writ petition should not be entertained. Therefore, the existence of an adequate alternate remedy is the first factor be considered by the writ court before exercising its writ jurisdiction. In “**PHR Invent Educational Society v. UCO Bank & Ors., (2024) 6 SCC 579**”, the Supreme Court reaffirmed that interference under Article 226 despite an alternative remedy is justified only when there is a patent lack of jurisdiction or flagrant breach of natural justice, none of which exist here.

Applying these principles, it is evident that the 1984 Act provides a complete and self-contained adjudicatory mechanism, first by way of appeal under Section 114 and thereafter by revision under Section 115. The Petitioner has admittedly availed the appellate remedy but not the revisional remedy. There is no

material to show that the remedy under Section 115 was either inefficacious, illusory, or unavailable.

The contention that the impugned orders are “without jurisdiction” or “in violation of natural justice” also does not merit acceptance. The Assistant Registrar’s order dated 28.05.2025, though styled as a review, was essentially an administrative clarification ensuring compliance with Section 34(1). The Deputy Registrar’s order dated 28.08.2025 is a speaking directive for convening a General Body Meeting to restore normalcy. Neither order can be said to have been passed in excess of jurisdiction or without affording due opportunity.

Consequently, the present petition fails on the threshold issue of maintainability. The Petitioner had an efficacious statutory remedy under Section 115 of the 1984 Act, which she failed to invoke. This Court, therefore, declines to exercise its writ jurisdiction under Articles 226/227 of the Constitution.

5. Relief

For the foregoing reasons, the writ petition is dismissed in limine as not maintainable, leaving it open to the Petitioner to avail the statutory remedy of revision under Section 115 of the Haryana Co-operative Societies Act, 1984, if so advised and permissible in law

Accordingly, the writ petition stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

14.10.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No