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

**CWP-2547-2023 (O&M)
Date of Decision:05.02.2026**

Raghbir Singh

.....Petitioner

Versus

Registrar Cooperative Societies and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. R.K. Sharma, Advocate for the petitioner.

Ms. Shruti, AAG, Punjab.

Mr. H.S. Bedi, Advocate for respondent No.5.

Mr. Jatin Bansal, Advocate for respondent No.6.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 09.01.2023 (Annexure P-3) passed by the Joint Registrar, Cooperative Societies, Patiala Division, Patiala, while exercising the powers of the Registrar, Cooperative Societies, Punjab.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was a member of respondent No.5-The Ghumana Milk Producers Cooperative Society Limited, which is a Primary Milk Producers' Cooperative Society. Respondent No.6 is the Patiala

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District Cooperative Milk Producers Union Limited, which is the Central Society at the district level. For the purpose of election of the Managing Committee of respondent No.6–Central Society, elections are conducted from different zones comprising various Primary Milk Producers' Cooperative Societies and in this way the Primary Milk Producers' Cooperative Societies are represented in the Apex Society through their representatives. He submitted that in this manner, the Directors of the Central Society–respondent No.6 are elected by the Primary Cooperative Societies in their juristic personality, although they are represented through their own authorized representatives, who may either be Directors or members of the concerned Primary Society.

3. Learned counsel further contended that the petitioner, in his capacity as a member of respondent No.5–Primary Society, was duly elected to represent the said Society as a Director on the Board of Directors of respondent No.6–Central Society. However, after the aforesaid election was conducted, the membership of the petitioner in his Primary Cooperative Society, i.e., respondent No.5, was cancelled. On account of the cancellation of his membership in the Primary Society, the Joint Registrar, Cooperative Societies, Patiala Division, Patiala, vide the impugned order (Annexure P-3), passed an order ceasing him from the post of Director on the Board of Directors of respondent No.6–Central Society. He further submitted that the aforesaid order is bad in the eyes of law inasmuch as it was not the petitioner in his personal capacity as a member

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who could have been removed as a Director but since the Central Society is represented by the Primary Society in its juristic personality, such action could not have been taken. Therefore, the impugned order is illegal and liable to be set aside.

4. On the other hand, learned counsel for respondent Nos.5 and 6 submitted that the tenure of the Managing Committee of respondent No.6—Central Society is scheduled to expire on 15.02.2026 and only a few days remain. Therefore, adjudication of the present petition would serve no practical purpose and would amount to an academic exercise. They further submitted that the petitioner has filed the present petition in his personal capacity. His membership of the Primary Society, i.e., respondent No.5, stood cancelled, which he has never challenged, and even as on date he is not a member of respondent No.5—Society. Therefore, he does not have the *locus standi* to file the present petition, as he is no longer a member of respondent No.5—Society. They submitted that it is not a case where respondent No.5—Society, in its juristic capacity, has challenged the order passed by the Joint Registrar. If at all any grievance survives, the same could have been raised by the Primary Society itself. However, in so far as the petitioner is concerned, he lacks *locus standi* to challenge the impugned order in view of the fact that as on date he is not even a member of the Primary Cooperative Society.

5. Learned State counsel submitted that the impugned order (Annexure P-3) was passed by the Joint Registrar, Cooperative Societies,

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Patiala Division, Patiala, while exercising the powers of the Registrar, Cooperative Societies, Punjab, and therefore against the said order an appeal was maintainable under Section 68 of the Punjab Cooperative Societies Act, 1961 (hereinafter referred to as “the Act”). In this regard, she referred to Section 3(5) of the Act, which is in the nature of a *non-obstante* provision and provides that where any power of the Registrar is exercised by any person by virtue of an order issued by the Government under sub-section (3), the order passed or decision made by such person shall, for the purposes of appeal or revision, be deemed to be the order or decision of that person and not of the Registrar. Therefore, when the Joint Registrar passed the impugned order (Annexure P-3) while exercising the powers of the Registrar, Cooperative Societies, the same for the purpose of appeal or revision, would be treated as an order passed by the Joint Registrar and not by the Registrar in terms of Section 3(5) of the Act.

6. She further submitted that in this manner, an appeal was maintainable under Section 68 of the Act before the Registrar, Cooperative Societies, Punjab, but the said remedy was not availed of by the petitioner and he straightaway filed the present petition. Therefore, on this ground as well, the present petition is liable to be dismissed.

7. I have heard the learned counsels for the parties.

8. The grievance of the petitioner is with regard to Annexure P-3, whereby the Joint Registrar, Cooperative Societies, Patiala Division, Patiala, while exercising the powers of the Registrar, Cooperative Societies,

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Punjab, ordered cessation of the petitioner from the post of Director on the Board of Directors of respondent No.6–Central Society on account of cancellation of his membership in respondent No.5–Primary Society.

9. It was the argument of learned counsel for the petitioner that it is not the individual person who is the member of the Central Society, but rather the Primary Society in its juristic personality which is the member of the Central Society, and therefore the aforesaid impugned order is liable to be set aside.

10. A perusal of the impugned order passed by the Joint Registrar, Cooperative Societies, Patiala Division, Patiala, vide Annexure P-3, would show that the petitioner was directed to cease to hold the post of Director on the Board of Directors of respondent No.6–Central Society on the ground that his membership in respondent No.5–Primary Society stood cancelled. It was submitted by learned counsel for respondent Nos.5 and 6 that the petitioner is not even a member of respondent No.5–Primary Society as on date, and this position was not disputed by learned counsel for the petitioner.

11. On a query being raised to learned counsel for the petitioner as to whether the petitioner had challenged the aforesaid cancellation of his membership in respondent No.5–Primary Society, learned counsel for the petitioner submitted that he was not aware of any such challenge having been made.

12. A query was raised to learned State counsel with regard to the



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aforesaid factual position, to which she on the basis of the reply submitted that the petitioner never challenged the order by which his primary membership was cancelled. Therefore, this Court is of the considered view that the objection raised by learned counsel for respondent Nos.5 and 6 with respect to the petitioner’s *locus standi* to maintain the present petition is legally sustainable.

13. So far as the objection raised by learned State counsel with regard to availability of the statutory appeal is concerned, the same is also sustainable, because against the aforesaid order (Annexure P-3), an appeal would lie under Section 68 of the Act. However, at the same time it was brought to the notice of this Court that the tenure of the Managing Committee of respondent No.6-Central Society, from which the petitioner was ordered to cease as Director on the Board of Directors, is scheduled to expire on 15.02.2026. Therefore, this Court is of the considered view that, even otherwise, adjudication of the present issue would serve no useful purpose and would amount to a mere academic exercise, as the tenure is set to expire within the next few days.

14. In view of the foregoing discussion, this Court finds no merit in the present petition and the same is accordingly dismissed.

(JASGURPREET SINGH PURI)
JUDGE

05.02.2026

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