

(2001) 11 AHC CK 0115
In the Allahabad High Court
Case No : C.M.W.P. No. 36991 of 2001

Ashok Pratap Singh

APPELLANT

Vs

Deputy Cane Commissioner, Bareilly and Another

RESPONDENT

Date of Decision : 23-11-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 1 AWC 140 : (2002) 1 UPLBEC 922 : (2002) 1 UPLBEC 606

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : G.S.D. Mishra, for the Appellant; P.M.N. Singh, S.C., for the Respondent

Final Decision : Dismissed

Judgement

Anjani Kumar, J.—Heard learned counsel for the parties.

2. Being aggrieved by the order dated 18th August, 2001 passed by respondent No. 2. Annexure-7 to the writ petition, directing the recovery of a sum of Rs. 13,337 petitioner, an employee of the Co-operative Society registered under the U.P. Cooperative Societies Act, 1965, has filed this writ petition. The contention of the learned counsel for the petitioner is that the petitioner has been regularly paying house rent for the accommodation since his appointment in the Society as the accommodation has been allotted to him by the Society. In these circumstances, he cannot be subjected to the payment of Rs. 13,337. This Court in exercise of powers under Article 226 of the Constitution of India cannot enter into the disputed questions of fact. The petitioner has an alternative remedy of filing a petition/ representation to the Registrar u/s 128 of the U.P. Co-operative Societies Act and an appeal further lies u/s 98 of the aforesaid Act against the order passed by the Registrar u/s 128 of the Act. In this view of the matter, this writ petition is dismissed on the ground of alternative remedy.