
(1995) 03 P&H CK 0010
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 2726 of 1981

Charanjit Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 23-03-1995

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1995) 03 P&H CK 0010

Hon'ble Judges : T.H.B. Chalapathi, J

Bench : Single Bench

Advocate : Gurnam Singh, for the Appellant; Manjit Singh, for the Respondent

Final Decision : Dismissed

Judgement

T.H.B. Chalapathi, J.—This writ petition is filed for is suance of a writ of mandamus, directing the release of the Petitioner and also direct the Respondents to effect the recovery by following the procedure laid down in the Punjab Co-operative Societies Act (for short "the Act"). According to the Petitioner, he borrowed a sum of Rs. 1601.44 paise from Respondent No. 4 in the year 1980 for purchase of fertilizer but the Inspector Co-operative Societies was deputed by the Society to effect a recovery of Rs. 6600/- from as per warrant of detention. Accordingly, on. 9.6.1981, the Petitioner was arrested and according to him his detention was illegal as he had offered to the Society to pay an amount of Rs. 1601-44. Whether the Petitioner obtained a loan of Rs. 6600/-, is a question of fact to be decided on the basis of the evidence. This Court while exercising its extra-ordinary jurisdiction under Article 226 of the Constitution of India will not decide the disputed question of fact. It is for the Petitioner to approach the authorities either u/s 55 of the Act for deciding the amount payable by him or u/s 67-A of the Act for revocation of the order passed by the Registrar under the said section or file an appeal u/s 68 of the Act against the orders of the Registrar. The Petitioner has got the alternative remedy which he can avail of, if so advised.

2. This writ petition is misconceived and hence dismissed accordingly. There will be no order as to costs.