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**(1991) 09 P&H CK 0124**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : Civil Writ Petition No. 5507 of 1991**

Madan Gopal

APPELLANT

Vs

The Registrar, Co-operative Societies and Others

RESPONDENT

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**Date of Decision :** 13-09-1991

**Acts Referred:**

Constitution of India, 1950 — Article 226, 227

**Citation :** (1991) 09 P&H CK 0124

**Hon'ble Judges :** Jawahar Lal Gupta, J

**Bench :** Single Bench

**Advocate :** G.C. Dhuriwala, for the Appellant; D.V. Sharma, for the Respondent  
Nos. 4 and 5, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Jawahar Lal Gupta, J.—Election to the Board of Directors of the Punjab State Co-operative Labour and Construction Federation Ltd. was fixed for April 19, 1991. The election programme was duly approved by the Registrar on March 19, 1991. The programme as issued by the Election Manager is at Annexure P. 3. The petitioner, who claims to be a Director of the Society and whose term had expired on April 21, 1991, is aggrieved by this election programme. He challenges it primarily on the ground that the election programme was originally approved on March 13, 1991 according to which six Directors were to be elected by 12 voters. By the programme at Annexure P. 3 six zones have been constituted as a result of which two voters will have to elect one person. The petitioner claims that before approving the zonal system it was incumbent on the Registrar to afford an opportunity to the members to file objections. He further avers that it is not feasible that two voters should elect one Director.

2. In the written statement filed on behalf of the respondents, it has been mentioned that the petitioner had filed his nomination papers as a representative of the D.C U. Faridkot on April 15, 1991. It is averred that his nomination papers have been rejected by the Returning Officer. Consequently, it is averred that the

petitioner can resort to the remedies available under the Act viz. an Election dispute u/s 55. It has been further averred that "there are only six candidates in field from six zones" and if the result of the elections is allowed to be declared by the Court, the election will be unanimous. Further with reference to the provision of Section 26(1-A) of the Punjab Cooperative Societies Act, 1961 (hereinafter referred to as ("the Act")) and Rule 23 of the Punjab Co-operative Societies Rules, 1963 (hereinafter referred to as "the Rules"), it has been pointed out that the area of operation of the Society can be divided into zones for the purpose of election of the members of the Committee. It has been further pointed out that the zonal list can be prepared by the Manager in accordance with the directions issued by the Registrar from time to time. In this process no hearing whatsoever is required to be afforded to the person concerned.

3. I have heard Mr. G. C. Dhuriwala, learned counsel for the petitioner and Mr. D. V. Sharma for respondents Nos 3, 4 and 5.

4. A perusal of the record shows that the Registrar had asked the Manager to prepare zones vide letter dated March 14, 1991. A copy of this letter is at Annexure R/4/4. The election Manager appears to have prepared the list of six zones which was approved by the Registrar on March 18, 1991. A copy of this document is at Annexure R/4/5. It is thereafter that the election programme at Annexure P. 3 was published. The zones having been framed were duly approved by the Registrar before the publication of the election programme. In this process no provision of the Act or the Rules is shown to have been violated. Furthermore, no principle or provision has been pointed out to show that an opportunity of hearing is required to be given in such a situation. Neither the Act nor the Rules contemplate the inviting of objections for grant of opportunity before realisation of the zones for election to a Society. Rule of Appendix-C to the 1963 Rules clearly contemplates that "the zonal list of voters shall be prepared, if necessary, by the Manager in accordance with the directions issued by the Registrar from time to time". The Manager is under a duty to prepare the zonal list of voters. The provision does not contemplate any notice or opportunity for raising any objections. In this situation, I am of the view that no opportunity whatsoever was required to be given to the petitioner.

5. Mr. Dhuriwala contends that formation of six zones implies that two voters have to elect one Director. He submits that if both the voters choose to contest, the election will necessarily be held by toss of the coin and not by actual voting. Mr. Sharma on the other hand points out that, in fact, there are only six candidates. The nomination papers filed by the petitioner have already been rejected and as such the election is unanimous. He further points out that if the petitioner is in any way aggrieved, he has an effective and alternative remedy u/s 55 of the Act.

6. The fact that the nomination papers of the petitioner have been rejected has not been disputed. That being so, that the petitioner is not one of the contesters. In any event, if he is aggrieved by the action in rejecting his nomination papers

he is entitled to raise a dispute under the Act. In principle I find no infirmity in the action of the respondents in carving out six zones as a result of which two persons have to elect one Director. No provisions of law is shown to have been violated in this course.

7. I find no merit in this petition, which is accordingly dismissed. In the circumstances of the case, the parties are left to bear their own costs.