

(2000) 11 P&H CK 0077

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 15393 of 2000

Ram Singh

APPELLANT

Vs

Union Territory Chandigarh

RESPONDENT

Date of Decision : 13-11-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 1 RCR(Civil) 477

Hon'ble Judges : S.S. Sudhalkar, J;Mehtab S. Gill, J

Bench : Division Bench

Advocate : Ms. Jagdeep Bains, for the Appellant;

Judgement

S.S. Sudhalkar, J.—By this writ petition, the petitioner is challenging order dated 10.10.2000 (An-nexure/15) which is an order of the Registrar, Co- op. Societies for winding up (liquidation) of the affairs of the society named as Super Bazar, SCF No. 5-7, Sector 22-D, Chandigarh (also known as Central Co-operative Consumer Stores Limited, Chandigarh) Public Notice dated 2.11.2000 (annexure P/19) and also an order which is stated to be of 26.11.2000 (counsel for the petitioner states it should be 26.1.2000). According to section 68(t) of the Punjab Co-operative Societies Act, 1951 (hereinafter referred to as the "Act"), the order annexure P/15 is appealable. The relevant provision of section 68 reads as under :-

"68. Appeals - (i) an appeal shall lie under this Section against -

(i) an order made by the Registrar u/s 57 directing in the winding up of a Co-operative society;"

3. Section 58 of the Act is regarding appointment of a liquidator and in section 58(3) of the Act it is provided that where an appeal is preferred u/s 68 an order of winding up of a co-operative society made u/s 57 shall not operate till the order is confirmed in appeal, though the liquidator shall continue to have custody of control of the property, effects and actionable claims mentioned in sub-section

(2) and have authority to take the steps referred to in that subsection.

4. The petitioner could have very well challenged the order in appeal instead of challenging it in this petition, Many facts will have to be considered including questions of facts for which evidence will have to be considered. The appeal, therefore, was the best forum for the petitioner to choose. This writ petition, therefore, deserves to be dismissed.

5. We would like to mention that a similar petition with paragraphs mostly verbatim being Civil Writ Petition No. 15034 of 2000 was filed by Kamaljit Singh, Accounts Assistant and Khem Singh, Sateman of Super Bazar, Sector 22, Chandigarh. In the said petition, when the question regarding provision of appeal was asked learned counsel for the petitioner withdrew the petition for availing remedy for filing appeal against the impugned orders. Hence the said petition was dismissed as withdrawn. This petition is filed by Ram Singh who is Assistant Pharmacist in the Super Bazar. Counsel for both the petitions is the same. This petition is filed just after two days of the withdrawal of the earlier petition with paragraphs mostly the same, being the copies of the earlier petition and through the same counsel and a thing to be further mentioned is that below the index page in the column "any other relevant case," the mention is "NIL". We certainly disapprove this practice. We are sorry to record these comments.

6. In view of the above, this petition is dismissed.