
(2023) 08 SHI CK 0088

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 5437 Of 2023

Shanti Devi And Another

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 17-08-2023

Acts Referred:

Citation : (2023) 08 SHI CK 0088

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Peeyush Verma, Anoop Rattan, Rajan Kahol, Vishal Panwar, B.C. Verma, Ravi Chauhan, Sunil Mohan Goel

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of instant petition filed under Art. 226 of the Constitution of India, the petitioners have prayed for following main reliefs:

“(i) The Notices dated 27.06.2023 (Annexures P-1 & P-2) seeking recovery and threatening coercive action against the petitioners, may kindly be quashed and set aside.

(ii) The respondents No. 1 to 4 may kindly be directed to not to resort to any coercive measures in order to recover the alleged amount of Rs.13,69,633/, the claim being grossly untenable, unwarranted and unjustified.

(iii) To direct the authorities to initiate appropriate proceedings under the H.P. Co-operative Societies Act, 1968 for recovery of loan amount due, if any, and the same recovered in accordance with law.”

2. Learned counsel for the parties are ad-idem that the issue raised in the present petition has been decided by this Court in CWP No. 2473 of 2018, titled Ravinder Chatra v. State of Himachal Pradesh & Ors., decided on 12.10.2018, wherein parties were directed to take recourse to provisions of Himachal Pradesh

Co-operative Societies Act, 1968.

3. Accordingly, without going into the merits of the case, present petition is disposed of, permitting the petitioner to take recourse to the remedy available under the Act, which be availed by 31.8.2023. Till then, there will be stay of the impugned recovery notices dated 27. 6.2023 (Annexures P-1 and P-2). However, it is clarified that in case the petitioner avails of the remedy within the stipulated period, then the concerned authority shall make all endeavour to adjudicate the lis expeditiously, preferably not later than 15th November, 2023.

4. The petition stands disposed of in the afore terms alongwith all pending applications.