

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16463/2004

(From the final judgement and order dated 14/05/2004 in WP No. 2212/1998 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAMESH KUMAR

Petitioner(s)

VERSUS

LAKHAURI JALALPUR K.S.S.SAMITI LTD.&ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief and office report )

Date: 25/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. Rohan Thawani, Adv.

Mr. Joseph Pookkatt, Adv.

Mr. Prashant Kumar,Adv.

For Respondent(s)

Mr. Ambrish Kumar,Adv.

Mr. M.C.Dhingra, Adv.

Mr. Gaurav Dhingra, Adv.

Mr. Vikrant Yadav, Adv.

Mr. Javed Mahmud Rao ,Adv

Mr. Shahid Ali Rao, Adv.

Ms. Musharraf Choudhry, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard counsel for the parties.

From the impugned judgment and order of the High Court it appears that

though the High Court did not record a categorical finding on the question as to the

maintainability of the Writ Petition by the petitioner against a Cooperative Society, it

still made observations to the effect that there was no foundation laid for maintaining a

Writ Petition against such a cooperative society. The High Court has also held that

against the impugned action of the Society no appeal will lie before the Registrar of

Cooperative Societies under the Act.

-2-

In these circumstances, if a Writ Petition is not maintainable, and no relief is

provided under the statute, the petitioner may have to seek his remedy before the

ordinary Civil Court of competent jurisdiction. Counsel for the respondents do not

object and submit that such a legal remedy is, in law, available to the petitioner.

In these circumstances, we dismiss the Special Leave Petition preferred by the

petitioner but with the direction that in case he seeks remedy before a Court of

competent jurisdiction, the Court dealing with the dispute will adjudicate without being

influenced by anything said in the impugned order. It will be open to the petitioner to

invoke the provisions of Section 14 of the Limitation Act in case the question of

limitation arises.

(Sukhbir Paul Kaur)

Court Master

(Vijay Dhawan)

Court Master