

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 626 of 2006 (M/B)

1. Dharam Veer Singh S/o Sri Attar Singh,
R/o Village Manglore, Post Mangalore,
Haridwar, Uttaranchal,
Acting Secretary of
Libberhedi Shakari Ganna Vikas Samiti Ltd.,
Libberhedi, District Haridwar.
2. Kunwar Pal R/o Village Nagla China,
Post Mangalore, District Haridwar,
Acting President of
Libberhedi Sahkari Ganna Vikas Samiti Ltd.,
Libberhedi, District Haridwar. Petitioners

Versus

1. State of Uttaranchal through Secretary,
Ministry of Cane Development and Sugar Mills,
Dehradun.
2. State of Uttar Pradesh through Secretary,
Ministry of Cane Development and Sugar Mills,
Lucknow.
3. Registrar, Cane Co-operative Societies,
Uttaranchal Cane and Sugar Commissioner,
Uttaranchal at Kashipur, District Udham Singh Nagar.
4. Registrar, Cane Co-operative Societies,
Uttar Pradesh Cane and Sugar Commissioner,
Uttar Pradesh, Lucknow.
5. Union of India through Secretary,
Ministry of Agriculture and Cooperation, New Delhi.
6. Central Registrar, Multi State Co-operative Societies/
Joint Secretary (Co-operation), Union of India,
Ministry of Agriculture & Cooperation,
New Delhi.
7. Sahkari Ganna Vikas Samiti Ltd.,
Iqbalpur, District Haridwar,
Through its Secretary.
8. Sahkari Ganna Vikas Samiti Ltd.,
Todarpur (Behat), Saharanpur,
Through its Secretary.
9. Sahkari Ganna Vikas Samiti Ltd.,
Devband, Saharanpur,
Through its Secretary. Respondents

Ms. Tehmina Punvani, Senior Advocate with Mr. Naresh Pant, Advocate for the petitioners.

Mr. J.P. Joshi, Addl. Chief Standing Counsel for respondents Nos. 1 and 3.

Ms. Anjali Bhargava, Addl. Standing Counsel (Central Govt.) for respondents Nos. 5 and 6.

Ms. Menaka Tripathi, Advocate for respondents Nos. 8 and 9.

JUDGMENT

**Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.**

RAJEEV GUPTA, C.J. (Oral)

Ms. Tehmina Punvani, Senior Advocate with Mr. Naresh Pant, Advocate for the petitioners.

Mr. J.P. Joshi, Addl. Chief Standing Counsel for respondents Nos. 1 and 3.

Ms. Anjali Bhargava, Addl. Standing Counsel (Central Govt.) for respondents Nos. 5 and 6.

Ms. Menaka Tripathi, Advocate for respondents Nos. 8 and 9.

They are heard on admission.

2. The petitioners have filed this writ petition for the following reliefs:

“(i) Issue a writ, order or direction in the nature of certiorari quashing the orders dated 8.02.2006, 8.01.2003, 27.01.2006 and 14.02.2006 contained in Annexure No. 1, 2, 3 & 4 respectively.

(ii) Issue a writ, order or direction in the nature of mandamus directing the Respondent No. 3 to register the Society by the name of “Libberhedi Sahkari Ganna Vikas Samiti Ltd. Libberhedi” under the provisions of the Uttaranchal Co-operative Societies Act.

(iii) Mould or grant any relief which this Hon'ble Court deems fit and proper in the facts and circumstances of the case.”

3. The petitioners' main grievance is against the rejection of their application vide order dated 08.02.2006 (Annexure No. 1).

4. During the course of hearing, it transpired that the petitioners have a statutory alternative remedy of filing an appeal against the impugned order dated 08.02.2006.

5. In our opinion, it would be appropriate for the petitioners to first exhaust the statutory remedy available to them against the impugned order dated 08.02.2006 (Annexure No. 1).

6. With the above observation, the writ petition stands disposed of.

7. With the above order, CLMA No. 6403 of 2006 also stands disposed of.

(Prafulla C. Pant, J.)
25.05.2006

(Rajeev Gupta, C.J.)
25.05.2006

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