

Court No. - 2

Case :- WRIT - C No. - 5910 of 2025

Petitioner :- Rakesh Kumar Pandey

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Cooperative Deptt. U.P. Lko. And 3 Others

Counsel for Petitioner :- Vatsaly Srivastava, Virendra Kumar Tiwari

Counsel for Respondent :- C.S.C., Rakesh Kumar Chaudhary

Hon'ble Alok Mathur, J.

Hon'ble Arun Kumar Singh Deshwal, J.

Heard Shri Vatsalya Srivastava, learned counsel appearing on behalf of the petitioner, learned Standing Counsel appearing on behalf of respondent no.1. Shri Rakesh Chaudhary has accepted notice on behalf of respondents no.2 to 4.

Grievance raised by the petitioner in the present writ petition pertains to an inspection conducted under Section 66 of the U.P. Co-operative Societies Act, 1965 with regard to the Sanskriti Grih Nirman Sehkari Samiti, Ltd. Kanpur which is a registered co-operative society having registration no.1951 dated 30.6.1959 situated at House No.22A, Rampuram, Shyam Nagar, PAC road, Kanpur.

It has further been submitted that petitioner was the elected President of the said society in 2018. It is during the said period that there were certain allegations against the society where an inspection was conducted and a report was submitted on 26.12.2022 and the petitioner was not found guilty in the said report.

It has been submitted that another inspection was conducted and report submitted on 24.12.2024 which has been assailed in the present petition. It is stated that in the subsequent inspection report various criminal activities with regard to the petitioner were discovered due to which an FIR was lodged against 15 persons which was registered as case crime no.1/2025 under section 419, 420, 471, 120 B IPC, registered at police station - Sen Pashchim Para, Kanpur Nagar on 05.01.2025.

Grievance raised in the present petition is against the inspection report dated 24.12.2024. It has been submitted that such report is illegal and arbitrary and no opportunity was given to the petitioner while making the recommendations.

Petition has been vehemently opposed by the learned counsel for the respondents.

It has been submitted that the said inspection was conducted under section 66 of the U.P. Co-operative societies Act which empowers the Registrar to conduct any inquiry on its own motion or on the basis of an application submitted by the creditors of the Co-operative society and either conduct the inspection himself or direct any person or authority to conduct the said inspection. The Consequences of the said inspection have been clearly stated in Section 69 of Co-operative Societies Act where it is provided that action can be taken only against the Co-operative society in case allegations are found to be correct or society is found to be proceeding in a

manner contrary to the rules and byelaws or any Act.

In the present case no action can be taken against the petitioner who is a former President and in the present case only action taken is against the 15 persons of lodging of the FIR against whom criminal activities have been found.

Accordingly, it has been submitted that no action is proposed against the petitioner in pursuance of the inspection report dated 24.12.2024 under section 66 of the said Act.

Considering the rival contentions on the question of maintainability, this Court finds that no action is proposed against the petitioner nor is there any allegation in the entire writ petition that any action is proposed against the petitioner in pursuance of the inspection report dated 24.12.2024 which has been conducted under section 66 of the U.P. Co-operative Societies Act. Even if there are certain observations against the petitioner the same would not be of any consequence inasmuch as no action is proposed against the petitioner. The only action shall be taken is lodging of the FIR and any action taken against the petitioner pursuant to the FIR shall undoubtedly be in accordance with law.

Accordingly, till such time and any adverse action is sought to be taken against the petitioner, no grievance can be raised merely on the basis of the inspection report, accordingly, for the aforesaid reasons this Court finds that this Court would not exercise its extraordinary power under Article 226 of the Constitution of India to set aside an inspection report which is not actionable.

Accordingly, we do not find any ground for interference with regard to the inspection report at this stage and accordingly the petition is dismissed. However, it is provided that if any action is proposed against the petitioner in pursuance of inspection report dated 24.12.2024, it shall be open to the petitioner to move appropriate forum or Court in that regard.

With the aforesaid observations, writ petition is ***dismissed***.

Order Date :- 23.6.2025

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(Arun Kumar Singh Deshwal,J.) (Alok Mathur,J.)