

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4482 of 2007

1. Smt. Arun Lata Shrivastava W/o Dr. V.C. Shrivastava, Aged About 73 Years R/o Kayasth Para, Purani Basti, Raipur, Tehsil & District Raipur, (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative, Mantralaya, D.K.S. Bhavan, Raipur, (Chhattisgarh)
2. Registrar, Cooperative Societies, Raipur (C.G.)
3. Joint Registrar, Cooperative Societies, Raipur (C.G.)
4. Collector Of Stamps, Raipur (C.G.)
5. Deputy Registrar, Stamps, Raipur (C.G.)
6. Priyadarshini Housing Cooperative Society, Raipur, A Society Registered Under The Chhattisgarh Cooperative Societies Act, 1960 Registration No. U P P/ R P R/116/84-85, Having Its Head Office At 462, Priyadarshini Nagar, Raipur, Tehsil & District: Raipur, Through Its Vice President Rajesh Shrivastava, S/o B.C. Shrivastava, R/o Priyadarshini Nagar, Raipur, (C.G.)
7. Sushila Devi Parekh, W/o Kishore Kumar Parekh, Aged About 41 Years R/o 8-4-66, Prashanti Nagar, Pedha Waltair, Vishakhapatnam, Andhra Pradesh

---- Respondent

And

WPC No. 4483 Of 2007

1. Manish Shrivastava S/o Dr. V.C. Shrivastava, Aged About 44 Years Occupation : Service, Presently Posted As Medical Officer, District Hospital, Raipur, R/o Kayasth Para, Purani Basti, Raipur, Tehsil & District Raipur (C.G.)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative, Mantralaya, D. K. S. Bhavan, Raipur (C. G.)
2. Registrar, Cooperative Societies, Raipur (C.G.)
3. Joint Registrar, Cooperative Societies, Raipur (C.G.)
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6. Priyadarshini Housing Cooperative Society, Raipur, A Society Registered Under The Chhattisgarh Cooperative Societies Act, 1960 Registration No. U P P/ R P R/ 116/ 84- 85, Having Its Head Office At 462, Priyadarshini Nagar, Raipur, Tahsil And District Raipur, Through Its Vice President Rajesh Shrivastava, S/o B.C. Shrivastava, R/o Priyadarshini Nagar, Raipur (C.G.)
7. Raj Kumar Chopda, S/o Shri Phool Chandji Chopda, Aged About 39 Years R/o Chopda House, Bhatapara, Tahsil Bhatapara, District Raipur, (C.G.)

---- Respondent

For Petitioners	Shri Rajeev Shrivastava, Advocate
For Respondent/State	Shri Arun Sao, Dy. Adv. General
For Respondent No.6 & 7	Shri Sudeep Verma, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/12/2015

1. Challenge in these petitions is to the order passed by the Registrar/Joint Registrar, Cooperative Societies who has directed the Housing Society to cancel the sale deed executed in favour of the petitioners.
2. Learned counsel for the parties would not dispute that the matter in issue, pertaining to the authority of the Housing Society to

cancel the sale deed, has already been settled by this Court in **Shyam Kumar Gujrati v. Board of Revenue and Others¹** and **Dr. Meghraj v. Anupam Griha Nirman Sahakari Samiti Maryadit & Another²**.

3. At this stage, Shri Verma, learned counsel for the respondents No.6 & 7 would submit that in the event the orders are cancelled and liberty is not reserved then the subsequent purchasers will have no remedy in law, therefore, liberty may be reserved in their favour to challenge the sale deed before the Court/authority having jurisdiction over the matter.
4. In view of the above, the impugned orders directing cancellation of the sale deeds and the consequential orders of cancellation of sale deeds in favour of the petitioners are set aside, however, liberty is reserved in favour of the respondents No.6 & 7 to seek cancellation of the subject sale deeds in favour of the petitioners before the Court/authority having jurisdiction over the matter in accordance with law.
5. It is made clear that this Court has not expressed any opinion about the legality and otherwise on any issue raised in these writ petitions and these petitions have been allowed only on the issue of competence of the Registrar/Joint Registrar to cancel the sale deed.

1 WPC No.1084 of 1999 (decided on 1-9-2014)

2 FA No.182 of 2004 (decided on 26-11-2015)

6. It will be open for all the parties to raise all permissible pleas both legal and factual in any further proceedings initiated by any of the parties before the Court/authority having jurisdiction over the matter.
7. Accordingly, both the writ petitions are allowed to the extent indicate above. No order as to costs. Sd/-

Judge

Prashant Kumar Mishra