

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1320 of 2015

Shiv Kumari Marco W/o Ram Kumar Marco Aged About 45 Years R/o Village Wadrafnagar,
Tahsil Wadrafnagar, P.S. Wadrafnagar, District Balrampur - Ramanujganj Civil District
Surguja, Revenue District Balrampur Ramanujganj Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through Secretary Co - Operative Societies Department, Mahandi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. The State Of Chhattisgarh Through Secretary, Revenue Department Mahandi Bhawan, Naya Raipur District Raipur Chhattisgarh
3. The Collector Balrampur, District Balrampur Ramanujganj Chhattisgarh
4. District Co - Operative Central Bank Ltd. Ambikapur, Through The Chief Executive Officer District Surguja Chhattisgarh
5. District Marketing Officer Chhattisgarh State Marketing Federation Co - Operative Rice Mill Manendragarh, Road, Ambikapur Chhattisgarh
6. The Tahsildar Wadrafnagar, District Balrampur Ramanujganj Chhattisgarh

---- Respondents

For Petitioner	:	Shri A.K. Prasad, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate
For Respondent/Cooperative Bank	:	Shri Rakesh Pandey, Advocate

Order On Board

06/10/2015

Heard.

1. The petitioner has filed this petition aggrieved by RRC notice issued by the Tahsildar, Wadrafnagar towards recovery of an amount alleged to be payable by the petitioner to respondent No.4.
2. Learned counsel for the petitioner submits that earlier in writ petitions filed by the petitioner and other similarly situated persons, an order was passed on 10th January, 2014 disposing off the petitions giving opportunity to the Cooperative Bank to recover the amount as per the order passed in the proceedings initiated by the Bank before the competent Cooperative Court.

However, in respect of demand already sent by the Cooperative Bank for

recovery, the Tahsildar has initiated proceedings. Learned counsel for the petitioner submits that in view of the order passed on 10th January, 2014 in the petition filed by the petitioner, no recovery can take place till there is an adjudication by the Cooperative Court in proceedings under Section 64 of the Chhattisgarh Cooperative Societies Act, 1960 (for short "*the Act of 1960*")

3. Learned counsel for the respondent- Cooperative Bank submits that proceedings under Section 64 of the Act of 1960 are pending.
4. Learned counsel for the State submits that Tahsildar has initiated recovery proceedings in view of request made by the Cooperative Bank for recovery of the amount.
5. The petitioner is directed to submit a copy of order dated 10th January, 2014, before the Tahsildar apprising him that in view of the order of the Court, recovery cannot be made till adjudication takes place by the Cooperative Court in proceedings under Section 64 of the Act of 1960.
6. In case of any order of recovery passed in proceedings under Section 64 of the Act of 1960, the same may be intimated by the Cooperative Bank to the Tahsildar and thereafter, the Tahsildar would be within the authority to continue with RRC proceedings under Section 147 of the Land Revenue Code.
7. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge