

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 231 of 2016

Primary Marketing Co-Op Society Ltd. Pali District Korba
(Chhattisgarh), Through Its President Shri Bhyialal Jaiswal S/o M. L.
Jaiswal, Aged About 58 Years, R/o Main Road Pali, District Korba
(Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Co-Operative, Mantralaya, Mahanadi Bhavan, Raipur (Chhattisgarh)
2. Registrar, Co-Operative Societies, Chhattisgarh, Indrawati Bhawan, Block 1, Third Floor, Naya Raipur District Raipur, (Chhattisgarh)
3. Dy Registrar, Co-Operative Societies, Korba, District - Korba (Chhattisgarh)
4. Assistant Registrar, Co-Operative Societies, Korba, District - Korba (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri R.S. Baghel, Advocate.
For State	:	Shri Satish Gupta, Government Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/02/2016

Heard.

1. The petitioner has filed instant petition for quashing and setting aside show cause notice dated 21.12.2015 and also to restrain respondents No.3 & 4 from taking any adverse action pursuant to alleged conditions No. 8 & 11 of Annexure P/1.

2. Learned counsel for the petitioner submits that the petitioner has been issued show cause notice alleging that the petitioner failed to comply with certain terms and conditions of the instructions issued by the Registrar

Cooperative Societies whereas there is legal impediment in fulfillment of those conditions. It is submitted that the petitioner has submitted a detailed reply and the petitioner apprehending that an adverse order is likely to be passed anytime against him in the similar manner, in which such orders have been passed against other primary societies, this petition has been filed.

3. On the other hand, learned counsel for the State submits that earlier on 23.06.2015, the Registrar passed an order in favour of the petitioner setting aside the adverse order passed against the petitioner with a direction to afford proper opportunity of hearing to the petitioner in compliance whereof now show cause notice has been issued to the petitioner. He submits that the petition is premature.

4. Obviously, the show cause notice only proposes an action to which the petitioner has already submitted a reply. The show cause notice has been issued pursuant to the order passed by the Registrar on 23.06.2015 allowing petitioner's appeal. The show cause notice is in compliance of the direction of the Registrar which is not under challenge.

5. In view of the above, this petition appears to be premature. There is no material on record to come to the conclusion that the respondent authority has prejudged the issue or that he has no jurisdiction or authority to issue such a notice. Therefore, in the absence of any such extraordinary ground, I am not inclined to interfere with the proceedings at the present stage of show cause notice. It goes without saying that the reply submitted by the petitioner and all the contentions raised by him including the ground that there are legal impediments in compliance of several conditions, shall be duly looked into and then decision shall be taken in the matter.

6. With the aforesaid observations, the petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E