

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 943 of 2016

Mithlesh Kumar Dubey S/o Late Shri Radhey Lal Dubey, Aged About 61 Years
R/o Village And Post Genda Tola, Police Station Genda Tola, Tahsil Churiya,
District Rajnandgaon, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Co-Operative Societies, Mantralaya, Mahanadi Bhawan, Mahanadi Bhawan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
2. Registrar, Co-Operative Societies, Chhattisgarh, Third Floor, Indrawati Bhawan, Naya Raipur, Distt. Raipur, (Chhattisgarh)
3. Deputy Registrar, Co-Operative Societies, Rajnandgaon, Distt. Rajnandgaon, (Chhattisgarh)
4. Joint Registrar, Co-Operative Societies, Durg, Distt. Durg, (Chhattisgarh)
5. State Co-Operative Election Commission, Chhattisgarh, Raipur, Through The Secretary, State Co-Operative Election Commission, Ambedkar Chowk, Raipur, Distt. Raipur, (Chhattisgarh)
6. Returning Officer, District Central Co-Operative Bank Limited, Rajnandgaon, Distt. Rajnandgaon, (Chhattisgarh)
7. District Central Co-Operative Bank Limited, Rajnandgaon, Through The Chief Executive Officer, District Central Co-Operative Bank Limited, Rajnandgaon, Distt. Rajnandgaon, (Chhattisgarh)

---- Respondents

Shri Sumesh Bajaj, counsel for the petitioner/s.

Shri J.K.Gilda, Advocate General with Shri Satish Gupta, Govt. Advocate for the State on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/04/2016

Heard.

1. Learned counsel for the petitioner submits that this petition has been filed

by the petitioner for quashing order dated 18/03/16 (Annexure P/7) issued by respondent No.6 / Returning Officer and other consequential orders issued on 22/03/2016 and 07/04/2016.

Submission of learned counsel for the petitioner is that even though while disposing off the writ petition earlier, this Court has not passed order of stay, the Returning Officer has wrongly passed the order that further proceedings have been stayed. He submits that issuance of order (Annexure P/11) preceded by order dated 21/03/2016 gave rise to a reasonable inference that the entire process of election is being started afresh from the initial stage.

2. It is made clear that this Court has not stayed any proceedings, however, in view of certain discrepancies and statement made, this petition was disposed off. I do not find that the process of election has been re-initiated. All that was stated before the Court was that the election process would be furthered only after taking appropriate decision in accordance with the provisions of the Cooperative Societies Act, 1960 (for short 'the Act of 1960') and scheme of reservation.

3. Obviously, the election process could not be proceeded further without taking any decision in accordance with the provisions of the Act of 1960.

4. Accordingly, this petition is finally disposed off. The Returning Officer is required to correct its order (Annexure P/7).

Sd/-

(Manindra Mohan Shrivastava)
Judge