

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.1739 of 2016**

- Bhaiya Lal Jaiswal S/o M.L. Jaiswal, Aged About 58 Years Ex Chairman, Primary Marketing Cooperative Society Limited, Pali, District Korba, Chhattisgarh R/o Main Road, Pali, District Korba Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur Chhattisgarh
2. Registear, Cooperative Societies Chhattisgarh, Indrawati Bhawan Block 1, 3rd Floor, Naya Rapur, Post Office & Police Station Naya Raipur, District Raipur Chhattisgarh
3. Deputy Registrar, Cooperative Societies, Korba Chhattisgarh
4. Primary Marketing Cooperative Society Limited, Through Its Liquidator, Primary Marketing Cooperative Society Limited, Pali, District Korba Chhattisgarh

---- Respondents

For Petitioner	:	Shri Chandresh Shrivastava, Advocate
For Respondents No.1 to 3:	:	Shri B. Gopa Kumar, Dy.AG
For Respondent No.4	:	Shri Jitendra Shrivastava, Advocate

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****07/12/2016**

Heard on admission as well as on I.A.No.1, an application for grant of interim relief.

2. Learned counsel for petitioner submits that the impugned order dated 23-06-2016 has been passed without due consideration of the petitioner's reply on factual incorrect premise and without following the provisions of law contained in Section 69 of the Chhattisgarh Co-operative Societies Act, 1960 (In short "the Act").

3. On the other hand, learned State counsel submits that a notice was issued to the petitioner and reply was obtained and thereafter, the impugned order has been passed. It is further submitted that the impugned order appears to be under challenge mainly on the ground that the order is factually incorrect or that the reply of the petitioner has not been duly considered. This is merely an attempt to invoke jurisdiction of this Court to go into the facts of the case. In the absence of there being any ground raised with regard to absence of jurisdiction and that the impugned order has been passed only after giving show cause notice to the petitioner and after obtaining reply, interference is not warranted. It is also submitted that the petitioner has alternative and efficacious remedy to file statutory appeal under Section 78 of the Act before the appellate authority.

4. All the grounds, which are raised in this petition, can be raised by the petitioner before the appellate authority while filing an appeal. Considering that this petition has remained pending since 07-07-2016, it is directed that in case, the petitioner prefers an appeal before the appellate authority within a period of thirty days, the appellate authority shall examine the appeal on its own merits without going into the question of limitation and decide the appeal in accordance with law.

5. Learned counsel for the petitioner submits that the respondents may be directed to decide the appeal within a reasonable period.

6. At this stage, when no appeal is filed, no time bound direction can be issued. It goes without saying that the appellate authority shall decide the appeal as early as possible.

Sd/-
(Manindra Mohan Shrivastava)
Judge