

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1226 of 2016

1. Somari W/o Pati Cherwa, Aged About 70 Years Occupation Household, R/o Village Singchora, P S And Tahsil Rajpur, District Balrampur, (Chhattisgarh)
2. Guru Cherwa, S/o Late Pati Cherwa, Aged About 48 Years Occupation Agriculture, R/o Village Singchora, P S And Tahsil Rajpur, District Surguja (Now District Balrampur) Chhattisgarh, Civil And Revenue District Surguja, (Chhattisgarh)
3. Suru Cherwa, S/o Late Pati Cherwa, Aged About 45 Years Occupation Agriculture, R/o Village Singchora, P S And Tahsil Rajpur, District Surguja (Now District Balrampur) Chhattisgarh, Civil And Revenue District Surguja, (Chhattisgarh)

---- Petitioners

Versus

1. The State Of Chhattisgarh Through The Secretary, Cooperative Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. Registrar, Cooperative Societies, Raipur, Block 3, Second And Third Floor, Indrawati Bhawan, Raipur, District Raipur, (Chhattisgarh)
3. Deputy Registrar, Cooperative Societies, Ambikapur, District Surguja, (Chhattisgarh)
4. Deputy Registrar , Cooperative Societies, Balrampur, District Balrampur, (Chhattisgarh)
5. The Chief Executive Officer, Jila Sahkari Kendriya Bank Maryadit, Ambikapur, District Surguja, (Chhattisgarh)
6. Vidur Cherwa, S/o Larang Say, Aged About 40 Years Occupation Driver, R/o Village Ramnagar Colliery, P S Bijuri, Tahsil Kotma, District Anuppur, Madhya Pradesh
7. Manpatiya Bai, W/o Vijay Singh, Aged About 45 Years R/o Village Rajpur, District Balrampur, (Chhattisgarh)
8. Bhot Ram, S/o Sohari, Aged About 50 Years R/o Village Shankargarh, Tahsil Shankargarh, District Balrampur, (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri A.K. Prasad, Advocate
For State	:	Shri B. Gop Kumar, Dy.A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/05/2016

Heard on admission.

1. This petition has been filed by the petitioners assailing legality and validity of auction proceedings and confirmation of auction.
2. Learned counsel for the petitioners submits that against recovery proceedings initiated by the Bank in the matter of loan taken by one Jhingo Bai, the petitioners had raised a dispute under Section 64 of the Cooperative Societies Act. During the pendency of dispute, Bank proceeded to auction the land. The petitioners' case is that the land belongs to the petitioners and not Jhingo Bai and her name has been wrongly recorded along with the petitioners in the revenue record. It is submitted that without proper hearing, the auction proceedings were continued and finalized and the sale has also been confirmed in favour of auction purchaser. Therefore, in these circumstances, the petitioners have approached this Court.
3. The documents, order sheets which have been placed on record show that the petitioners filed dispute under Section 64 of the Cooperative Societies Act before the Deputy Registrar, Cooperative Societies Ambikapur in the year 2010. The order sheet also show that during the pendency, the Bank proceeded to auction the land. There were certain objections raised by the petitioners. However, the documents on record show that the auction proceedings were concluded and sale confirmed way back in the year 2012.

4. The petitioners have approached this Court after 4 years without exhausting remedy which were available to them against the auction proceedings. Therefore, in these circumstances, this writ petition is misconceived in law.
5. The petition is therefore dismissed. The petitioners would have opportunity to move application before the Deputy Registrar or higher authority under the Cooperative Societies Act for redressal of their grievance.

Sd/-
(Manindra Mohan Shrivastava)
Judge