

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2615 of 2016

- Devishankar Chandrakar S/o Shri Ramji Chandrakar, Aged About 47 Years President Gramin Sewa Sahkari Society Ltd. Kumhi, R/o Village Pendrikala (Nawapara) Post Kunda, Tahsil Pandariya, District Kabirdham Chhattisgarh

---- Petitioner

Versus

1. Deputy Registrar, Cooperative Societies Kabirdham, District Kabirdham, Chhattisgarh
2. Shri R.K. Dhruv, Senior Cooperative Inspector, Assistant Registrar Office, Cooperative Societies Kabirdham, District Kabirdham, Chhattisgarh
3. State Of Chhattisgarh Through Collector Kabirdham, Chhattisgarh

---- Respondents

For Petitioner	Shri Devesh G. Kela, Advocate
For Respondent-State	Shri Arun Sao, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

26/10/2016

1. The petitioner is aggrieved by the order passed by the Cooperative Authorities, whereby initially the Board of Director of the Gramin Sewa Sahkari Samiti Maryadit, Kumhi was superseded on 18.07.2014, against which his appeal was allowed by the Registrar, Cooperative Societies and the matter was remitted back to the Deputy Registrar for passing a fresh order after providing opportunity of hearing by serving charges, list of witnesses, documents etc. to the petitioner. Against this order of

the Registrar passed on 27.03.2015, the petitioner preferred second appeal before the Chhattisgarh State Cooperative Tribunal Bilaspur, which has passed the impugned order dated 27.04.2016 to dismiss the petitioner's appeal.

2. After hearing learned counsel for the petitioner, this Court does not find any ground for interference in the order passed by the Tribunal or by the Registrar, because the order passed by the Registrar has allowed the petitioner's appeal and has remitted the matter back to the Deputy Registrar for decision afresh.
3. It is settled law that when the order passed by the Original Authority suffers from violation of principles of natural justice, it always remains open for the Appellate Authority to remit the matter back to the Original Authority for passing fresh order after following the principles of natural justice ingrained in the statutory provisions. The Registrar having directed the Deputy Registrar to follow the provisions contained in Section 53 (1) of the Chhattisgarh Cooperative Societies Act, 1960, no exception could be found with such observation. If the petitioner has complained of violation of principles of natural justice and his plea has been accepted and a direction for providing opportunity of hearing to the petitioner has been issued, no further appeal was necessary on petitioner's behalf.
4. The writ petition has no substance, it fails and is hereby dismissed.

Sd/-
JUDGE
PRASHANT KUMAR MISHRA