

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1317 of 2017

- Smt. Milvanteen Bai W/o Shri Mitthuram Markandey, Aged About 56 Years President, Primary Agriculture Credit Cooperative Society, Dondekala (Registration No.599), Block Dharseva, Tehsil & District Raipur (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through The Deputy Registrar, Cooperative Societies, Raipur (Chhattisgarh).
- Registrar, Co-Operative Societies, Mantralaya, Naya Raipur, Tehsil & District Raipur (Chhattisgarh).
- Deputy Registrar, Co-Operative Societies, Raipur (Chhattisgarh) 1st Floor, Vivekanand Complex, Vivekanand Nagar, Pension Bada, Tehsil & District Raipur (Chhattisgarh).
- Primary Agriculture Credit Cooperative Society Dondekala, (Registration No. 599), Block Dharseva, Tehsil & District Raipur (Chhattisgarh) Through Shri H. L. Nag, Administrator/ Presiding Officer And Senior Assistant Inspector.

---- Respondent

For Petitioner	:	Shri Manish Nigam, Advocate
For respondent No.1 to 3	:	Shri Satish Gupta, Govt. Advocate on advance copy

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/05/2017

1. Heard.
2. While the petitioner sought by assailing the correctness of the order 21/12/2016 passed by the Co-operative Society on the submission that without there being any notice under Section 53 (1)(b) of the Chhattisgarh Cooperative Societies Act, 1960 (for short, '*the Act*'), supersession has taken place. Identical issue has been decided by this Court in ***WPC No. 2541 of 2016 Smt. Rukhmani Verma vs. State of***

Chhattisgarh and others vide ***order dated 03/03/2017***, wherein the proceedings for removal have been held illegal, only on this count, learned State counsel submits that in the present case also the same legal position would be applicable as the petitioner was not given notice under Section 53 (1)(b) of the Act. He concedes that the impugned order of supersession may be set-aside with liberty to take appropriate action in duly constituted proceeding under the provisions of Section 53 of the Act.

3. In view of the above contention made by the learned State counsel, the impugned orders are set-aside. However, the respondent-competent authority would be at liberty to reinitiate proceedings on alleged irregularity, in accordance with law.

Sd/-

(Manindra Mohan Shrivastava)
Judge