

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2379 of 2017**

1. Priyadarshini Grih Nirman Shahkari Samiti Maryadit Raipur, a Society duly registered under The Relevant Provisions Of Chhattisgarh Cooperative Societies Act, 1960 Having Its Registration No. 116 Dated 23.05.1985 Acting In The Premises Shri Rajesh Shrivastava, Son Of Late B.C. Shrivastava, Aged About 68 Years, Resident Of 476, Priyadarshini Nagar, Ring Road No. 1, Raipur.
2. Rajesh Shrivastava, S/o Late B.C. Shrivastava, Aged About 68 Years President Priyadarshini Grih Nirman Shahkari Samiti Maryadit, 445-B, Priyadarshini Nagar, Raipur, Civil & Revenue District Raipur.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative, Mahanadi Bhawan, Mantralay, Naya Raipur.
2. The Registrar, Cooperative Societies, Raipur.
3. The Deputy Registrar, Cooperative Societies, Raipur.

---- Respondents**And****WPC No. 2522 Of 2017**

1. Smt. Santoshi Bai Dewangan W/o Dhanji Dewangan, Aged About 40 Years R/o Village Sivni, Block Baloda, Tahsil Baloda, District Janjgir- Champa, Chhattisgarh.
2. Munnaram Rajwade S/o Dhansahay Rajwade, Aged About 45 Years R/o Village Kat Betila, Block, P. S. Urga, Tahsil Kartala, District Korba, Chhattisgarh.

---- Petitioners**Vs**

1. State Of Chhattisgarh Through The Secretary, Cooperative Societies Department, Mahanadi Bhawan, Mantralaya, New Raipur (Chhattisgarh).
2. The Registrar, Chhattisgarh Cooperative Societies, Indravati Bhawan, New Raipur (Chhattisgarh).
3. The Secretary, State Cooperative Election Commission, Mahanadi Bhawan, New Raipur (Chhattisgarh).
4. The District Cooperative Central Bank Limited, Bilaspur Through Its Authorized Officer, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh).
5. The Deputy Registrar, Cooperative Societies, Korba, District Korba (Chhattisgarh).

6. The District Cooperative Central Bank Limited, Bilaspur, Through Its Chief Executive Officer, Nehru Chowk, Bilaspur District Bilaspur (Chhattisgarh).
7. Kediram Yadav S/o Lutanram Yadav, Aged About 55 Years R/o Village Basantpur, Block Baloda, Tahsil Baloda, District Janjgir Champa (Chhattisgarh).
8. Ramkamal Singh S/o Chandan Singh, Aged About 55 Years R/o Village Dhangaon, Patralaya Nirjan Block, P. S. Tahsil & District Mungeli (Chhattisgarh).
9. Jagatram Kashyap, S/o Shri Goverdhan, Aged About 50 Years R/o Village Malda, Block & P. S. Jaijaipur, Tahsil Jaijaipur, District Janjgir Champa (Chhattisgarh).
10. Devraj Singh Rathiya, S/o Shri Mohanlal Rathiya, Aged About 55 Years R/o Village Nawapara, Block, P. S. & Tahsil Kartala, District Korba (Chhattisgarh).
11. Jatiram Sahu, S/o Bhuwan Lal Sahu, Aged About 55 Years R/o Village Dhandhan, Block & P. S. Takhatpur, District Bilaspur (Chhattisgarh).
12. Balram Patel S/o Late Khushilal Patel, Aged About 55 Years R/o Village Salhe, P. S. & Tahsil Dabhra, District Janjgir Champa (Chhattisgarh).
13. Gadarai Dewangan S/o Shri Laxman Prasad Dewangan, Aged About 48 Years R/o Village Choriya, Block & P. S. Bamhnidih, Tahsil Champa, District Janjgir Champa (Chhattisgarh).
14. Ambika Prasad Tiwari S/o Late Shri Janakram Tiwari, Aged About 60 Years R/o Village Khaira, Post Office Pandhi, P. S. Bilha, District Bilaspur (Chhattisgarh).
15. Mattulal Porte, S/o Shri Gokul Prasad Porte, Aged About 50 Years R/o Village Juhali, Post Office Sothi, P. S. Masturi, District Bilaspur (Chhattisgarh).

---- Respondents

For Petitioners	: Shri Sameer Uraon, Advocate in WPC No. 2379/20176
For Petitioners	: Shri Ramakant Pandey, Advocate in WPC No.2522/2017
For Respondents/State	: Shri Prafull N. Bharat, Addl. Advocate General
For Respondents No. 4 to 6 :	: Shri Jitendra Shrivastava, Advocate in WPC No.2522/2017
For Intervenor	: Shri Sourabh Sharma, Advocae in WPC No. 2522/17.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/10/2017

Heard.

(1) Shri Prafull N. Bharat, learned Additional Advocate General submits that Chairman of the Chhattisgarh State Cooperative Tribunal has already been appointed by the State Government vide order dated 15.10.2017, as such, instant petitions have become infructuous.

(2) The statement is taken on record.

(3) Accordingly, both the writ petitions are dismissed as having become infructuous. It is for the Chhattisgarh State Cooperative Tribunal to do well and proceed further. No order as to cost(s).

(4) Mr. Bharat would further submit that the State Government has taken a decision not to appoint member of the Cooperative Tribunal, looking to the number of cases now pending before the Tribunal.

(5) The fact remains that the Legislature has consciously provided for appointment of a member of the Cooperative Tribunal to officiate, if the Chairman is not available for any valid reasons, so that the work of the Tribunal may not suffer. In this case, Chairman of the Tribunal had already completed his tenure on 30th June, 2017 and new Chairman could be appointed only on 5.10.2017 and, therefore, the cases pending before the Tribunal remained held up for this reason and some of them have approached this Court and to meet this exigency, the Legislature has provided for appointment of member of the Cooperative Tribunal, but the State Government has merely concentrated on pendency of less number of cases before the Tribunal.

(6) The Chief Secretary is further directed to file his own affidavit as to what is the arrangement the State Government has proposed in case the Chairman is not available like in the present case and why cost be not

imposed for inaction on the part of the State Government for keeping the office of Chairman vacant from 30th June, 2017 to 5th October, 2017. Affidavit must be filed on or before 15th October, 2017 and on filing of the same, a separate M.C.C. be registered and it be listed for consideration on **25.10.2017**.

Sd/-

(Sanjay K. Agrawal)
Judge