

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1921 of 2017

- Om Prakash Ware S/o Shri Ramadhar Ware, Aged About 35 Years, R/o Sero, Post Saraskela, Viadabhra, District Janjgir-Champa (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P O & P. S. Rakhi, District Raipur (Chhattisgarh).
2. Registrar, Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
3. Commissioner (Revenue), Bilaspur Division Bilaspur, District Bilaspur (Chhattisgarh).
4. Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Through Chief Executive Officer Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh).

---- Respondents

And

WPS No. 1922 Of 2017

- Aklavya Kumar Chandra, S/o Taju Ram Chhandra, Aged About 26 Years, R/o Kharri Post Khemda Tehsil Malkha Road, District Janjgir Champa (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P. O. & P. S. Rakhi, District Raipur (Chhattisgarh).
2. Registrar, Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
3. Commissioner (Revenue), Bilaspur Division Bilaspur, District Bilaspur (Chhattisgarh).
4. Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Through Chief

Executive Officer Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondent

And

WPS No. 1934 Of 2017

- Dineshwar Prasad Patel S/o Shri Puran Lal Patel, Aged About 32 Years, R/o H. No. 707, Manas Chowk, Ratakhar, District Korba (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P O & P. S. Rakhi, District Raipur (Chhattisgarh)
2. Registrar, Cooperative Societies, Indiravati Bhawan, New Raipur, District Raipur (Chhattisgarh)
3. Commissioner (Revenue), Bilaspur Division Bilaspur, District Bilaspur (Chhattisgarh)
4. Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Through Chief Executive Officer Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondent

And

WPS No. 1941 Of 2017

- Adarsh Mishra S/o Mahesh Prasad Mishra, Aged About 23 Years, R/o Near Jyoti General Store, Vikas Nagar, 27 Kholi, Bilaspur (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P O & P. S. Rakhi, District Raipur (Chhattisgarh).
2. Registrar, Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
3. Commissioner (Revenue), Bilaspur Division Bilaspur, District

Bilaspur (Chhattisgarh).

4. Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Through Chief Executive Officer Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh).

---- Respondent

And

WPS No. 1924 Of 2017

- Amit Kumar Patel S/o Virendra Kumar Patel, Aged About 34 Years, R/o Main Road Nawdha Chowk, Sakti, District Janjgir Champa (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary, Department of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P O & P. S. Rakhi, District Raipur (Chhattisgarh).
2. Registrar, Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
3. Commissioner (Revenue), Bilaspur Division Bilaspur, District Bilaspur (Chhattisgarh).
4. Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Through Chief Executive Officer Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh).

---- Respondent

And

WPS No. 1936 Of 2017

- Lekha Kashyap S/o Radheshyam Kashyap, Aged About 30 Years, R/o Purani Basti, Ramayana Chowk Neora, Raipur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P O & P. S. Rakhi, District Raipur (Chhattisgarh)
2. Registrar, Cooperative Societies, Indiravati Bhawan, Naya

Raipur, District Raipur (Chhattisgarh)

3. Commissioner (Revenue), Bilaspur Division Bilaspur, District Bilaspur (Chhattisgarh)
4. Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Through Chief Executive Officer Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondent

And

WPS No. 1930 Of 2017

- Ishan Kumar Chandrakar S/o Shri Uttam Kumar Chandrakar, Aged About 30 Years, R/o Village & Post Sisdeori, Tehsil Pallari, District Baloda Bazar, Bhatapara (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary, Department of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P O & P. S. Rakhi, District Raipur (Chhattisgarh).
2. Registrar, Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
3. Commissioner (Revenue), Bilaspur Division Bilaspur, District Bilaspur (Chhattisgarh).
4. Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Through Chief Executive Officer Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh).

---- Respondent

And

WPS No. 1937 Of 2017

- Jai Prakash Dewangan S/o Shri Visheshwar Lal Dewangan, Aged About 31 Years R/o Village And Post Kera, Tehsil Navagarh, District Janjgir Champa (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur,

P O & P. S. Rakhi, District Raipur (Chhattisgarh)

2. Registrar, Cooperative Societies, Indiravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. Commissioner (Revenue), Bilaspur Division Bilaspur, District Bilaspur (Chhattisgarh)
4. Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Through Chief Executive Officer Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondent

And

WPS No. 1939 Of 2017

- Chanchal Kumar Dubey S/o Shri Rajendra Dubey, Aged About 34 Years, R/o 91/10 Nehru Nagar East Bhilai, Durg (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P O & P. S. Rakhi, District Raipur (Chhattisgarh).
2. Registrar, Cooperative Societies, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
3. Commissioner (Revenue), Bilaspur Division Bilaspur, District Bilaspur (Chhattisgarh).
4. Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Through Chief Executive Officer Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh).

---- Respondent

And

WPS No. 1927 Of 2017

- Neeraj Kumar Khute S/o Chandan Prasad, Aged About 28 Years R/o Village Mndpar Post Kuthur, Pamgarh, District Janjgir Champa (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary, Department Of Cooperative Societies, Ministry, Mahanadi Bhawan, Naya Raipur, P O & P. S. Rakhi, District Raipur (Chhattisgarh)
2. Registrar, Cooperative Societies, Indiravati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. Commissioner (Revenue), Bilaspur Division Bilaspur, District Bilaspur (Chhattisgarh)
4. Zila Sahakari Kendriya Bank Maryadit, Bilaspur, Through Chief Executive Officer Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur (Chhattisgarh)

---- Respondent

For Petitioners	Shri Mateen Siddiqui, Advocate
For Respondent-State	Ms. Sunita Jain, PL
For Respondent-DCCB	Shri Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

24/04/2017

1. After arguing for sometime, learned counsel for the petitioners, seeks permission of this Court to withdraw these petitions with liberty to move duly constituted dispute before the jurisdictional Registrar under Section 55(2) of the C.G. Cooperative Societies Act, 1960.
2. Learned State counsel would inform that as per the Notification issued by the Registrar, the term "Registrar" occurring in Section 55(2) would include the office of Joint Registrar or Deputy Registrar.
3. Since the petitioners have been bonafidely litigating before this Court and thereafter, before the State Cooperative Tribunal, upon

grant of liberty by this Court, if the petitioners raise dispute under Section 55(2), the concerned Registrar shall entertain the dispute on merits without raising the plea of limitation.

4. Accordingly, the writ petitions are dismissed, as withdrawn with the aforesaid liberty granted in favour of the petitioners.
5. The petitioners apprehend that the order of termination passed against the petitioners having its genesis in the enquiry report submitted by a team of Registrars, which in turn includes Additional Registrar or Joint Registrar, the persons, who were involved in the process of earlier enquiry, may not adjudicate the dispute with an open mind.
6. If the jurisdictional Deputy Registrar, before whom, the dispute would be raised by the petitioners pursuant to the termination order, was in any manner a party to the earlier enquiry, the petitioner would be at liberty to move an application before the Registrar, Cooperative Societies, Chhattisgarh for transferring the dispute to any other Deputy Registrar or Joint Registrar in the State, who was not party to the earlier enquiry.
7. In such eventuality, the Registrar, Cooperative Societies, Chhattisgarh shall pass necessary orders to transfer the dispute to any other Deputy Registrar or Joint Registrar, who was not a party in the earlier enquiry.

Sd/-

JUDGE
PRASHANT KUMAR MISHRA