

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1969 of 2017

- Vijay Sahu S/o Mohan Lal Sahu, Aged About 26 Years R/o Dalganjan Dafai Chota Bazar, Chirmiri, District Korba (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).

---- Respondent

And

WPS No. 1975 Of 2017

- Satish Chandrakar S/o Ramsvarup Chandrakar, Aged About 28 Years R/o Village Kusmul, Post Matsagra, Tehsil Kota, 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. 1973 Of 2017

- Vijay Kumar Singh S/o Shri Laxman Singh, Aged About 34 Years R/o 92/2 A Kharmora Ward No. 31, Post Dadarkhura, 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, 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. 1974 Of 2017

- Seema Dewangan S/o Shri Kaleshawar Prasad Dewangan, Aged About 30 Years R/o L I G - 182, Ronu Niwas C/o Mr. Soloman, Shivaji Nagar, 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, 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. 1970 Of 2017

- Naresh Kumar Singh S/o Vishnu Charan Singh, Aged About 27 Years R/o Gandhi Nagar, Ratanpur, Ratanpur, 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

For Petitioners	:	Shri Mateen Siddiqui , Advocate
For Respondents-State	:	Shri Arvind Dubey, Ms. Sunita Jain and Shri Rajendra Tripathi, Panel Lawyers
For Respondent/ District Cooperative Central Bank	:	Shri Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****26/04/2017**

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

Ashu