

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.742 of 2017**

Teejram Sahu S/o Late Shri Mangan Sahu, Aged About 60 Years R/o Village Gidhwa, Police Station Nandghat, Tahsil Nawagarh, District Bemetara Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Registrar, Co - Operative Society Chhattisgarh, Naya Raipur, District Raipur Chhattisgarh.
2. Keshavram Sahu S/o Shri Motiram Sahu, Aged About 40 Years Director Member / President, Sewa Shakari Samiti, Kunwra 1274, R/o Village Gidhwa, Police Station Nagdha, Tahsil Nawagarh, District Bemetara Chhattisgarh.
3. Sewa Sahkari Samiti Kunwara, 1274, District Bemetara Chhattisgarh Through Samiti Manager, District Bemetara Chhattisgarh.
4. Sub Registrar, Co-Operative Society, Bemetara, District Bemetara Chhattisgarh.

---- Respondents

For Petitioner : Mr. Awadh Tripathi, Advocate
 For State : Mr. Arun Sao, Deputy Advocate General
 For Respondent No.2 : Mr. T.K. Jha, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

26/10/2017

(1) Learned counsel appearing for the petitioner would submit that though on 14.09.2017 the petitioner's caveat application has been entertained by the Registrar, Co-operative Society, Raipur, but the said authority did not direct the appellant/respondent No.2 herein to supply the copy of appeal memo along with other documents and immediately thereafter the impugned order has been passed affecting

his interest without giving notice and without affording proper opportunity of hearing to the petitioner and therefore, the impugned order is liable to be set aside.

(2) Learned counsel appearing for the respective respondents would support the impugned order and oppose the submission made by learned counsel for the petitioner.

(3) I have heard learned counsel for the parties, considered their rival submission made herein above and also gone through the impugned order.

(4) From the perusal of the record, it appears that the petitioner's caveat application has been entertained by the Registrar, Co-operative Society, Raipur and thereafter respondent No.2 was heard and order has been passed, but there is nothing on record to show that the petitioner was supplied with the copy of appeal memo along with other documents, whereas it is apparent that learned Registrar immediately heard respondent No.2 and passed impugned order granting interim order. The entire purpose of filing the caveat application has frustrated as no adequate opportunity was afforded to the petitioner to put-forth his case before passing interim order, therefore in the interest of justice the impugned order is liable to be set aside. Accordingly, the impugned order is hereby set-aside. The petition is allowed. The matter is remitted back to the Registrar, Co-operative Society, Raipur to hear the appeal fresh and directed the respondent No.2 to supply the copy of the appeal memo along with other documents and after hearing both the parties take a decision expeditiously preferably within a period of seven days from the date of receipt of certified copy of this

order, if the appeal is not heard finally. No notice is required to be issued. The parties are directed to present before the Registrar, Co-operative Society, Raipur on **02.11.2017**.

(5) With the aforesaid observation, the writ petition stands finally disposed of. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-