

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.2379 of 2017

- Dilip Sahu S/o Khedu Sahu, Aged About 28 Years R/o Gram Porpoda, Post Mohdabhata, Berla, District Bemetara (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

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For Respondent/State	:	Shri A. S. Kachhawaha, Additional AG
For Respondent-Bank	:	Shri Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/06/2017

After arguing for sometime, learned counsel for the petitioner seeks permission of this Court to withdraw this petition 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 petitioner has been bonafide litigating before this Court and thereafter,

before the State Cooperative Tribunal, upon grant of liberty by this Court, if the petitioner raises dispute under Section 55(2), the concerned Registrar shall entertain the dispute on merits without raising the plea of limitation.

4. Accordingly, the writ petition is dismissed as withdrawn with the aforesaid liberty granted in favour of the petitioner.

5. The petitioner apprehends that the order of termination passed against the petitioner having its genesis in the enquiry report submitted by a team of Officers, 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 petitioner 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/-
(Manindra Mohan Shrivastava)
JUDGE