

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 8 of 2018**

Gurbhej Singh Chhabra S/o Shri Bhaag Singh Chhabra Aged About 62 Years R/o Punjabi Para, Bemetara Tehsil Bemetara District Bemetara Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Cooperatives Block - 3, Second & Third Floor, Mantralaya, Indravati Bhawan, New Raipur, District Raipur Chhattisgarh.
2. Secretary, Chhattisgarh Co-Operative Societies, Election Commission, In Front Of Dr. B.R.Ambedkar Statue, Collectorate Square, Raipur Chhattisgarh.
3. Sub - Registrar, Co-Operative Societies, Bemetara, District Bemetara Chhattisgarh.
4. Returning Officer (Election Officer), Co-Operative Societies, Bemetara District Bemetara Chhattisgarh.
5. Co - Operative Societies, Bemetara (Reg. No. 577) Through Its Chairman Bemetara District Bemetara Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Anish Tiwari, Advocate.
For Respondents/State	:	Mr. B. Gopa Kumar, Dy. Adv. General

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****05/01/18**

1. Learned counsel for the petitioner submits that the Election of Co-operative Marketing Society, Bemetara is going to be held on 07.01.2018 and the petitioner who is a member of the said Society has been declared ineligible for participating in election of Board of Co-operative Marketing Society, Bemetara on the basis of complaint that he does not own his agricultural land in Bemetara and as such the election is apparently contrary

to law and in absolute violation of the provisions contained in Chhattisgarh Co-operative Societies Act, 1961 and the bye-laws framed which has been filed as Annexure-P/5, therefore, the impugned election is liable to be set aside.

2. I have heard learned counsel for the petitioner.

3. On being asked as to whether the petition is maintainable as admittedly the election process has commenced, learned counsel for the petitioner submits that as the election is in violation of the laws and bye-laws framed, therefore, the petition is maintainable.

4. It is well settled law that once the election process has commenced, the writ petition cannot be entertained and the remedy available to the petitioner is to file an election petition after the election is over (see **Shri Sant Sadguru Janardan Swami Sahakari Dudh Utpadak Sangh v. State of Maharashtra**¹).

5. In view of the above, the instant writ petition is dismissed as not maintainable. However, the petitioner is at liberty to file an election petition after result of election is declared. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

Priyanka

1 (2001) 8 SCC 509